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Reference: D/ARTD/04/02/12/0*

See Distribution

Date: 21 Mar 14

PROCEDURAL CHANGES IN SECURITY CHECKS FOR POTENTIAL ARMY RECRUITS

References:

- A. JSP 440; The Defence Manual of Security - Part 6 – Section 2 – Chapter 1.
- B. HQ ARTD Security Risk Estimate dated 12 Dec 13.
- C. ARMY/COS/12/13 dated 13 Dec 13.
- D. IS/G2/ARTD/CTC/POL Counter Terrorist Checks Policy – Army Regular and Reserve dated 19 Mar 14.

Introduction

1. JSP 440 (Reference A) mandates the conduct of security checks to screen all potential Regular and Reserve recruits prior to enlistment and attendance at Phase 1 training. However, these checks are imposing significant delays on the recruiting process and consequently having an adverse effect on the numbers of potential recruits commencing Phase 1 training. HQ ARTD, at Reference B, proposed a number of procedural changes to the Defence mandated security check process (Reference A) to help improve the current recruiting situation. Reference C provides endorsement of these proposals by COS LF. This policy document details the actions to be taken to bring the procedural changes in to effect.

Background

2. In Apr 08 Baseline Personnel Security Standard¹ (BPSS) checks were introduced for one in every five Regular Army Potential Entrants². In Oct 08 this policy was extended to all Regular Army Potential Entrants. As part of the introduction of Common Selection processes in Apr 12 Army Reserve Potential Entrants were also subject to BPSS checks. Throughout this period, guidance provided in Recruiting Group Instruction (RGI) 11 was that the Potential Entrant was to commence training at risk if the necessary Disclosure had not been returned. Following the introduction of the RPP contract in Mar 13, RG sought to apply fully the direction given in JSP 440 which mandates that BPSS checks must be completed prior to enlistment. It has become clear that this is creating undue delay to the enlistment process and losses from the recruiting pipeline. A return to the "enlist at risk" process was therefore sought but it was not possible to trace the authoritative document permitting this process. Therefore a formal proposal (Reference B) was made to COS LF to articulate the risk associated with the re-adoption of the "enlist at risk" process.

¹ BPSS requiring a standard disclosure of unspent criminal convictions is the minimum standard. Entrants to some trades require SC or DV clearance. All officer candidates require SC clearance. Candidates from ROMNI and candidates with dual nationality where the non-British nationality is from a high risk country require Counter Terrorism Clearance (CTC).

² A Potential Entrant is a candidate for Army service who has passed an Assessment Centre (ACSB) and is waiting to enter service (subject to allocation to a training vacancy, successful completion of Pre-Employment Checks and remaining eligible for Army service).

COS LF agreed to this proposal (with caveats) on 13 Dec 13 (Reference C). This document details the actions to be taken by ARTD and Army Reserve units to implement the change in process in an assured and balanced manner.

Amendment to Recruiting Pipeline

3 **The Recruiting Pipeline.** All elements of the recruiting pipeline remain essential to confirming the eligibility and suitability of candidates for Army service. The single change that has been approved by COS LF is to permit Regular and Reserve candidates to be enlisted and to commence training once all information gathering aspects of Pre-Employment Checks have been completed and an application for Disclosure Scotland/SC/DV/CTC³ has been submitted rather than preventing enlistment until the results of the application have been received. The key steps in the recruiting pipeline involved in delivering this change are as follows:

a. **Initial Application.** The candidate completes MOD Form 493 "Rehabilitation of Offenders Act 1974 Advice to Applicants to HM Armed Forces" to formally declare any unspent civil convictions (and spent civil convictions for certain trades). The MOD Form 493 also provides advice to the candidate that, "failure to disclose a conviction which is not 'spent' may result in... discharge from the Service." No change to current process.

b. **Assessment Centre/AOSB.** Candidate attends and provides 3 x proof of ID. Candidate passes Assessment Centre/AOSB. No change to current process.

c. **Pre-Employment Checks (PEC).** RG PEC team gathers all candidate information necessary to initiate clearance application⁴. Candidate completes RG Form 747⁵ to permit the disclosure of the results of the clearance application directly to the National Recruiting Centre (NRC). Application for criminal record check/SC/DV/CTC is submitted by candidate⁶ and tracked by RG PEC team. No change to current process.

d. **Loading to Training.** Candidate's training place (and enlistment date for Army Reserve candidates) is confirmed by RG Loading team. No change to current process.

e. **Enlistment/Commencement of Training.** As necessary, the candidate will be permitted to enlist and to commence training prior to receipt of the response from the relevant clearance agency. Candidates who require CTC clearance⁷ will only be permitted to enlist/commence training once a Provisional CTC clearance has been granted by Hd Pers Sy (A) Sec. RG will inform receiving units of those recruits being enlisted prior to receipt of their clearance application response. This process is highlighted at Annex B.

f. **Receipt of Clearance Application Response.** In the event that a candidate has been enlisted prior to receipt of the clearance application response then RG will inform receiving units if the information received in the clearance application response contains any information that either was not previously declared or which requires a change of employment. Units will then be required to interview the recruit and to conduct extant discharge procedures as necessary. An enlistment ceases to be considered "at risk" following receipt of a successful clearance application response by RG.

