

**START**  
 This MP is for records held on PNC - it is not for those which are only recorded elsewhere.  
**Please read Overview and Guidance first**

For such records, do you hold (on PNC or other systems) **additional background / contextual detail** i.e. **background information** that will not be automatically disclosed?  
*This may include information that leads you to conclude that a particular Impending Prosecution (IP), PND, NG, NFA or filtered PNC offence needs to be considered further*  
**See Guidance Pages**

No  
 Unless you have good reason to consider this offence further:  
**NOT RELEVANT No Audit Trail Required**

- Yes
- Irrespective of the classification of offence, does the background information include **any** of the following **elements/aspects**:
- **Action Which Could Endanger Lives or Cause Significant Harm**
  - **Action Which Endangered Lives or Caused Significant Harm**
  - Abduction / Kidnap / False Imprisonment / Hijacking
  - Abuse of a position of trust involving Children or Vulnerable Adults (sexual, violence, emotional, financial)
  - Animal Cruelty
  - Arson
  - Child Protection Matter / Abuse / Neglect
  - Concealment Of Birth / Death
  - 'Drink/Drug Driving' and 'Dangerous Driving'
  - Drug Related
  - Elder Abuse / Neglect
  - Harassment / Intimidation / Bullying / Blackmail / Bribery
  - Human Trafficking
  - Illegal Medical Practices
  - Murder / Manslaughter / Genocide
  - Perjury / Perverting The Course Of Justice
  - Racial Abuse / Religious Abuse / Hate Crime
  - Refusal / Revocation of Firearms Licence / illegal Firearms Possession/ Weapons
  - Robbery (where application is for Adult or Other Workforce)
  - Risk Of Sexual Harm Order (ROSHO)
  - Sexual / Pornography / Prostitution / Grooming
  - Significant behaviour that occurred in the home environment (Home Based applications only)
  - Stalking
  - Theft / Burglary / Fraud (where application is for Adult or Other Workforce)
  - Violence (significant) against the vulnerable **see Guidance Page 1**

Yes  
 If your role requires it – continue from MP6b. Otherwise record as 'Relevant for Further Consideration' on AT2 (but only if MP2 identity criteria has also been satisfied)

**MP6a – Information additive to a PNC record**  
 This process helps identify whether information relating to a record on PNC, information which will not be disclosed automatically by DBS, should be recorded for further consideration (including filtered 'old & minor' offence records, NFAs, acquittals etc.)

There are two possible 'Relevant' outcomes: one for those who only complete the AT2; the other for those who complete the AT2 AND part of the AT3

- Could the information be categorised as:
- Argument - no violence
  - Bigamy
  - Breach of bail / Absconding From Custody
  - Breach Of The Peace
  - Criminal Damage
  - Driving Offences not categorised in previous box
  - Drunk And Disorderly
  - Firearms Licence Granted
  - Liquor Licence Offences
  - Mental Health status (no indication of risk)
  - Military Admin Offences (no crime)
  - Non Payment Of Fines
  - Piracy / Copyright
  - Poaching
  - Pollution - Noise / Environmental
  - Routine check - nothing found
  - Stop & Search - nothing found
  - Theft / Burglary / Fraud - where application relates to contact solely with children
  - Trespass
  - Vagrancy
  - Violence (minor/not significant)

No  
 If your role requires it – continue from MP6b. Otherwise record as 'Relevant for Further Consideration' on AT2 (but only if MP2 identity criteria has also been satisfied)

Yes  
 Unless you have good reason to consider this offence further:  
**NOT RELEVANT No Audit Trail Required**

## MP6b – Relevant Additive Details

Those details, held within your records, which might assist with an employer risk assessment, indicating either a greater or lesser risk than the headline offence alone would suggest (i.e. putting the offence into its proper context) - See Guidance Pages

This Method Product will help to determine whether the information (Hit) should be recorded/retained for further consideration.

If your records hold the type of detail (hard information, not just supposition) listed in the Primary box, then the type of detail in the Secondary box may also be of use to the employer

However, Secondary detail is not required if Primary detail is not available or does not apply

### Primary

#### Does your info contain any of these details?

- Child victim(s) or child at risk?
- Vulnerable adult victim(s) or vulnerable adult at risk?
- Sexual element? (applies also to non-sexual offences)
- Domestic violence aspect?
- Organised crime aspect?
- Information about victim selection/targeting?
- Weapon use? (not weapon possession only)
- Victim injury or harm?
- **Relevant** mental health issues relating to offender (which present subject as a risk to others)?
- **Mitigating/lessening factors?**

Yes →

Relevant for Further Consideration.  
Record on AT2 only if MP2 identity criteria has also been satisfied.  
Check Secondary list

←

### Secondary

#### Only of use if you have any Primary detail

- Age and gender of victim(s)
- Relationship between offender and victim(s)
- Indication of premeditation or planning?
- How the offence occurred
- Where the offence occurred
- Any children present at the time of offence?
- Any violence offered/threatened?
- Drug or alcohol fuelled/related?
- Property stolen
- Offence committed in breach of any licence?
- Offence committed alone or with others?
- Other aggravating features

No  
↓

Unless you have good reason to consider this offence further:  
**NOT RELEVANT No Audit Trail Required**

**Note** It should be noted that **Third Party information**, including conviction information, is NOT automatically disclosed. All **relevant** Third Party information may be considered 'additive' for Disclosure purposes and require further consideration.

