

START
This MP is used for info held on local systems or physical records/files.
Please read Overview and Guidance first

Does the information fall into any of the categories referred to at Note 1?

Yes → **No Audit Trail Required**

No

Is the information background to a record on PNC?

No →

Please use MP6 for PNC related information including PNC records impacted by the filtering of 'old & minor' offence records

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 MP3b. Otherwise record as 'Relevant for Further Consideration' on AT2 (but only if MP2 identity criteria has also been satisfied)

MP3a – Relevance (Local Information systems)

This process is intended to help determine whether information found on local systems should be recorded for further consideration (including MO to a PNC Conviction Disposal; Impending Prosecutions, NFAs, acquittals and other non-conviction information)

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 MP3b. 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 information further:
NOT RELEVANT No Audit Trail Required

Note 1: If the individual referred to in the information is **only** mentioned as either:

- a **victim**, as an attending/investigating **police officer**, as a **witness** or as the **source** of the information, their involvement is Not Relevant and No Audit Trail is required
- If the information is solely police intelligence which is **not related** to an alleged offence or risk of harm to the vulnerable then it is Not Relevant and No Audit Trail is required.
- If the individual has been recorded as a Missing Person – and this is the only information that you hold - No Audit Trail Required as Missing Person status is not relevant on its own

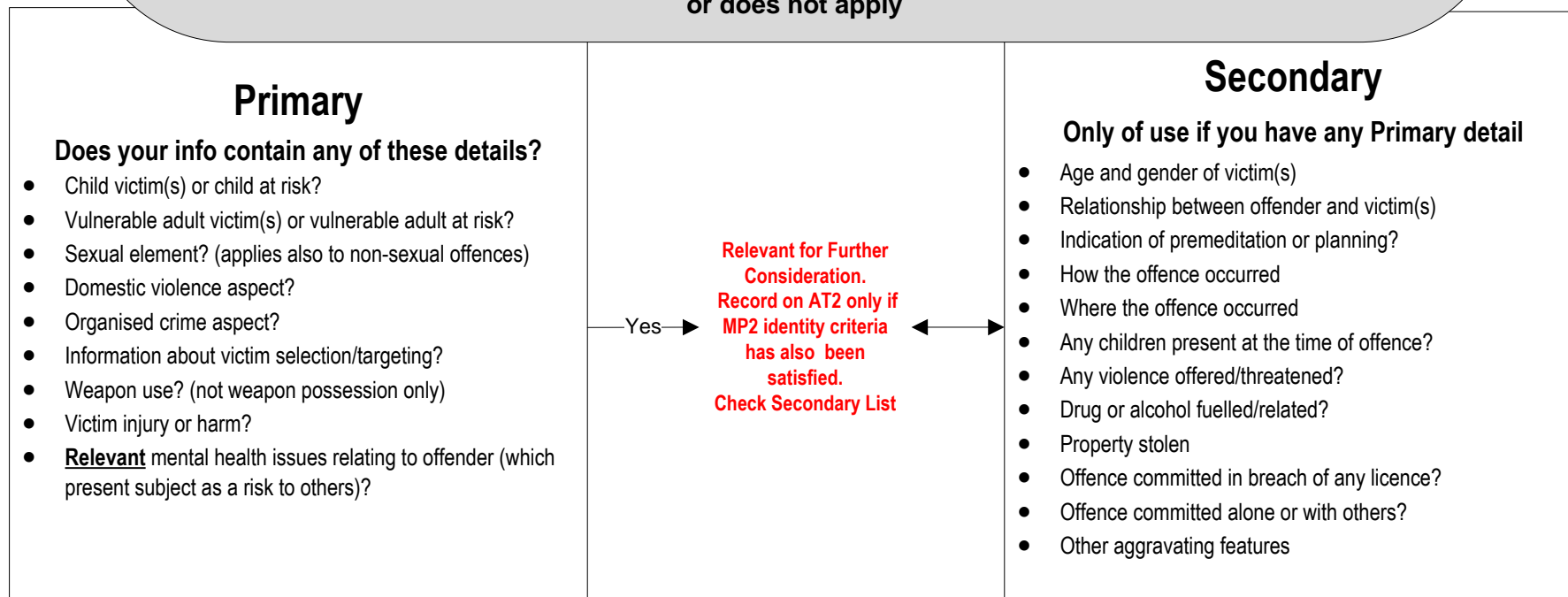
MP3b – Relevant Additive Details

What is sought here are those contextual details, from your local records, which might assist with an employer risk assessment. Details that show their actions/behaviour into context individual - See Guidance Pages

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



No

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

QAF v9 Issue Date: April 2014

Using MP3b 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 MP3a (i.e. information passed the MP3a test but, when you apply the MP3b 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 'MP3b 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 MP3b 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)

MP3 Overview The purpose of MP3 is to help with considerations of information found when searching local intelligence systems

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 MP3a first and (where directed to do so/where deemed necessary) continue assessing information from the beginning of MP3b.

AT2/AT3 forces, however, are able to stop at the MP3a and (where directed to do so/where deemed necessary) create an AT2 to pass to their AT3 team. This is facilitated by the MP3a outcome: *"If your role requires it, continue from MP3b. 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 MP3b'*. Your AT2 will be passed to the AT3 team and the AT3 team will then begin their work from the start of the MP3b.

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

When arriving at this MP3 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 a major factor.

MP3 Guidance notes The purpose of MP3 is to help with considerations of information found when searching local intelligence systems

This Method Product may be used in conjunction with MP6 - 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.

Non-conviction Information

Non-conviction information includes allegations, records of disciplinary action taken by employers, Impending Prosecutions, Not Guilty verdicts, NFAs, Penalty Notice for Disorders etc. The variation in available supporting information across the different types is immense. The MP3 asks that you identify particular types of information, separating that which is of interest from that which is clearly not, and passing-on that which is of interest for full evaluation.

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 MP3 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 MP3 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)

Impending 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 non-convictions. They 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.

Relevance

The MP3 is intended to help identify non-conviction information which may be relevant for disclosure consideration; to consider it for possible disclosure on the face of an ED or EDBL certificate.

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 with or directed toward children/vulnerable adults (or interest in images/pseudo images of said conduct) is likely to be relevant for further consideration.

The fact that behaviour did not lead to a conviction (or even direct police involvement) does not mean that it cannot be considered for disclosure. The courts have recognised that even the circumstances behind a prosecution that resulted in an acquittal may still be relevant for disclosure consideration (AR v Greater Manchester Police 2013 being the most recent).

Great care should always be taken in the consideration of non-conviction information. The MP3/6 is simply the first step – identifying information which needs further consideration. The MP3 will not tell you that the information that passes through it ('Relevant for Further Consideration') **should** be disclosed, just that it needs to be appropriately assessed, tested and considered.

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 may be conveyed by the headline conviction/caution alone:

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 – this information shows that the individual may actually pose a **lesser** risk than the offence 'headline' (which is automatically disclosed) may convey. Disclosure of this additive contextual information will likely facilitate a fairer and more informed assessment by any prospective employer by conveying the true extent and gravity of the associated risk, thus reducing the interference with and impact upon to the applicant's private life.

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. You **must not** assume that the DH details alone will suffice – if you decide not to disclose **relevant** background information, a rationale is required.

Important Note:

Offences removed from the face of a certificate by the 'old & minor' PNC Filtering rules can still be considered for disclosure as Approved Information, in the same way that non-conviction information may be considered for disclosure – as long as the information passes the tests of 'reasonably believed to be relevant' and 'in the opinion of the Chief officer it ought to be disclosed'