Action Required and Administrative Requirements

4 **Action required by the Potential Entrant.** There is no change in the action required by the Potential Entrant who will continue to be supported through the recruiting pipeline by the

³ Disclosure Scotland or SC/DV/CTC as relevant to each individual's circumstances and employment preference including requesting references, establishing five year address history, checking proofs of ID, checking nationality, visa and UK residence information for Commonwealth candidates

⁴ Declaration of Agreement for Disclosure Information

⁵ Submission by the candidate will be on a hard copy form to the PEC team for Disclosure Scotland applications and by completion of an online form to DBS for SC/DV and CTC applications

⁶ With exceptions at Para 9a and 9b.

recruiter and/or Reserve unit personnel. The Potential Entrant will be reminded that the open and honest disclosure of civil convictions, timely response to request for information and adherence to Assessment Centre/AOSB joining instructions to take proof of identification to the Assessment Centre/AOSB are essential to ensure fastest possible progress to enlistment. Prior to enlistment "at risk" the Potential Entrant will sign the RG Form 747 (and RG Form 1412 if CTC clearance is necessary) to acknowledge that failure to disclose unspent convictions (or failure to achieve CTC clearance) may result in discharge from the Army.

5. **Action required by Army Reserve units.** Staff supporting Reserve candidates through the recruiting pipeline are to remind candidates of the importance of open and honest disclosure of civil convictions, of the requirement to provide proof of identification during attendance at Assessment Centres/AOSB and of the need for accuracy and completeness in the submission of clearance application forms to enable the fastest possible progress to enlistment. Staff are to reiterate to candidates that failure to disclose unspent civil convictions during the recruitment process could lead to discharge from Army service. Units are to ensure that recruits enlisted "at risk" are not permitted unsupervised access to arms, ammunition, explosives or protectively marked material. When notified by RG that the results of a recruit's clearance application differ from the initial declaration and/or incompatible with Army service (ie custodial sentence in excess of 30 months, failure to achieve CTC clearance), units are required to interview the recruit and conduct discharge procedures as appropriate.
6. **Action required by Regular Phase 1 units.** Units will be advised of the details of those reporting for enlistment and training for whom the results of their clearance applications have not yet been received. In accordance with usual Phase 1 training arrangements, recruits enlisted "at risk" are not to be permitted unsupervised access to arms, ammunition, explosives or protectively marked material. When notified by RG that the results of a recruit's clearance application differ from the initial declaration and/or incompatible with Army service (ie custodial sentence in excess of 30 months, failure to achieve CTC clearance), units are required to interview the recruit and conduct discharge procedures as appropriate.
7. **Action required by RG – Support to Candidates.** RG staff supporting Reserve candidates through the recruiting pipeline are to remind candidates of the importance of open and honest disclosure of civil convictions, of the requirement to provide proof of identification during attendance at Assessment Centres/AOSB and of the need to for accuracy and completeness in the submission of clearance application forms to enable the fastest possible progress to enlistment. Staff are to reiterate to candidates that failure to disclose unspent civil convictions during the recruitment process could lead to discharge from Army service.
8. **Action required by RG – Conduct of PECs.** RG is responsible for collating all information required from Army candidates to enable the conduct of PECs and for enabling, checking and tracking all applications for clearance as appropriate to each individual's circumstances and future employment preferences. Specifically, RG must ensure that each candidate completes MOD Form 493 and RG Form 747. RG must inform receiving units of enlistments "at risk" and subsequently inform receiving units of the receipt of clearance application responses when unit action is required.

9. **Administrative Requirements.**

a. **Candidate Declarations.**

- (1) MOD Form 493 "Rehabilitation of Offenders Act 1974 Advice to Applicants to HM Armed Forces" is completed by every candidate for Army service at the initial stages of the recruitment process and provides a declaration of unspent civil convictions (and spent convictions for some employment choices).
- (2) RG Form 747 "Declaration of Agreement for Disclosure Information" is completed by every candidate for Army service concurrent to submission of clearance applications.

to permit the National Recruiting Centre to receive the candidate's clearance certificate. The form also records the candidate's understanding that he/she may be subject to discharge from the Army in the event that the clearance certificate does not agree with the convictions declared on MOD Form 493.