#### Using MP6b to prevent creation of AT3

For AT2/AT3 forces, you may find that an AT2 has needlessly been created and passed to you after following the MP6a (i.e. information passed the MP6a test but, when you apply the MP6b to the information, it is clear that the information is not actually relevant for further consideration).

Where this is the case, annotate the AT2 with '**MP6b discard**' and do not create an AT3 (alternatively, just destroy the AT2).

Similar annotation (to discard) can be used for hits recorded on AT2 which you find do not pass the MP6b test (but where one or more other hits do pass the test and need to be considered further). This will serve to reduce the need to draft a rationale on AT3 to discard)

**MP6 Overview** The purpose of MP6 is to help with considerations of information found when searching PNC.

This Method Product may be used in two distinctly different ways, depending on your DU structure. The two most common DU structures:

- 1) **AT2/AT3 force** - one person/team completes the AT2; another person/team completes up to Section 2 of the AT3 (or further)
- 2) **'cradle-to-grave' force** - the same person/team that completes the AT2 also completes up to Section 2 of the AT3 (or further)

Cradle-to-grave forces follow the MP6a first and (where directed to do so/where deemed necessary) continue assessing information from the beginning of MP6b.

AT2/AT3 forces, however, are able to stop at the MP6a and (where directed to do so/where deemed necessary) create an AT2 to pass to their AT3 team. This is facilitated by the MP6a outcome: *"If your role requires it, continue from MP6b. Otherwise record as 'Relevant for Further Consideration' on AT2"*. If your role **only** goes so far as completion of the AT2, your role **does not** require that you *'continue from MP6b'*. Your AT2 will be passed to the AT3 team and the AT3 team will then begin their work from the start of the MP6b.

**"Unless you have good reason to consider this offence further: NOT RELEVANT, No Audit Trail Required"**

When arriving at this MP6 outcome, you may still wish to consider the information further. This outcome allows you to keep (for further consideration) information that you feel uncomfortable discarding (you are not sure that the information really is not relevant).

You may also use this outcome to retain information which is, on its own, not relevant but which you believe may be of use when considering other information. Example: a desire to use PNC offences, which will be removed by filtering, to support a rationale for the further consideration of relevant non-conviction information; or to show a pattern of behaviour when other similar offences will not be removed by PNC filtering.

It is advised that whenever the 'good reason to consider further' option is used, a reviewer considers the merit of using this option (the reasons) and provides constructive feedback.

**Harm – significant or not?**

In context, a slap to an elderly resident in a care home, by a care worker, is likely to have a far greater impact upon the victim than blows struck between peers in a pub or in a schoolyard. We are, therefore, looking for **significant** harm; significant in the context of the specific circumstances under consideration.

The following, from *protectingchildren.org.uk*, puts the scope of the matter into some context (although only concerned with children, the principle remains the same for adults/vulnerable adults):

*"The Children Act 1989 defines 'harm' as "ill-treatment or the impairment of health or development". 'Development' means physical, intellectual, emotional, social or behavioural development; 'health' means physical or mental health; and 'ill-treatment' includes sexual abuse and forms of ill-treatment which are not physical. As a result of the Adoption and Children Act 2002, the definition of harm also includes "impairment suffered by hearing or seeing the ill-treatment of another".*

*The legislation, however, does not define the line between 'harm' and 'significant harm'. As a practitioner, you should give 'significant' its ordinary meaning (i.e. considerable, noteworthy or important). The child's particular characteristics also need to be taken into consideration. For example, a child left home alone at the age of 3 could be at risk of significant harm, whereas a child aged 13 years may be less likely so. The test will be subjective to the particular circumstances."*

In the context of our work, that last sentence is particularly helpful – the particular circumstances, not the actions alone, will help determine whether a particular behaviour/action represents **significant** harm or not. In simple terms, when considering harm, context is king.

## Before commencing, familiarise yourself with the Home Office guidance/rules for filtering of old & minor offences

The Home Office filtering rules for 'old & minor' convictions, cautions, warnings and reprimands are to be applied to related records at the start of MP6. Use of the MP6 for filtered offences will lead to 'No Audit Trail Required' where relevant background information does not exist (unless you have good reason to consider such a record further).

