



Policy name: Exclusion from Working for HMPPS Policy Framework

Issue Date: 14 October 2024.

Implementation Date: 01 January 2025

Replaces the following documents which are hereby cancelled:

PSI 42/2014 and PI 60/2014: Exclusion of Personnel on Grounds of Misconduct

Introduces amendments to the following documents: None

Action required by:

| | | | |
|-------------------------------------|---|-------------------------------------|---|
| <input checked="" type="checkbox"/> | HMPPS HQ | <input checked="" type="checkbox"/> | Governors |
| <input checked="" type="checkbox"/> | Public Sector Prisons | <input checked="" type="checkbox"/> | Heads of Group |
| <input checked="" type="checkbox"/> | Contracted Prisons | <input checked="" type="checkbox"/> | The Probation Service |
| <input checked="" type="checkbox"/> | Under 18 Young Offender Institutions | <input checked="" type="checkbox"/> | Other providers of Probation and Community Services |
| <input checked="" type="checkbox"/> | HMPPS Rehabilitation Contract Services Team | | |

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following: PSI 42/2014. Regional Probation Directors and other senior probation managers must ensure that any local procedures do not include PI 60/2014 and are replaced by this framework.

Governors, Prison Group Directors, Regional Probation Directors, and other senior managers must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Sections 6 to 9 of the Policy Framework include procedures to implement the mandatory requirements set out in Section 4 of this Policy Framework.

Any questions concerning this framework can be sent to the contact details below.

How will this Policy Framework be audited or monitored: PGDs and RPDs will be responsible for conducting regular reviews within their areas of business to ensure that the required outcomes of this framework are being achieved.

Resource Impact: No additional resource demand will be made by this Policy Framework.

Contact: HMPPS-Personnel_Security@justice.gov.uk

¹ In this document the term Governor also applies to Directors of Contracted Prisons.

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Deputy/Group/Regional Director sign-off: Andy Rogers/Paul Cawkwell

Approved by OPS for publication: Helen Judge and Kim Thornden-Edwards, Joint Chairs,
Operational Policy Sub-board, October 2024

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1. Purpose

- 1.1 To support the safety and security of HMPPS, those working (in any capacity) for or on behalf of HMPPS, prisoners, people on probation, visitors, and the public generally, while meeting the organisation's duty of care.
- 1.2 To set the requirements and guidance for the creation and maintenance of a centrally managed register (the 'Exclusions Register') of individuals excluded from working (in any capacity) for HMPPS or on its premises. This extends to any work (including charity and voluntary work or otherwise) delivered on behalf of HMPPS by staff, contractors and volunteers, where the individual circumstances indicate an ongoing security or safety risk to the organisation.
- 1.3 To prevent people whose details have been added to the Exclusions Register from successfully re-applying for any relevant job role within HMPPS or any associated business area throughout the duration of their exclusion. This includes all directly and non-directly employed personnel.
- 1.4 To ensure that the Exclusions Register is properly maintained in accordance with the procedures set out in this framework.

2. Evidence

- 2.1 There is a risk that if a person's employment, contract or relationship has ended (including when someone has left employment someone has resigned while under investigation) at one location within HMPPS, they may seek appointment elsewhere in HMPPS. If their contract has been terminated in circumstances involving security, safety or other related risk, their further appointment may continue to present an unacceptable risk to the safety and security of the organisation and be declined.
- 2.2 The unique nature of prison and probation work means that security, safety and trust are fundamental considerations to HMPPS. Care must be taken to avoid the risk of former employees and workers (including non-directly employed individuals and volunteers) attempting to re-enter the organisation where their employment or contract has been terminated as a consequence of a serious breach of security, safety or trust.
- 2.3 Examples of misconduct relating to security or safety risk include (but are not limited to) compromising key or lock security, compromising other aspects of physical or procedural security, inappropriate relationships with prisoners, former prisoners or people on probation, conveyance of any article into or out of prison that is prohibited by s22 or the Offender Management Act 2007 or the conveyance of any unauthorised article into or out of prison. Conveyance into or out of an approved premises or other probation premises, or supplying an item to a person on probation, that is not permitted. Such articles may include, but are not limited to drugs, weapons, alcohol or personal or sensitive information. Gross misconduct can include things such as theft, physical violence, gross negligence or serious non-compliance. Misconduct and gross misconduct would concern any issues which may pose a risk to the organisation and/or place HMPPS in disrepute. For further details about misconduct and gross misconduct, please refer to the relevant framework (PSI 06/2010 or PI 34/2014).