(3) RG Form 1412 "Application for Provisional CTC Clearance" will be completed by RG for candidates for Army service from ROI/NI for whom an application for Provisional CTC Clearance⁸ is required to enable enlistment "at risk". The form provides [REDACTED] with details of the individual's CTC application and confirms that the candidate has declared on RG Form 747 that he/she understands that if he/she is not successful in their CTC clearance then he/she will be discharged from the Army. An application for Provisional CTC can only be made one week prior the required enlistment date. Applications for Provisional CTC must not be submitted until the last reasonable time which allows a candidate to attend the next available Phase 1 course. Applications for an Army Reserve candidate will be submitted no earlier than 5 weeks prior to the start date of the TSC(A) course to enable enlistment 4 weeks prior to the TSC(A) start date. Provisional CTC will only be applied for when absolutely necessary to enable Phase 1 attendance – it is not a routine process for all ROI/NI candidates.

b. **Enlistment.** All Army entrants (Regular and Reserve, Officer and Soldier) will continue to enlist under current arrangements. Potential Entrants are not permitted to enlist until the necessary clearance application has been confirmed as submitted by RG. The enlistment process for Regular candidates is conducted by Phase 1 units concurrent to commencement of Phase 1 training. The enlistment process for Army Reserve candidates is conducted by Army Reserve units prior to commencement of Phase 1 training. It is critical that Army Reserve units must not conduct the enlistment process until RG has confirmed that the necessary clearance application (in addition to completion of all other eligibility and suitability checks⁹) has been submitted to the relevant clearance agency.

c. **Discharge.** If a recruit who was enlisted "at risk" is required to be discharged then the administrative requirements of that discharge will be conducted by the parent unit.

Exceptions

10. In the following circumstances, the procedural change described above does not apply and candidates are not permitted to enlist until the results of the relevant security clearance application have been received and assessed by RG:

a. **Dual nationality of a CSSRA/High risk country.** A candidate (or candidate's spouse) has previous or current nationality of a CSSRA or other high risk country¹⁰.

b. **CTC required for reasons other than ROI/NI residency.** A candidate's personal circumstances require the conduct of CTC (reasons other than ROI/NI residency).

c. **Prior Discharge for Conviction.** A candidate has previously been discharged from military service having failed to disclose a previous conviction or after receiving a conviction during military service.

d. **Trained Rejoiner/Trained Re-enlistment Candidates.** Candidates joining the Army as trained soldiers (either as rejoiners or re-enlistments) are not subject to the same levels of supervision and scrutiny of behaviour as recruits. In addition, such candidates will have unsupervised access to arms and ammunition and are likely to have access to PM information.

⁸Provisional CTC clearance is only available for candidates requiring CTC due to their ROI/NI background. Candidates requiring CTC for any other reason may not be granted provisional CTC clearance and therefore may not be enlisted "at risk".
⁹which will not include confirmation of the completion of the RG medical process
¹⁰as provided by [REDACTED] Army HQ (to be provided in early 14)

[REDACTED]

e. **MPGS Candidates.** MPGS entrants are exposed to high levels of security responsibility from the point of their employment, have unsupervised access to arms and ammunition and require daily access to PM information. They therefore cannot be employed effectively during a period of "at risk" employment.

f. **Reasonable Doubt.** The evidence¹¹ gathered during the recruiting process leads to reasonable doubt regarding a candidate's eligibility or suitability for Army service.

Implementation

11. **MIS Support.** RG Form 747 (an example is at Annex A) is available on TRH(J) and has been updated to make clear the risk of discharge if the results of a clearance application differ from the civil convictions declared by the candidate on the MOD Form 493 or if the candidate's application for security clearance (CTC/SC/DV) is unsuccessful. RG Form 1412 has also been updated to expand its use to include Army Reserve candidates.

12. **Administration.** RG will notify Phase 1 units and Army Reserve units of those personnel reporting for enlistment for whom the relevant responses from Disclosure Scotland or DBS have not yet been received. RG will then notify units when application response are received that reveal candidate information that is previous undeclared and/or is incompatible with Army service. Units will be informed of the requirement to interview¹² and/or to discharge recruits as a result of the information received from Disclosure Scotland or DBS.

13. **Timings.** The implementation of this change in procedure is authorised with immediate effect.

[Signed on DII]

A T Jackson
Brig
DR1 (Ops)

Annex:

- A. RG Form 747 Example.
- B. CTC Procedures for Candidates for Whom a Provisional CTC Cannot be Applied For

¹¹ Examples of such evidence include, but are not limited to: failure to disclose full background information during the initial stages of the recruiting process; information provided during interview and/or Assessment Centre leads to further investigation; inability/failure to provide suitable references; lack of 5 years of UK residency and/or inability/failure to provide full address history.