### **This Method Product may be used in conjunction with MP3 - Why?**

The first time you identify that an individual has a record on PNC may be when you find reference to it on your intelligence systems – it all depends on which you search first. For this reason, PNC-related information is cross-referenced on the MP3 and MO/background/contextual information is also cross-referenced on the MP6.

The background details for a PNC record - the 'additive contextual information' that can be useful to employers - is not always recorded on PNC; if reference to such information is not made on the MP3 as well as the MP6, there is a chance that vital information will not be considered.

### **Violence**

To help reduce the need to record all acts of violence, no matter how minor (when you know that the information could never be relevant for further consideration and so will be discarded at the first opportunity on AT3) the MP6 seeks only potentially **relevant/significant** violence. Common sense and experience should be applied to avoid the routine recording of all that comes under the widest meaning of the word 'violence'.

Information of interest includes: violence against children or vulnerable adults; action which could endanger lives or cause harm\*; action which endangered lives or caused harm\*; indiscriminate/callous acts which harmed/could have harmed **anyone**. (\*see MP6 Overview)

In context, similar to 'harm', a slap to an elderly resident in a care home, by a care worker, is likely to have a far greater impact upon the victim than blows struck between peers in a pub or in a schoolyard. We are, therefore, looking for **relevant/significant** violence; significant in the context of the specific circumstances under consideration.

The ability to retain, for further consideration, information that may not fit easily with the above is facilitated by the outcome “**Unless you have good reason to consider this offence further: NOT RELEVANT No Audit Trail Required**” (this may also be of use to less-experienced users who are unable to determine for themselves whether a particular instance of violence is potentially relevant)

### **DBS PNC Extract – Not the same as 'Full/Live PNC'**

For Disclosure purposes, DBS are required to use an extract from full PNC. The extract only contains the Disclosure History (DH) page for convictions, cautions, warnings and reprimands (for simplicity, we will refer to them here as **PNC Conviction Disposals**). DBS can also match to Impending Prosecutions but (like NFAs, PNDs or Not Guilty records) they will not print automatically on a Disclosure certificate. The extract does not include contextual background/MO details.

### **Modus Operandi (MO)**

Background/contextual information, relating to a PNC conviction, caution, warning or reprimand recorded on PNC, should always be considered for inclusion on the face of a ED or EDBL Check. You must consider whether it is relevant and proportionate to disclose (as Approved Information) on the face of a certificate in order to aid an employer in properly comprehending, assessing and managing risk.

The MO, for a particular offence owned by your force, may or may not be available to you; if it is, it may not be recorded on PNC; if it is recorded on PNC, the PNC MO may be different to the details recorded elsewhere on your intelligence systems. It is reasonable to expect that you determine the correct/most accurate MO details prior to disclosing or referring. You **must not** assume that the DH details alone will suffice – if you decide not to disclose **relevant** background information, a rationale is required.

## MP6 Guidance notes . The Acts – Part V of the Police Act (as amended) and the Safeguarding Vulnerable Groups Act (as amended)

### **Relevance**

The MP6 is intended to do two things: help identify contextual information that is additive to a PNC record and to prompt consideration of ‘filtered’ central records which still fall within the scope of relevant information and which, therefore, may need to be considered further for possible disclosure.

The Acts requires that information which the Chief Officer reasonably believes to be relevant is considered for disclosure. A second test, covering ‘ought to be disclosed’ is also required for Disclosure purposes.

The Act and Case Law ask that you apply the same fundamental thought process: Is there any relevant information or is there any relevant conduct?; ought this information be disclosed?.

The list of examples within QAF is NOT exhaustive but information about any activity that endangers a Child or Adult; causes, or may cause harm; or involves sexual conduct or images with or toward children/vulnerable adults is likely to be relevant for further consideration.

**Some** examples of additive background/contextual information, relating to PNC records, which may be found when searching local systems or PNC are: victim profile (age, gender, disability etc.), weapon(s) used; level of violence; injuries inflicted; the Barring Arm’s ‘22 Questions’ (see **QAF GD2**); victim targeting; pre-meditation; patterns of behaviour; triggers for actions, mitigating/lessening (risk-reducing) factors etc. - details which would be of material use when making a barring decision and/or which may also be useful, for Disclosure purposes, to an employer.

In short, those **relevant** details, that are not available to DBS (so not automatically disclosed) that put a conviction, caution, warning, reprimand into proper context.

You must consider the background/contextual details relating to PNC records, that your force holds – do you hold relevant contextual information that would be of use to a potential employer when considering and deciding upon the suitability of this applicant? Does this information help identify / clarify the extent and gravity of the risk that the individual may pose to others?