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3. Outcomes

- 3.1 Prevent excluded individuals being given employment or contract work or any other role at any HMPPS locations, or on any HMPPS business during their exclusion.
- 3.2 Ensure that a central register of excluded personnel is maintained and applied across HMPPS.
- 3.3 Promote consistent, fair and objective standards in the management of all staff and workers within HMPPS.

4. Requirements

- 4.1 HMPPS must maintain a register (the 'Exclusions Register') of all individuals who are excluded from employment or working in any capacity in any relevant HMPPS role for reasons set out in this framework.
- 4.2 An individual exclusion must be notified to the Personnel Security Vetting (PSV) team and added to the Exclusions Register if a Non-Directly Employed (NDE) worker is subject to exclusion by a prison establishment or any area of probation including approved premises.
- 4.3 An exclusion must also be notified to the Personnel Security Vetting (PSV) team if a Directly-Employed (DE) member of staff is dismissed for gross misconduct, or misconduct that poses an underlying safety or security risk to HMPPS.

If a person leaves employment with HMPPS while under investigation, the investigation must be continued to its completion and a conclusion reached. PSV must be informed of the outcome of the investigation. It will then be for the senior manager Governor, Head of Unit or equivalent at Civil Service Grade 6 to determine what further actions (such as exclusion), if any, need to be taken. In such cases, a decision to exclude cannot be made until an investigation or notification after investigation (if there is one) has been completed and a conclusion reached.

- 4.4 If any action is taken in respect of an individual's (DE or NDE) conduct and any disciplinary action, it must follow the relevant procedures. For DE, this will be either: PSI 06/2010, PI 34/2014 (Conduct and Discipline), or other relevant policy or procedure otherwise as provided. For NDE and standalone roles HMPPS will conduct a fact-finding enquiry to inform any decision to exclude however the respective employer's conduct and discipline procedures will apply to any investigation carried out after they have been excluded by HMPPS.
- 4.5 An individual for any HMPPS role (DE or NDE) who has been excluded and their details added to the Exclusions Register must not be employed or retained in any capacity by HMPPS. Neither may they be deployed by any other employer or sub-contractor to work at any HMPPS prison or probation premises, nor on any other HMPPS business, during their exclusion. This will apply for the duration of the exclusion, which may be for a fixed period of up to 10 years, with each case considered on its individual merits. In the most serious circumstances, a person may be excluded for an indefinite period (see section 6.16 below).

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- 4.6 Where appropriate, consideration must be given as to whether a DBS referral or loss of authorisation to practice referral is required.
- 4.7 Every individual must be informed in writing of the decision to exclude them and of the option to appeal the decision, with details on how to do so, as set out in Section 9: Appealing against a Decision to Exclude.
- 4.8 This framework applies equally to individuals employed directly (DE) and non-directly (NDE) by HMPPS or those who are engaged in any capacity through a supplier of goods or services to HMPPS or where work is carried out in a regulatory capacity. It also applies to volunteers and standalone roles.
- 4.9 In the case of NDE, the senior manager responsible for the exclusion must notify the excluded person's employers as well as the excluded person. Any consideration of whether to take disciplinary action against an NDE, or not, is for the employer alone and not a matter for HMPPS.
- 4.10 Governors must ensure that their Local Security Strategy (LSS) is updated to include any changes required by this policy framework. RPDs must ensure any relevant probation procedures are updated to include any changes required by this policy framework.
- 4.11 For all NDE, it is the responsibility for the contractor, service provider or other employer to manage all aspects of the exclusion of their employee or former employee from HMPPS premises and business, when notified by HMPPS of the outcome of the exclusion, unless the individual is in a standalone role, which is not linked to a service provider.

5. Constraints

- 5.1 The maximum period a person can be excluded for is 10 years unless they are to be excluded for an indefinite period. Once the exclusion sanction period (whatever the scope and extent of the exclusion) has expired, the person's details must be removed from the Register.
- 5.2 If a person is to be excluded for an indefinite period of time, they must be informed at the time of their exclusion that their exclusion will continue unless a decision is subsequently taken to end the exclusion. They must also be advised that they may apply to end the exclusion after a minimum period of 10 years, giving reasons. If such an application is rejected the person may apply again after a further 5 years.
- 5.3 Poor performance alone is not a reason to exclude a person.