¹² Failure to disclose a conviction may not always lead to discharge from service. If the nature of the conviction and the associated sentence are not in themselves a bar to service and the recruit can provide a reasonable explanation for their lack of disclosure, then the unit may wish to retain the recruit in service. However, full consideration should be given to the lack of integrity and honesty that may have been shown by the candidate. In some cases a change in trade may be necessary ie if SC is necessary for the current chosen trade, the SC application has been unsuccessful but the reason for failure is not in itself a bar to Army service.

[REDACTED]

Distribution:

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[REDACTED]

RG FORM 747 EXAMPLE



Pre-Employment Checks Team
National Recruiting Centre
Trenchard Lines
Upavon
Pewsey
SN9 6BE

[Redacted]

Reference:

Date:

Declaration of Agreement for Disclosure Information

I understand that the Army requires that a check is made on any criminal convictions that I may have had, whether spent or unspent. I may also need to have security clearance (Counter Terrorist Clearance, Security Clearance or Developed Vetting) to confirm my suitability for Army service.

I give consent to the agency conducting these checks to send my clearance certificate directly to the National Recruiting Centre and I consent to a representative of the Army opening and handling my clearance certificate.

I authorise the Army to provide details of my background check to The Pre-Employment Checks Team, National Recruiting Centre, HQ Recruiting Group for assessment of my eligibility to enlist.

In the event that my clearance certificate agrees with my criminal record declaration, I authorise the Army to securely dispose of my certificate.

I further authorise the Army to retain my clearance certificate for a period of 3 months when convictions are listed that differ to those that I have declared on MOD Form 493. The certificate will then be destroyed.

In the event that my criminal convictions certificate does not agree with my criminal record declaration or if my security clearance application is rejected and I am therefore deemed unsuitable for Army service then I declare that I understand that I will be discharged.

Name:

Signature:

Date:

Witnessed by:

Name:

Address:

Date:

This declaration must be returned in the pre-paid envelope provided.

Counter Terrorism Check (CTC) Procedures for Candidates for Whom a Provisional CTC Cannot be Applied For

General. The Counter Terrorist Check (CTC) procedure will be applied for via CERBERUS, in conjunction with BPSS, to both **Regular** and **TA** to all those who may be defined as having specific overseas connections from which they may be potentially vulnerable and may be susceptible to external pressure, if any of the following conditions apply:

Direction. To ensure security risks are minimised and recruiters have clear direction, candidates who fall into the following category must undertake CTC and be cleared **before** enlistment/attestation takes place:

- a. They were originally naturalised subjects of the countries listed below but now hold British nationality.
- b. They now hold dual British/Commonwealth nationality with a nationality listed below.
- c. Or are solely from a Commonwealth Country listed below.
- d. **All Candidates processed through TA units in NI to be cleared as a matter of routine including those depicted as British by birth.**

Specific Overseas Connections

For the purpose of **JSP 440** an individual is considered to be potentially vulnerable to pressure from specific overseas connections if he or she has close connections with:

- a. A country which is hostile, or potentially hostile, to the British Government;
- b. A country that harbours, or is sympathetic to, a terrorist organisation that is hostile, or potentially hostile, to the British Government.

Close connections include current residence in the country, and personal contacts, including close relatives and friends with whom the individual is in regular contact, in the country in question.

The current list of countries to which this policy applies is directed in Reference D as follows:

LIST OF COUNTRIES TO WHICH CTC IS TO BE APPLIED

Afghanistan	Argentina
Albania	Armenia
Algeria	Azerbaijan
Angola	Bahrain

Bangladesh
Belarus
Belgium
Bosnia Herzegovina
Brazil
Bulgaria
Burma
China (inc Hong Kong)
Colombia
Croatia
Cuba
Cyprus
Czech Republic
Democratic Republic of Congo
Ecuador
Egypt
Estonia
Ethiopia
France
Georgia
Germany
Greece
India
Indonesia
Iran
Iraq
Israel
Jordan
Kazakhstan
Kenya
Kosovo
Kuwait
Kyrgyzstan
Latvia
Lebanon
Libya
Lithuania
Macedonia
Malta
Mali
Moldova
Morocco
Mozambique
Nepal
Nigeria
Niger
North Korea
Oman
Pakistan
Palestinian Territories
Peru
Philippines
Poland
Qatar
Romania
Russia
Saudi Arabia

Serbia
Sierra Leone
Singapore
Slovakia
Slovenia
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