### **Prosecutions (IPs) and other non-conviction records recorded on PNC**

Although recorded on PNC, IPs, NFAs, PNDs, FPNs and acquittals (as they are not PNC Conviction Disposals) are not included in the PNC extract provided to DBS for the purpose of Part V Disclosure i.e. they do not print automatically on the face of a disclosure certificate. These records should be processed as non-conviction information (MP7 considerations will be applied before a disclosure or referral decision is reached as they will not automatically print on a certificate).

In some circumstances, you may conclude that a particular Impending Prosecution ought to be disclosed – if disclosure is necessary, carefully consider whether there really does exist a need to disclose anything more than the ‘bare’ details (“*Mr X is scheduled to appear at ABC Court, on [Date], on a charge of [Offence]*”). Although your force owns an IP, you may have no background details (unlikely, but possible) – you should still consider whether it is reasonable to believe that the charge is relevant and whether disclosure ought to be made.

### **Application Types and the MP6**

Both Acts contain elements relating to employment or contact with Children or Vulnerable Adults. Police Act Part V also covers certain roles working with neither group (‘Other’ workforce). You need to consider whether it is reasonable to believe that the contextual information (MO) that you hold is relevant to the application before you (Children/Adults/Children & Adults/Other). An Enhanced Disclosure (ED) or Enhanced Disclosure with Barring List Check (EDBL) Check for Adult or Child workforce requires you to seek contextual information (MO) which is relevant to the **workforce(s)** stated in the Position Applied For field; An ED Check for the ‘**Other**’ workforce requires you to seek contextual information (MO) which is relevant only to the **position** stated in the Position Applied For field.

**“Unless you have good reason to consider this offence further: NOT RELEVANT, No Audit Trail Required”**

When arriving at this MP6 outcome, you may still wish to consider the information further. Example: the use of PNC offences, which will be removed by filtering, to support a rationale for the further consideration of relevant non-conviction information or to show a pattern of behaviour when other similar offences will not be removed by PNC filtering

**Disregarded Offences**

Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 (Ch4 POFA) provides a system whereby applicants may apply for some convictions and cautions under section 12 of the Sexual Offences Act 1956 and section 4 of the Vagrancy Act 1824, and all convictions and cautions under section 13 of the Sexual Offences Act 1956, as well as some other offences as set out in Ch4 POFA to be disregarded by the Secretary of State. If a conviction or caution has been disregarded by the Secretary of State in accordance with these provisions, no information suggesting that the person has committed the offence, was charged with or prosecuted for the offence, was convicted or cautioned for the offence or was sentenced for the offence can be disclosed (section 96 of the Protection of Freedoms Act 2012). Where material that may have been disregarded is identified, enquiries should be made with the Home Office to determine whether a successful application has been made in relation to a specific offence.

**Relevance of indicators of lesser risk**

You should be minded that any disclosure should be balanced and fair, therefore additive information may include that which puts into proper context the conduct of the individual - your information may show that the individual actually presents a **lesser** risk than that which may be conveyed by the conviction/caution:

i.e. PNC conviction for Assault, where the offender was significantly provoked before reacting or went to the aid of someone who was being attacked themselves and, as a result of their actions, was prosecuted. The context is important here – if your information shows that the individual may actually pose a **lesser** risk than the ‘headline’(automatically disclosed) record may convey, your disclosure of this additive contextual information will likely facilitate a fairer assessment, by any prospective employer, by conveying the true extent and gravity of the associated risk, thus reducing the interference to the applicant’s private life.

**Sexual Offences Act (SOA) 2003**

The SOA 2003 was amended in 2006 to include a broader range of offences which can lead to an offender having to comply with the Sex Offenders Register or being subject to a Sexual Offences Prevention Order (SOPO). The offences may not seem inherently sexual but could have a sexual motive. Where this criteria applies the offences should be classified as Sexual and recorded as ‘Further Consideration` on the AT2.

**Third Party Information**

It should be noted that Third Party information, including conviction information, is NOT automatically disclosed (as they are not the applicant) and, therefore, all **relevant** Third Party information may be considered additive for disclosure purposes, requiring further consideration.

**DBS Barring and Modus Operandi (MO) recorded on PNC**

Not every PNC Conviction Disposal has an MO entry recorded on PNC; those MOs that *are* recorded on PNC are not always complete or accurate (due, in part, to MO details being entered onto PNC early in the arrest/charge/prosecution processes life cycle).

Like DBS Disclosure, DBS Barring have a licence to access live PNC, however the MO recorded on PNC, whilst visible to Barring, cannot be used in the DBS Barring decision-making process as there is no provision in legislation to allow them to do so. Unless police provide an MO to DBS Barring directly an MO recorded on PNC - no matter how useful, accurate, complete or relevant - cannot be used by DBS Barring. For this reason, DBS Barring may contact you and request the MP details (via a Stage letter).