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6. Procedures for excluding a person

6.1 A consideration of whether to exclude an individual will take place on a case-by-case basis on the evidence available. Consideration will include evidence of any behaviour or action (including reasonable suspicion) that could compromise the good order, security, safety, or reputation of HMPPS, its business partners or HMPPS's responsibility to maintain the safety of, and duty of care to, its staff, prisoners, people on probation, visitors, and the public in general (hereinafter referred to as "safety and security"). This may include, but is not limited to:

- Inappropriate relationships with prisoners or people on probation.
- Conveyance of any unauthorised or prohibited item into (or out of) prison or any item not permitted in approved premises or supplying any such item to a prisoner or person on probation.
- Accessing and disclosing personal, sensitive, or restricted information without authorisation.
- Threatening behaviour towards any person or any property including any form of sexual, racial or other harassment.
- Risk of harm to prisoners, people on probation, employees, or members of the public.
- Assisting a prisoner to escape or abscond.
- Any incident or behaviour leading to criminal caution or prosecution or any criminal culpability, whether work related or not.
- Serious breach of security, which may include (but is not limited to) any serious misuse or incorrect use of keys, locks, security of doors or gates, radio network, other official communications, unauthorised use of any communication, uniform, security or personal protective equipment, or any security procedures.
- Deliberate failure to act on information relating to breach of prison security such as not disclosing knowledge of unauthorised or prohibited items and their conveyance.
- Any violent or threatening behaviour at any time whether during the course of employment or at any other time.
- Any significant breach of trust leading to a security risk to the organisation.

6.2 **Prison/Prisoner Custody Officers (PCO):** Where a decision is made to revoke the certification of a PCO, consideration should also be given to excluding the individual if their conduct or actions pose a risk to the safety and security of HMPPS in line with the same principles applied to directly employed staff in a similar position.

6.3 **Probation Officers:** Where a decision is made to exclude and remove the authorisation to practice from a Probation Officer in line with the Probation Professional Register Policy Framework, consideration should also be given to excluding the individual if their conduct or actions pose a risk to the safety and security of HMPPS in line with this policy framework. There is a separate form for reporting exclusions and loss of authorisation for Probation staff as in Annex B in line with the Probation Professional Register Policy Framework.

6.4 The decision as to whether the individual circumstances require the person to be excluded will be taken by the senior manager Governor, Head of Unit or equivalent at Civil Service Grade 6. The decision will be taken with advice from the relevant Investigating Manager, or equivalent, in line with this policy framework and guidance.

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- 6.5 The exclusion decision will be taken following a meeting between the individual concerned and the decision maker that has resulted in the person being dismissed (DE) or excluded from the premises (NDE). This will provide an opportunity for the individual to present their evidence for consideration.
- 6.6 Every possible effort should be made to secure a time when the person can attend however, if a person declines, or is unable to attend the meeting and it concludes with a decision to exclude the person based on the evidence available, the decision maker must write to them using Annex DB (NDE) or D1B1 (DE) to notify the person of the decision to exclude them and of the person's option to appeal, which is referred to in more detail in Section 9: Appealing Against a Decision to Exclude.
- 6.7 In preparation for, and during, any such meeting, the decision maker should take account of any reasonable adjustments required for the person attending. They should also take account of any disability, including reading, hearing and sight impairment or any other needs the person may have. The decision should also take account of additional language needs if the person does not have English as their first language. It is the person's responsibility to ensure the decision maker is informed of any reasonable adjustments or needs required ahead of the meeting.
- 6.8 The person making the decision should also be sensitive to the person's needs in respect of the effect of the meeting and any decision made (whether to exclude or not to exclude) on the person's emotional and mental health and wellbeing, in line with existing local and national HR policies.
- 6.9 A record of the meeting will be kept and stored within the personnel file (within the SOP record or held locally) or HMPPS contractor file and in accordance with all relevant data protection policies, the Data Protection Act (DPA) and General Data Protection Regulations (GDPR).
- 6.10 The decision whether to exclude or not must be recorded in the person's personnel record if an HMPPS employee, or by their employer or contract manager if the person works for a third-party provider.
- 6.11 All individuals must be informed in writing of the decision to exclude them and of the option to appeal the decision, with details on how to do so, as set out in Section 9: Appealing against a Decision to Exclude. A copy of the letter informing the person must also be provided to PSV, along with all supporting documentation and evidence, with the Annex A.
- 6.12 If the person excluded wants to appeal against an exclusion decision, they must do so within **15 working days** of the date of the notification of exclusion using the procedures set out in Section 9: Appealing against a Decision to Exclude.
- 6.13 In some cases, people may leave HMPPS prior to the commencement of an internal investigation or shortly after being notified of the intention to investigate. Should this occur, the Governor or RPD must immediately inform PSV of the circumstances of resignation using Annex A. An internal investigation must still commence and be completed in line with good practice. If at the conclusion of the investigation, on the balance of probabilities, the individual's actions are considered to pose a risk to the safety and security of HMPPS and those who it is responsible for, then the individual must be added to the Exclusions

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Register. The individual must then be informed that this action has taken place using the template letter at Annex D (NDE) or Annex D1 (DE).

