

MODEL DECLARATION FORM A

Guidance for applicants

When assessing your suitability for a position in the NHS, Brighton & Sussex University Hospitals NHS Trust 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 only require shortlisted applicants to complete model declaration form A. 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 about the circumstances behind any information you may have declared. 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

Brighton & Sussex University Hospitals NHS Trust 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. The only exception to this rule is where there is a legal reason which would prevent you working or volunteering in certain roles – see information on disclosing criminal record information below. 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 **Medical HR** bsuh.medical.hr@nhs.net all queries will be treated in strict confidence.

Disclosing criminal record information

The position you have applied for is an 'exempt position'. This means it is not covered by the provisions in the Rehabilitation of Offenders Act 1974. When appointing to an exempt position we are legally permitted to obtain a standard or enhanced check through the Disclosure and Barring Service (known as a DBS check). Any request for such a check must comply with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the Exceptions Order) and/or the Police Act 1997 (as amended). 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 questions 1-4 in the attached form, you must declare all criminal convictions and/or cautions that are not protected (i.e. eligible for filtering) under the Exceptions Order (as amended). This is regardless of whether you have been convicted in the UK or overseas. This includes 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.

If we inform you that the position is eligible for an enhanced disclosure, any follow up DBS check may also include other relevant information held at the discretion of the Chief Constable of the relevant police force.

If we inform you that the position is a regulated activity as outlined in the Safeguarding Vulnerable Groups Act 2006 (amended in 2012), any enhanced disclosure may also include information that is held about you on the children's and/or adults barred list(s). It is important to note that individuals must not apply for/or engage in a regulated activity that they are barred from working or volunteering in. Any attempt to do so is a criminal offence. As an employer we would also be committing an offence if we were to knowingly employ someone in a regulated activity from which they are barred.

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 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](#).

When considering criminal record information, we will take 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 the application and interview stages and/or any evidence you may have presented 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 with. Please read the data protection section at the end of the attached form which describes this in more detail.

MODEL DECLARATION FORM A

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 address:					
<p>1. Do you have any criminal convictions that are not protected (i.e. eligible for filtering) under the Rehabilitation of Offenders Act 1974 (Exceptions) Order (as amended)?</p> <p>This is regardless of whether the conviction 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 and it is not protected.</p> <p>It also includes 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 and is not protected.</p> <p>It does not include parking offences. In such cases, you can tick NO.</p> <p>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:</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" style="margin-left: auto; margin-right: auto;"> <tr> <th colspan="2" style="padding: 2px;">Please tick</th> </tr> <tr> <td style="padding: 2px; width: 20px;">Yes</td> <td style="padding: 2px; width: 20px;">No</td> </tr> </table>	Please tick		Yes	No
Please tick							
Yes	No						
<p>Option 1: Please provide details of criminal convictions, military convictions or relevant service discipline convictions, including the date and reason administered. You may use the continuation sheet attached if you need to.</p>							
<p>Option 2: You can provide additional evidence about your criminal conviction, military convictions or relevant service discipline 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.</p> <p><input style="width: 40px; height: 20px; border: 1px solid black;" type="checkbox"/> I have attached details of my conviction(s) separately</p>							

2. Do you have any cautions, that are not protected (i.e. eligible for filtering) under the Rehabilitation of Offenders Act 1974 (Exceptions) Order (as amended)?

Please tick	
Yes	No

This is regardless of whether the 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 and it is not protected.

It also includes 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 and is not protected.

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](http://www.nacro.org.uk) – Tel: 0300 123 1999, or email: helpline@nacro.org.uk
- [Unlock](http://www.unlock.org.uk) – 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 cautions including the date and reason administered in the space below.

Option 2: You can provide additional evidence about your caution 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 caution(s) separately

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

Please tick	
Yes	No

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 or pending prosecutions by the police in any country which may have a bearing on your suitability for this position?	Please tick	
	Yes	No

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

This may include: NHS Counter Fraud Authority (formerly NHS Counter Fraud and Security Management Services), 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 offence, formal action taken, dates and investigatory or prosecuting body, as may be relevant. You may use the continuation sheet attached if you need to.

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?	Please tick	
	Yes	No

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.

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?	Please tick	
	Yes	No

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. Please also include the name and address of the regulatory or licensing body concerned. You may use the continuation sheet attached if you need to.

8. Have you ever been subject to any sanctions being placed on your professional registration, by a regulatory or licensing body in any country?

Please tick

Yes

No

This includes: warnings, conditions, limitations, suspension, removal or any other restrictions that have applied to your professional registration

You are not required to disclose any information in relation to the above if any 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.

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.

Data protection – please read before signing and return this form

Under the Data Protection Act 2018 we have a legal duty to provide you with information which explains the lawful basis for collecting special categories of personal data, what it will be used for, who information will be shared with and how it will be processed.

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 A 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.

Declaration

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 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.

Full name (in block capitals)		Signature	
Date			

Continuation sheet

If you have ticked YES to any of the questions above, please use the space below to provide any additional information you would like us to consider in support of your application.

Please clearly indicate the number of the question to which the information relates. You can continue on a separate sheet or attach other pieces of evidence to this form, if you wish to do so.

Full name:

Position applied for: