

Other types of check

7.1 Seeking a self-declaration

7.1.1 Seeking a self-declaration can be useful to ensure applicants have a greater understanding about the type of information that will be requested about them and considered as part of the recruitment process. It also gives individuals an opportunity to identify any additional information or evidence that they may wish to be considered in support of their application.

7.1.2 For this purpose, we have produced two model declaration forms which outline a range of questions employers are legally entitled to ask of applicants, including information about criminal records, registration with professional bodies and fitness to practise, as may be appropriate to the role being appointed to. They also include questions about issues relating to conduct or behaviour in circumstances that may be relevant to consider in a work-related setting.

7.1.3 Employers may use the model declaration forms or adapt their own organisational forms to include the questions outlined. The forms are periodically reviewed to ensure they remain compliant with legal requirements under the DBS regime, data protection, equality and human rights. It is therefore important for employers to ensure they refer to the NHS Employers website to ensure they are using the correct forms:

Model declaration form A should only be completed by applicants applying for NHS positions which are exempt from the Rehabilitation of Offenders Act 1974. Exempt positions are eligible for a standard or enhanced DBS check under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) or the Police Act 1997.

Model declaration form B should only be completed by applicants applying for NHS positions which are non-exempt from the Rehabilitation of Offenders Act 1974 and where there is discretion for an employer to require a basic disclosure in follow up to verify information.

7.1.4 Further guidance can be found in our guide on seeking a self-declaration.

7.2 Overseas police checks

7.2.1 Overseas police checks must be in accordance with the relevant country's justice system. Some police authorities overseas will only provide a certificate of good conduct or standing. Any such certificates issued by a police authority are valid and can be accepted. A certificate of good standing issued by an overseas regulator is not equivalent to a police check but may still be helpful to inform the overall assessment of suitability for a role.

7.2.2 Further guidance about how individuals can apply for an overseas police check is available on the Home Office website.

7.2.3 Any overseas police certificates should be verified in the exact same way as all other official documentary evidence to ensure they are legitimate and relate to the individual presenting themselves. If employers are unsure of the authenticity of the documents, they should contact the relevant country's embassy in the UK for advice.

7.3 Overseas applicants

7.3.1 Individuals applying for a visa to work in the UK in health, social care and education sectors must provide an overseas police check as part of their visa application.

7.3.2 Certificates must be provided for any country (excluding the UK) in which they have resided in for 12 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over.

7.3.3 Employers are recommended to inform applicants of this requirement as early in the recruitment process as possible, for example when assigning a Certificate of Sponsorship (CoS). It should also be made clear that a translated copy must be provided where the certificate is not issued in English.

7.3.4 A certificate from an applicant's most recent country of residence will normally only be considered valid if it has been issued no earlier than

six months before their visa application date. If the applicant has resided in another country or countries within the last 10 years, certificates obtained from the relevant authority for that country will be considered valid indefinitely.

7.3.5 For visa purposes, the Home Office will accept a photocopy or scanned copy of the original police certificate. However, employers should make it clear to the applicant that they will need to present their original certificate for employment checking purposes.

7.3.6 In addition to any overseas police check, the Home Office recommends that employers should obtain a DBS check to assure themselves that the individual does not have a criminal record in the UK; and, where relevant to the role, is not barred from working with children and/or adults. The applicant from overseas may have lived in the UK previously, whether they declare it or not, and if so, and the individual has committed an offence in the UK, the DBS check can provide that detail, subject to the level of check and the disclosure rules which apply.

7.3.7 In a small number of cases, overseas criminal records are held on the Police National Computer (PNC) and these would also be revealed as part of a DBS check.

7.3.8 DBS checks should be obtained as soon as practical, i.e. when the applicant can be reasonably expected to provide the necessary documentation required in the [DBS identity checking guidelines](#) for a check to be processed.

7.4 Applicants with time spent overseas

7.4.1 Where recruiting individuals who have spent time overseas, employers should consider whether an overseas police check may be required. This applies where applicants declare they have spent a significant period overseas within the last five years. We suggest that a significant period should be considered as any period of six months or more (whether continuously or in total) within the last five years.

7.5 Unable to obtain an overseas police check

7.5.1 Not all countries have reciprocal arrangements to share information about an individual's criminal record history for employment purposes. If the country concerned is not listed in [Home Office guidance](#), employers should instruct individuals to contact the Embassy or High Commission in the relevant country for advice on what to do. Contact details can be found on the [gov.uk website](#).

7.5.1 Employers should ask applicants to show any attempt made to seek an overseas police check and any reasons given as to why one could not be obtained. Where it is genuinely not possible to obtain an overseas police check, employers will need to base their recruitment decision on the wider range of evidence presented to them as part of the recruitment process, including character and other references.

7.6 Military service records

7.6.1 If an applicant declares that they are serving in the armed forces, employers can ask them to present an extract from their military service record instead of obtaining an overseas police check or a DBS check. This should disclose any criminal or military offences the individual may have been charged with while serving in any country, where the offence would be considered the same in the UK.

7.6.2 If the applicant has left the armed forces, it is important to note that any military record will only be relevant up to the point they were in service. Employers should therefore assess whether a DBS check may still be required.

7.6.3 The extract must be original and issued by and verified through the force they were serving with. It is important to note that some criminal offences that apply under military service law may not be regarded as such under civilian law. Employers will therefore need to take a

proportionate approach when considering any such information. For instance:

- convictions and cautions relating to criminal conduct while serving in the Armed Forces are recorded on the Police National Computer (PNC) and employers should consider this type of information in the same way as they would a criminal conviction or caution in a DBS check
- serious convictions for disciplinary offences (non-criminal conduct) would also be recorded on the PNC. However, this is more likely to include disciplinary action for behaviours that may be a crime under military law but would not be considered so in civilian life. These offences should not be treated in quite the same way as described above but may need to be considered as part of their overall assessment of suitability.

7.6.4 In both cases, employers should only consider information that would be relevant to the role they are appointing to.

7.6.5 Information about what constitutes as a disciplinary offence under military law can be found in Schedule 1 of the Police and Criminal Evidence Act (Armed Forces) Order 1984 (Recordable Service Offences) Act 2009 which can be found on the [UKSI website](#).