- 6.14 It is important that where any incidents of misconduct or gross misconduct take place, that they are fully investigated and a conclusion reached, as failure to follow this policy may result in an individual under investigation subsequently being either directly or non-directly employed in HMPPS at another location or role without HMPPS being able to prevent this. It is therefore vital that where possible the investigation is concluded to mitigate any future security threat to HMPPS.

Scope and duration of exclusion

- 6.15 In some cases, it may be considered necessary to apply a national exclusion. In other cases, there may be local concerns that may make it necessary to exclude the individual from one prison or business unit but not others. Exclusions will be considered according to the circumstances of the case on three levels, depending on the seriousness of the case:
1. Locally at a prison, probation premises or other individual business unit level,
 2. By category or type of prison establishment or business unit, for example to protect children under 18, or
 3. Nationally across all prisons or other HMPPS and associated business areas.

Examples of different possible exclusions are shown at Annexes H and I.

- 6.16 Individuals may be excluded for up to 10 years unless the person is to be excluded for an indefinite period. The decision on the duration and extent of the exclusion must be taken by the respective prison, probation, or business unit within HMPPS. The decision on the extent of the exclusion must be made with reference to the three levels set out in 6.15 Scope and duration of exclusion. The decision will depend on the seriousness of the misconduct and/or the risk assessed at the time.
- 6.17 In all cases, decisions about an exclusion or the length of sanction period must be taken by the local decision maker. PSV will be able to provide context on the normal sanction periods applied for particular kinds of incidents or risks, should this be required for moderation purposes.
- 6.18 Once the exclusion sanction period (whatever the scope and extent of the exclusion) has expired, the person's details must be removed from the Register.

Temporary exclusion

- 6.19 In the case of some employees (DE), the person's behaviour or action will be so serious that they will have been suspended from work and must be excluded immediately on a temporary basis, until an investigation is completed. This is to prevent them seeking work in another prison or probation area while under suspension. The temporary exclusion must be notified to PSV immediately using Annex A: Exclusion Report Form and making clear the exclusion is temporary, pending a full investigation.
- 6.20 Once the investigation is concluded and the exclusion upheld or withdrawn, the outcome must be notified to PSV in order that the HMPPS Exclusions Register can be updated. An

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investigation must be completed, and a decision reached, even if the individual concerned has left HMPPS, or chosen not to participate in the investigation process. A decision can be made in their absence based on the evidence available.

7. Procedures for reporting individuals for exclusion

- 7.1 The Exclusions Register will include and apply equally to all individuals to be excluded who are either DE or NDE.
- 7.2 The exclusion shall apply where the individual has been dismissed on grounds of misconduct or gross misconduct. It will also apply where they have left employment during the investigation and a final outcome has been concluded, and/or where in the case of NDE workers it has been decided the person poses a continuing risk to the security or safety of HMPPS, its premises and operations, its personnel (DE or NDE), prisoners, people on probation or visitors. A conclusion and decision can be reached in an individual's absence, where they have refused to attend, based on the evidence available.
- 7.3 All those placed on the HMPPS Exclusions Register must be notified by their manager/employer that their names will be added to the Exclusions Register, the reason why (if this can be disclosed), what being placed on the Exclusions Register means and the duration of the exclusion that has been applied. The draft letter at Annex D (NDE) or D1 (DE) must be used.
- 7.4 The Exclusions Register will act as a memorandum for any future applications made, in which each case will be judged on its individual merits.

