

MODEL DECLARATION FORM B

Guidance for applicants

When assessing your suitability for NHS appointments the Royal United Hospitals Bath NHS Foundation Trust (RUH) is required to ask for certain information as part of our recruitment process, in accordance with the [NHS Employment Check Standards](#).

These standards outline a range of checks that organisations in England must undertake when appointing to NHS positions. This includes information about criminal records and/or registration with any professional regulatory or licensing body (including investigations or formal action in relation to fitness to practise) as may be applicable to the role.

Asking applicants to complete a self-declaration enables us to have an open discussion, should we need to, to gain a better understanding about the circumstances surrounding any information disclosed. It also provides applicants with the chance to present any additional evidence they may wish us to consider in support of their application, and/or to ask questions, if anything is unclear. Should additional information be required, we will contact you to arrange a mutually convenient time to have a face to face meeting or discussion over the telephone.

Under normal circumstances, we will only ask *successful* applicants to complete model declaration form B once a conditional offer of appointment has been issued. We may require applicants to complete this form earlier in the recruitment process, where there is a safeguarding requirement for us to recruit quickly (for instance to allow us to mitigate risks to patient services or care). Any requirements for you to complete this form earlier in the recruitment process will have been made clear to you when you first applied for this position.

Once we have received your completed form, we may be required to carry out a follow-up check with any relevant bodies such as the Disclosure and Barring Service (DBS), professional regulatory or licensing bodies, as may be appropriate to the role being applied for as outlined in the NHS Employment Check Standards.

IMPORTANT INFORMATION

The role you have applied for is covered by the Rehabilitation of Offenders Act 1974. These positions are sometimes called “non-exempt” positions. This means that we can only ask applicants about unspent convictions and cautions and may obtain a basic disclosure through the Disclosure and Barring Service as a means of verifying this information. Eligibility for a basic disclosure is outlined in the NHS Employment Check Standards. It also means that you need to carefully consider the type of information you will need to declare when answering questions 1-4 in Model declaration form B).

Before completing questions 1-4 you must ensure you read and understand the section about [disclosing information about criminal record history](#) below, which explains what information is required and signposts you to where you can seek free confidential and independent advice, if you are unsure.

Fair recruitment promise

It is important for us to stipulate that answering YES to any of the questions does not mean an automatic bar to being considered for a position in the NHS.

The RUH is committed to treating all applicants equally and fairly based on their skills, experience and ability to fulfil the duties of the role being applied for. This is regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership.

Suitable applicants will not be refused positions because of criminal record information or other information declared, where it has no bearing on the role for which you are applying, and/or no risks have been identified against the duties you would be expected to perform as part of this role.

Failure to provide accurate and truthful information is considered a serious matter. If, as part of our checking process, it becomes apparent that an applicant has provided us with inaccurate information or they have not provided relevant information, we will need to discuss this with them to establish why. Any finding of serious misdirection or deliberate intent to deceive will result in their application being disqualified or disciplinary action and/or dismissal, if they are already in post.

Disclosing criminal record information

When completing questions 1-4 in Model declaration form B, you will need to declare all **unspent** criminal convictions and cautions as outlined in the Rehabilitation of Offenders Act 1974.

In April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) introduced conditional cautions and youth conditional cautions to replace reprimands and final warnings. When completing this form, you are required to declare any such information if it remains **unspent**. This also includes any unspent cautions that may have been issued in any other country, where it would be considered an equivalent offence in England and Wales.

When applying for a role which has been identified as eligible for a basic disclosure only, you **are not** legally required to provide any information about criminal convictions or cautions that have become spent. Certain criminal offences can be regarded as spent after a specified rehabilitation period as outlined by the Rehabilitation of Offenders Act 1974. Once this rehabilitation period has elapsed, you do not need to declare this information when applying to work or volunteer in any role covered by the Rehabilitation of Offenders Act in an NHS organisation, nor will this information be disclosed as part of any subsequent request for a **basic disclosure** through the Disclosure and Barring Service (known as a DBS check).

Any criminal record information will be considered on a case-by-case basis. We will only take into account information that is relevant to the position for which you are applying (i.e. where potential risks have been identified against the duties and/or responsibilities of the role). This information will be balanced against the skills and competencies you have

demonstrated throughout the recruitment process alongside other information we have obtained about you as part of our pre-employment check process.

If you declare information that is relevant to the role for which you are applying, we will also take into account:

- the seriousness of the offence(s)
- your age when you committed the offence(s)
- the length of time since the offence(s) occurred
- if there is a repeated or pattern of offending behaviour
- the circumstances surrounding the offence(s)
- any evidence you provide to demonstrate that your circumstances have changed since the offending behaviour.

This mirrors the requirements in the Code of Practice issued by the Disclosure and Barring Service (DBS). Although the Code outlines what needs to be considered when criminal record information is disclosed as part of the DBS check, the NHS Employment Check Standards require employers to take the same approach when considering criminal record information that might be self-declared by applicants using **Model Declaration Form B**

We appreciate that the criminal records disclosure regime is complex and difficult to understand, it is therefore essential for us to signpost applicants to where they can seek further information and advice about what may be included on their criminal record (if they have one), what they need to declare to any organisation they may be working or volunteering with, and, their legal rights when doing so.

The following charities are experts in this field, offering free, independent and confidential advice to individuals who have a criminal record:

- [Nacro](#) – Tel: 0300 123 1999, or email: helpline@nacro.org.uk
- [Unlock](#) – Tel: 01634 247350 (Mon-Fri 10am – 4pm), **Text or WhatsApp: 07824 113848**, email advice@unlock.org.uk or complete the [online form on the Unlock website](#). **Unlock also have a useful [calculator](#) which can be used to help you to identify any unspent offences that you are required to declare when completing the form.**

How will my information be used?

The information you provide using model declaration form B will be used for determining your suitability for the position you have applied for, and in accordance with the [NHS Employment Check Standards](#). It will also be used for enquiries in relation to the prevention and detection of fraud.

Under the [Data Protection Act 2018](#) and the General Data Protection Regulation 2018 (GDPR) organisations must provide you with detailed information which explains why certain information is required as part of the recruitment process, the lawful basis for collecting it,

how it will be processed, and with whom information will be shared and under what circumstances.

How will information be retained and how long for?

Once a recruitment (or other relevant) decision has been made, we will not keep any information declared in model declaration form B for any longer than is necessary. As a minimum this should be for a period of six months to allow for considerations and resolution of any disputes or complaints. There may be circumstances where we are required to retain information for longer i.e. for the purpose of demonstrating safe recruitment practice as part of any scheduled safeguarding audits.

Information will be held in accordance with the Data Protection Act, General Data Protection Regulation (GDPR) and the Human Rights Act. The form and any supplementary information provided by applicants with this form will be kept securely and separately from any personnel records, and, access will be strictly limited to those who are entitled to see it as part of their duties, as outlined within our local policy on the correct handling and safekeeping of special categories of personal data.

Once the retention period has elapsed, we will ensure that any information provided is destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, the secure handling of information, as outlined above, will be adhered to. While the form and any supplementary information applicant's chose to provide will be destroyed, we will need to keep a record of the date of when a self-declaration was requested/received, the position for which the self-declaration was requested, and the details of the recruitment decision taken.