



Vetting Appeals Policy

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Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
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Risk Management	<input checked="" type="checkbox"/>

Vetting Appeals Policy

1. Policy statement

Cleveland Police is committed to the maintenance of the highest levels of honesty and integrity and to the prevention of corrupt, dishonest, unethical and unprofessional behaviour. The Force Vetting Policy will support this commitment by creating an understanding of the principles of vetting in the police community and providing a fair and effective vetting procedure for the recruitment and deployment of all persons working for, or in partnership with this Force.

This policy applies, without exception, to all individuals employed by Cleveland Police as a police officer or police staff, members of the Special Constabulary, those being recruited into the organisation, contractors, volunteers and others who work in partnership with the Force and have access to police premises, information, intelligence or assets.

2. Purpose

Investigations within the police community have produced evidence that criminals target individuals who have access to police premises, information and assets to further assist them in their criminal activity. It is therefore vital that the Force, where possible, identifies any risk associated to an individual, to reduce the possibility of an unauthorised disclosure of information or loss of sensitive police assets.

Vetting decisions are based on a “snapshot in time” and must be supported by a comprehensive “aftercare” regime to ensure any significant changes of personal circumstances are reported, assessed, and managed appropriately. Furthermore, all levels of vetting clearance will be time limited and will require the submission of a renewal application prior to that time limit being reached. The time period will be dependent on the security clearance level involved.

This document outlines the procedures that this Force will adhere to when dealing with requests for vetting clearance.

It also sets out the procedure for the appeals process, including the considerations given when protected characteristics are possessed by a vetting applicant.

2.1 Policy Application

In the application of this policy the Force will not discriminate against any person or persons regardless of age, disability, gender, transgender, sexual orientation, ethnicity, language, religion or philosophical beliefs, political or other opinion, national or social origin, birth, belief or other status as defined under Article 14, European Convention on Human Rights (ECHR). Consideration has also been

given to the compatibility of the policy and related procedures with the Human Rights Act; with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification of proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and the outcome of actions.

All police officers, police staff, members of the Special Constabulary, those undergoing recruitment, partner agencies, contractors or other non police personnel and those working voluntarily or under contract to Cleveland Police Force must be aware of and are required to comply with this policy.

3. Underpinning procedures

3.1 The Vetting Process and Decision Making Framework

The Vetting Unit within Cleveland Police are responsible for undertaking the vetting process for Police vetting and Non-Police Personnel Vetting.

The Vetting Unit will initiate the National Security Vetting (NSV) detailed with the Cabinet Office Security Policy Framework and initiate the biometrics vetting process for certain roles.

The Vetting Unit will adhere to the College of Policing's Code of Practice for Vetting and the Authorised Professional Practice (APP) on Vetting [here](#). The APP is the guiding document upon which Cleveland Police undertake its vetting practice and decision making. Decision making around the clearance of vetting levels is also underpinned by the College of Policing's National Decision Model [here](#)

3.2 Appeals Process

As per the Vetting APP, an applicant who has been refused vetting clearance, has the right of appeal and forces must ensure they have an appeals process in place.

When an applicant is informed of the refusal of the vetting clearance, they should be provided with as much rationale as possible, except in cases where the disclosure could:

- breach another person's confidentiality;
- prejudice the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- damage public security or national security.

Cleveland Police will inform an unsuccessful vetting applicant. The refusal letter will include details of how to appeal the decision, which is to lodge the appeal with the Disclosure.Vetting@cleveland.police.uk email address. The refusal letter

invites the vetting applicant to flag within the appeal whether they possess a protected characteristic (as defined within the Equality Act 2010) if they believe the protected characteristic may have influenced the decision to refuse clearance. Those wishing to appeal a vetting refusal, must submit the appeal in writing within 21 days of the refusal letter, to Disclosure.Vetting@cleveland.police.uk. A vetting appeal may be submitted on behalf of the applicant, providing the appeal is endorsed by the applicant.

3.2.1 Appeal Decision Making

Appeals will be considered by the Head of Department for Standards and Ethics, the Superintendent for Department of Standards and Ethics or the Head of Information Management Unit, who has the final decision to uphold or overrule the initial refusal decision. This role is not involved in the initial decision making process and will take an objective review of the appeal.

If a protected characteristic has not been flagged within the appeal, the aforementioned roles will review the appeal and make a decision whether to uphold the appeal or not.

If a protected characteristic has been flagged within the appeal process, aforementioned roles will convene an independent scrutiny panel consisting of:

- the Head of Department for Standards and Ethics, the Superintendent for Department of Standards and Ethics or the Head of Information Management Unit;
- a representative from Human Resources;
- a representative from a relevant employee association or Strategic Independent Advisory Group (SIAG).

Independent scrutiny panels have been identified by the National Police Chief's Council (NPCC) as a good practice recommendation with regards workforce transformation, combined with Cleveland Police's steps to proactively attract and employ talent from under-represented groups.

The purpose of the independent scrutiny panel is to provide additional objectivity to the review and add value to the process by sharing any cultural/community nuances that may be relevant in relation to the declared protected characteristic/s.

The independent scrutiny panel will consider the risk and decision making framework detailed within the Vetting APP and share advice among the panel. There is no right to personal representation at an independent scrutiny panel. The decision to uphold the vetting appeal or not, remains with the aforementioned roles, having taken into account the contribution of the panel. The decision will be final.

Any appealed vetting decisions will be reviewed within 28 days of receipt of the appeal.

The appeal decision maker will notify the vetting applicant of the decision in writing, providing as much supporting rationale as possible, taking into consideration the aforementioned reasons for non-disclosure.

3.3 Appeals Process – RV and MV (Internal applicants only)

If an internal applicant disputes the decision to refuse, withdraw or suspend RV or MV clearance, a letter of appeal must be submitted within 28 days of notification of vetting refusal, to Disclosure.Vetting@cleveland.police.uk. A vetting appeal may be submitted on behalf of the applicant, providing the appeal is endorsed by the applicant.

The Head of Department for Standards and Ethics, the Superintendent for Department for Standards and Ethics or the Head of Information Management Unit will consider the appeal within 28 days of receipt and will make a decision whether to uphold the initial decision to refuse vetting. The appeal decision maker will notify the applicant in writing as soon as practicable after the decision has been made. The decision will be final.

3.4 Appeals Process – National Security Vetting (Internal applicants only)

The right of appeal is available to the organisation's employees (including members of the armed forces, in the case of the Ministry of Defence) and to anyone who is working for it under contract, either directly or as an employee of a contracted company. It is not available to an applicant for employment when no job offer has been made.

The National Security Vetting appeal process is detailed [here](#)

4. Appendices

There are no appendices associated with this policy.

5. Compliance and monitoring

The Head of Information Management is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Information Management will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

6. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	Feb 2022	Last version had been decommissioned as it was superseded by existence of Vetting APP. This version acknowledges adherence to the Vetting APP and addresses appeals process.	[REDACTED]
0.2	Mar 2022	Minor amends following consultation feedback.	[REDACTED]
0.3	Mar 2022	Formatting pre EMB	[REDACTED]
1.0	Apr 2022	Publication following approval at EMB	[REDACTED]
1.1	August 2022	Contact details and job titles updated in Section 3	[REDACTED]