8. Protection of children and other vulnerable groups

- 8.1 HMPPS has a duty to protect children and vulnerable adults and to refer to the Disclosure and Barring Service (DBS) all cases where a risk of harm to children or vulnerable adults is identified in the course of a person being excluded.
- 8.2 HMPPS must not appoint any person who is barred from working with children or vulnerable adults and named on one of the Government Barred Lists under the provisions of the Safeguarding Vulnerable Groups Act 2006 and Protection of Freedoms Act 2012.
- 8.3 HMPPS (DE) or the employer (NDE) decision maker must refer cases to DBS where a risk of harm to children or vulnerable adults is identified.
- 8.4 Where a risk of harm is identified to either children in the Young People's Estate or adults in regulated activity settings (specifically by healthcare professionals in the adult prison estate) in the course of an exclusion, then vetting clearance will be withdrawn for the individual. The details of the risk of harm must be reported to the DBS by a member of staff most closely associated with the case at the prison establishment or business unit. More information on the risk of harm criteria is included at the following link:

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

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9. Appealing Against a Decision to Exclude

- 9.1 A person may submit a written request for the decision to exclude them to be reconsidered once they have been notified of the decision and outcome.
- 9.2 Any such request must be made to PSV using the following functional mailbox recruitment-decisions@justice.gov.uk within 15 working days from the date of notification of exclusion and must include any evidence to be submitted with the request. PSV will collate the information for the appeal and forward to the relevant prison or probation region for a decision. Once the appeals process/time has lapsed, a case will not be reopened for consideration.
- 9.3 The person submitting the request must give one or more of the following reasons for the appeal to be considered:
- The evidence considered by the decision maker was incorrect or incomplete.
 - The decision to apply an exclusion was disproportionate to the alleged incident/breach.
 - The length of exclusion was excessive.
 - Any other reason (which must be stated by the person requesting a reconsideration).
- 9.4 If a person is subject to any criminal investigation, the timeframe will not apply until any such investigation is concluded, although they may be temporarily excluded during the investigation where the risk is assessed as sufficiently high. The contractor/service provider or in the case of a DE person, their current or former line management, must notify PSV of the instigation of any criminal investigation. In the case of NDE workers it may be necessary to find a replacement in line with the terms of the commercial contract.
- 9.5 Any appeal will be considered in correspondence unless there are exceptional circumstances and the person considering the appeal agrees to alternative arrangements.
- 9.6 Any appeal will be considered by the Prison Group Director, Regional Probation Director, Deputy Director, or equivalent.
- 9.7 Once the appeal request has been received by PSV it will be logged on the system and prepared for submission to the person considering the appeal with any supporting evidence provided. The person considering the appeal will act in an independent capacity and will decide the outcome based on the reasons given by the person making the request and any evidence provided.
- 9.8 The decision will either be to (a) uphold the exclusion or (b) withdraw the exclusion or (c) vary the scope or duration of the exclusion.
- 9.9 Once an appeal decision has been made it must be notified in writing to the individual within 15 working days of the date of the appeal decision using the letter in Annex E or F. Notification must include the reason for upholding or withdrawing the exclusion or varying the scope or duration of the exclusion.

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10. List of Annexes

Information in these annexes is subject to change and this policy framework may, from time to time, be updated. Users should always check that they have the latest version from:

<https://www.gov.uk/government/collections/prison-probation-policy-frameworks>

- Annex A:** Exclusion Report Form (excluding Probation)
- Annex B:** Exclusion and/or Loss of Authorisation Form – Probation Only
- Annex C:** Guidance on the exclusion of individuals directly and non-directly employed
- Annex D:** Notification of exclusion of any non-directly employed person to them and their employer
- Annex D1:** Notification of exclusion to a person previously directly employed by HMPPS
- Annex E:** Decision of the representations authority on exclusion
- Annex F:** Template letter for use only if the decision of the appeal authority on exclusion has been subsequently withdrawn
- Annex G:** Roles and responsibilities of those involved in exclusion
- Annex H:** Some examples of exclusions and the kinds of sanctions that may be imposed on non-directly employed individuals
- Annex I:** Some examples of exclusions and the kinds of sanctions that may be imposed on directly employed individuals
- Annex J:** Exclusions Process Map – Directly Employed personnel
- Annex K:** Exclusions Process Map – Non Directly Employed workers
- Annex L:** Appeals Process - Directly Employed personnel or Non Directly Employed workers

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Annex A: Exclusion Report Form (excluding Probation)

This form *must* be completed in every case where a decision has been made to exclude the person from any part of HMPPS, including any prison, probation or other premises, or any HMPPS activity such as escorts.

The form is used to notify the Personnel Security Vetting (PSV) team who will then withdraw the individual's security vetting status.

Once completed, this report:

- **Must** be sent to PSV by e-mail to the mailbox:
recruitment-decisions@justice.gov.uk
- Must be marked: '**OFFICIAL-SENSITIVE EXCLUSION SECURITY**'.

