

MODEL DECLARATION FORM B

Guidance for applicants (please read fully before completing the attached form)

When assessing your suitability for a position in the NHS, [insert organisation name] is required to ask for certain information to comply with the [NHS Employment Check Standards](#) issued by NHS Employers. These standards outline the type of background checks NHS organisations in England must obtain as part of their recruitment process.

Under normal circumstances we will only require shortlisted applicants to complete model declaration form B. If there are safeguarding reasons which require us to obtain information about you earlier in the recruitment process (i.e. to maintain safe levels of service or patient care), this will have been made clear to you when you first applied for this position.

Asking applicants to complete a self-declaration has two purposes. Firstly, it helps us to have an open conversation at interview about the circumstances behind any information you may have declared. If we think this is necessary, we will let you know when we invite you for interview. Secondly, it gives you an opportunity to present any other evidence you might like us to consider in support of your application and/or to ask questions, if anything is unclear.

Where relevant to the role you are applying for, we may be required to carry out follow up checks with any professional bodies, for example any professional regulatory or licensing bodies you may be registered with.

Fair recruitment promise

[insert organisation name] is committed to treating all applicants equally and fairly based on their skills, experience and ability to fulfil the duties required. This is regardless of any protected characteristics (ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership).

Answering YES to any of the questions in the attached form does not mean that you will be excluded from being considered for an NHS position. In all cases, we will only consider information that is relevant to the position you have applied for and where there may be associated risks against the duties you may be required to carry out as part of this role.

Failure to provide accurate and truthful information is considered a serious matter. If it becomes apparent that inaccurate or incomplete information has been provided, we will need to establish why. Any finding of serious misdirection or intent to deceive will result in an application being disqualified or, if appointed, disciplinary action being taken and/or dismissal.

If you have any questions about our recruitment process, please feel free to discuss this with us by contacting [insert name and contact details]. All queries will be treated in strict confidence.

Disclosing criminal record information

The position you have applied for is a non-exempt position. This means it is covered by the provisions outlined in the Rehabilitation of Offenders Act 1974. In such cases, we are only permitted to obtain a basic disclosure through the Disclosure and Barring Service (DBS). For applicants being recruited from overseas there is a requirement for us to obtain an overseas police certificate or certificate of good conduct. There are other circumstances where this might also be required, i.e. where a UK citizen has visited any other countries for an extended period of time. We will explain any such requirements to you if this applies. All overseas certificates are issued in line with the disclosure rules according to the issuing country.

When answering question 1-4 in the attached form you must declare all unspent convictions and/or cautions. This is regardless of whether you have been convicted in the UK or overseas. This includes unspent criminal convictions or relevant service discipline convictions received within the Armed Forces Justice System (e.g. through Summary Hearing or Court Martial), where it would be considered an equivalent (or similar) offence in England and Wales.

The Rehabilitation of Offenders Act 1974 allows for certain convictions and cautions to become spent (legally ignored) after a specified rehabilitation period. The length of the rehabilitation period is determined by the sentence or out-of-court disposal received. Once the rehabilitation period has elapsed and you have not been reconvicted at any time during this period, your record becomes spent and you will not be required to declare these offences to us, nor are we permitted to consider this type of information in our assessment of suitability for this position.

We are required by law to make you aware of the relevant pieces of legislation that requires or permits us to ask for certain information. Understanding what offences might need to be declared to a prospective employer will be critical to ensure you do not over disclose information you are not legally bound to declare or omit relevant information that must be declared. The requirements under the criminal record disclosure regime are complex and subject to periodic change. If you are unsure about whether you need to disclose certain criminal record information, free confidential advice may be sought from one of the charity bodies listed below. These bodies can advise you on what you are legally required to declare and may also be able to advise you on how you can disclose criminal record information to a prospective employer and your legal rights when doing so.

- [Nacro](#) – Tel: 0300 123 1999, or email: helpline@nacro.org.uk
- [Unlock](#) – Tel: 01634 247350, email advice@unlock.org.uk or complete the [online form on the Unlock website](#). This site also offers an online [calculator](#) which may help you to identify unspent offences which must be declared to us.

When considering criminal record information, we will take the following into account:

- *information which is relevant to the position being applied for*
- *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*
- *any information you can provide to explain the circumstances surrounding the offence(s)*
- *any information you can provide to demonstrate that your circumstances have changed since the offending behaviour*

This approach mirrors guidance in the DBS Code of Practice which employers must comply with when considering disclosure certificate information.

All criminal record information will be carefully considered alongside any skills and competencies you may have demonstrated during your application and interview, and any other information we may have obtained about you as part of our checking process.

Data protection

Under the Data Protection Act 2018, we have a legal duty to provide you with 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. Please read the data protection section at the end of the attached form which describes this in more detail.

MODEL DECLARATION FORM B

To note before completing this form:

1. You must answer all questions in this form. Please read the notes underneath each question, as these explain what you need to consider before responding.
2. If answering 'yes' to any of the questions, you should use the space provided in the form to include any supporting information that you would like us to consider.
3. You can provide additional evidence separately. This should be clearly marked with your full name, position applied for and the number of the question it relates to. Place this in a sealed envelope marked 'Confidential' and attach this to your completed model declaration form.
4. If any information you have declared changes after you have returned this form to us, you must let us know at the earliest opportunity before your commencement date.

Please return your completed form alongside any additional evidence to [insert contact details of a nominated officer] at [insert organisation address].

Applicant details									
Full name (in block capitals):		Contact telephone no:							
Position applied for:		Contact email:							
<p>1. Do you have any unspent convictions as outlined in the Rehabilitation of Offenders Act 1974?</p> <p><i>This is regardless of whether any unspent convictions have been issued in the UK or, in any other country where it would be considered an equivalent (or similar) offence in England and Wales.</i></p> <p><i>It also includes unspent criminal convictions or relevant service discipline convictions received within the Armed Forces Justice System (e.g. through Summary Hearing or Court Martial) where it would be considered an equivalent offence in England and Wales.</i></p> <p><i>It does not include parking offences. In such cases, you can tick NO.</i></p> <p><i>If you are still unsure about what offences might need to be declared in response this question, please seek advice from one of the following bodies:</i></p> <ul style="list-style-type: none"> • Nacro - Tel: 0300 123 1999, or email: helpline@nacro.org.uk • Unlock - Tel: 01634 247350, email advice@unlock.org.uk or complete the online form on the Unlock website <p>If you have ticked YES, you can choose one of the following options to disclose this information.</p>			<table border="1"> <thead> <tr> <th colspan="2">Please tick</th> </tr> <tr> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td style="height: 100px;"></td> <td style="height: 100px;"></td> </tr> </tbody> </table>	Please tick		Yes	No		
Please tick									
Yes	No								

Option 1: *Please provide details of unspent criminal convictions including the date and reason administered. You may use the continuation sheet attached if you need to.*

Option 2: *You can provide additional information about your unspent criminal convictions or military convictions separately by ticking (✓) the box against the statement below. Instructions for returning this information can be found in bullet point (3) at the top of this form.*

I have attached details of my conviction(s) separately

2. Do you have any unspent conditional cautions as outlined in the Rehabilitation of Offenders Act 1974?

Please tick

Yes	No
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This is regardless of whether the unspent caution has been issued in the UK or, in any other country where it would be considered an equivalent (or similar) offence in England and Wales.

It also includes unspent cautions that have been issued under military law while serving in the Armed Forces, either in the UK or any other country, where it would be considered an equivalent offence in England and Wales.

You are not required to disclose any information in relation to cautions that have become SPENT. In these circumstances you should tick NO to this question.

If you are still unsure about what offences might need to be declared in response this question, please seek advice from one of the following bodies:

- *Nacro - Tel: 0300 123 1999, or email: helpline@nacro.org.uk*
- *Unlock - Tel: 01634 247350, email advice@unlock.org.uk or complete the [online form on the Unlock website](#).*

If you have ticked YES, you can choose one of the following options to disclose this information.

Option 1: *Please provide details of the unspent conditional cautions including the date and sentence administered in the space below.*

Option 2: You can provide additional information about your unspent conditional cautions separately by ticking (✓) the box against the statement below. Instructions for returning this information can be found in bullet point (3) at the top of this form.

I have attached details of my unspent conditional caution(s) separately

3. Have you been formally charged with any other offence issued in the UK or any other country which has not yet been disposed of?

Please tick

Yes	No
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If you have ticked YES, please provide details of the offence with which you have been formally charged, date on which you were charged, and details of any on-going proceedings, if any, by a prosecuting body. You may use the continuation sheet attached if you need to.

4. Are you currently subject to any criminal investigations and/or pending prosecutions by the police in the UK or any other country, which may have a bearing on your suitability for this position?

Please tick

Yes	No
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You are only required to provide detail of pending prosecutions where charged with an offence.

If you have ticked YES, please provide details of the nature of the allegations made against you and, if known to you, any action to be taken against you by the police. You may use the continuation sheet attached if you need to.

5. Have you ever been subject to any formal action being taken against you by an investigatory body in relation to allegations of fraud which may have a bearing on your suitability for this position?

Please tick

Yes	No
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This includes: NHS Counter Fraud Authority (formerly NHS Counter Fraud and Security Management Services) and/or by and NHS organisation's local counter fraud specialist, HM Revenue & Customs, Financial Services Authority, Department for Business, Energy and Industrial Strategy (formerly the Department of Trade & Industry), Local Authorities, Department of Work and Pensions, Home Office, UK Visas and Immigration, or any other investigatory body.

If you have ticked YES, please provide details of the allegation, dates, and if relevant, any formal action taken. You may use the continuation sheet attached if you need to.

<p>6. Have you ever been dismissed for misconduct from any employment, volunteering, office, or other position previously held by you, in circumstances which may have a bearing on your suitability for this position?</p>	Please tick	
	Yes	No
<p><i>If you have ticked YES, please provide details of the employment, volunteering, office, or other position held, the date that you were dismissed and the nature of allegations of misconduct made against you. You may use the continuation sheet attached if you need to.</i></p>		
<p>7. Are you currently subject to any fitness to practise investigations and/or proceedings by a regulatory or licensing body in any country, which may have a bearing on your suitability for this position?</p>	Please tick	
	Yes	No
<p><i>If you have ticked YES, please provide the reasons given for the investigation and, if known, the details of any sanctions being considered on your professional registration including any warnings or interim orders. You may use the continuation sheet attached if you need to.</i></p>		
<p>8. Have you ever been subject to any sanctions being placed on your professional registration, by a regulatory or licensing body in any country?</p> <p>Sanctions may include:</p> <ul style="list-style-type: none"> • Warnings, conditions, limitations, suspension, removal or any other restrictions that have applied to your professional registration. <p><i>You are <u>not</u> required to disclose any information in relation to the above if a right to appeal has been upheld and that appeal has resulted in your case being fully exonerated. In these circumstances you should tick NO to this question.</i></p>	Please tick	
	Yes	No
<p><i>If you have ticked YES, please provide details of any sanctions and, the name and address of the regulatory or licensing body concerned. You may use the continuation sheet attached if you need to.</i></p>		

Data protection – please read before signing and returning this form

The Data Protection Act 2018 defines special categories of personal data as racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. It also includes data relating to criminal convictions and other similar offences, and security measures.

What will information be used for

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

Who information will be shared with

Access to any such information will be strictly limited to those who are entitled to see it as part of their duties, and in accordance with our local policy on the correct handling and safekeeping of special categories of personal data.

How will information be processed

Once a recruitment or other relevant decision has been made [insert organisation name] will not keep any information declared in this form for any longer than is necessary.

As a minimum this will be for a period of six months to allow for considerations and resolution of any disputes or complaints. If you have responded YES to any of the questions and are appointed, any information you may have provided either using this form or separately will need to be retained for a longer period to evidence safe recruitment practice as part of any scheduled safeguarding audits. The form and any additional information provided will be kept securely and separately from any personnel records.

Once the retention period has elapsed, any information will be securely destroyed by shredding, pulping or burning. While awaiting destruction, the secure handling of information as described above, will be adhered to at all times. It is important for us to make you aware that, while the form and any additional evidence you provide will be destroyed, we retain the right to keep a record of the type of checks

undertaken, the date of these checks, the position for which the checks were made and justification for the recruitment decision.

Please read the supplementary guidance we provided at the time of your application, as this explains our policy on the retention and erasure of any such information in full detail. It also outlines your rights under data protection law.

If you have any queries about completing this form or your rights when declaring information to us, please contact [insert contact details]. All queries will be treated in strict confidence.

In signing this form, you are agreeing with all four statements outlined below.

- 1. I confirm that I have read and understood guidance provided which explains how my data will be processed and I give my consent for enquiries to be made in the way described.*
- 2. I declare that the information I have provided is true to the best of my knowledge and belief.*
- 3. If any information I have declared changes after I have submitted this form, I agree to notify the employing organisation before my appointment commences.*
- 4. I understand and accept that if I knowingly withhold relevant information or provide false or misleading information, this may result in my application being rejected, or, if I am appointed, my dismissal.*

<i>Full name (in block capitals)</i>		<i>Signature</i>	
<i>Date</i>			

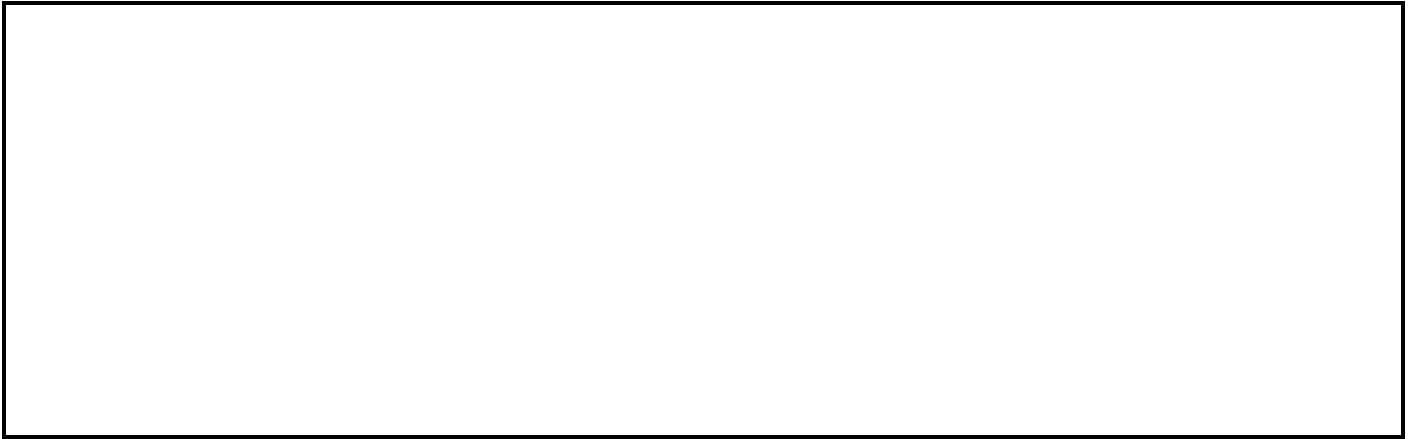
Continuation sheet

If you have ticked YES to any of the questions above, you may use the space below to provide any additional information you wish us to consider in support of your application. Please clearly indicate the number of the question to which the information relates.

Full name:

Position applied for:

Model declaration form B: To be used for positions where a basic DBS disclosure can be considered under the Rehabilitation of Offenders Act 1974 (Revised November 2020)

A large, empty rectangular box with a black border, intended for a declaration or statement. It occupies the upper half of the page.