If a local copy of this form and any associated documents are retained, these must be held in accordance with local data protection policy and comply with DPA and GDPR.

Personal Details of Excluded Person

| | |
|---|--|
| Surname | |
| Forename | |
| Any former names or aliases | |
| Title | |
| National Insurance Number (ZZ123456D) | |
| Date of Birth (DD/MON/YYYY) | |
| Gender (optional, for monitoring purposes) | |
| Ethnicity (optional, for monitoring purposes) | |
| Name of employer (if not HMPPS) | |

Exclusion Meeting

| | |
|---|--|
| Full Name of Investigating Manager authorising exclusion | |
| Job Role | |
| Name/location of Prison, Probation, HQ or other business unit | |
| Date(s) of Exclusion Meeting (s) | |

Audit Trail

| | |
|-----------------------------------|----------|
| Will the Police be informed? | YES / NO |
| Will a DBS referral be submitted? | YES / NO |

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Has a formal investigation taken place? If YES please give the investigation number and attach a copy of the report to this form before submission.

YES / NO

Does the individual work in or have access to other prisons or any other HMPPS business units? If YES please provide a list.

YES / NO

Reason for Exclusion (summary of events)

Interview Notes (please note anything said by any person present)

Initial Decision/Outcome (tick one)

Excluded

Reinstated

Scope and extent of exclusion (for example: 'this establishment/unit only', whole of prison estate, whole of HMPPS, or otherwise as required).

Duration of Exclusion to be imposed (1 to 10 years or indefinite exclusion) or state immediate temporary exclusion pending investigation.

Fixed period*: (years/months))

OR: indefinite period* (*delete as applicable)

Signed by Investigating Manager and Excluded individual

Signature of Investigating Manager

Date:

Name in BLOCK CAPITALS

Job Role

Grade

Continues below...

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I confirm I notified the person in writing on (date):

**Signed by excluded individual (or state
'declined to sign')**

Name in BLOCK CAPITALS

Date

What to do next

When you have completed please send a copy via e-mail to the Personnel Security Vetting (PSV) mailbox:

recruitment-decisions@justice.gov.uk

For correspondence, their address is:

HMPPS Personnel Security Vetting Team
c/o Shared Service Connected Ltd
Phoenix House
Celtic Springs Business Park
Newport
Gwent
NP10 8FZ

Annex B: Exclusion Report Form – Probation Only

Form for Loss of Authorisation and/or Exclusion

This form must be completed in every case where a decision has been made to withdraw the authorisation of an officer as a provider of probation services (loss of authorisation) and /or excluding them from working from HMPPS

Once completed this report must be:

- *Sent to Security Group, Personnel Security Vetting team (PSV), electronically via e-mail to the team's mailbox at Recruitment-decisions@justice.gov.uk marked: OFFICIAL - SENSITIVE - WITHDRAWAL*
- *A hard copy of the report form with signatures must be retained locally for audit purposes.*
- *A copy of the Outcome Letter must be sent with this form to PSV*

Personal Details of Individual (*this section must be completed in all cases*)

| | |
|--|--|
| Surname (enter in box) | |
| Forename (enter in box) | |
| Title (enter in box) | |
| National Insurance Number (AANNNNNNA) e.g. ZZ123456D | |
| Date of Birth (Enter DD MON YYYY) e.g. 23 Jun 1984 | |
| Name of Main Contractor; Probation Service | |
| Job Role (enter in box) | |
| Location of Business Unit | |
| Audit Trail | |
| Will the Police be informed? Y/N | |
| Will a DBS referral be submitted? Y/N | |
| Has authorisation been withdrawn pending investigation? | |
| Has a formal investigation taken place? If so, what is the investigation number? | |

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| | |
|---|--|
| Does the individual work in or have access to Authority systems/information If so, please provide a list? | |
|---|--|

Reason for Loss of Authorisation

Provide a (brief summary of events including policy under which action has been taken – e.g. poor performance/conduct/discipline)

Outcome

| | |
|---|--|
| Does the member of staff remain employed by HMPPS? | |
| Is the member of staff being re-deployed? | |
| Is this member of staff losing their Authority to Practise? | |
| Is the member of staff being removed from the Professional Register? (Line manager must update SOP). | |
| Is this member of staff being excluded from working in HMPPS? | |
| Length of Loss of Authorisation period / Exclusion period? | |
| Duration of withdrawal proposed- temporarily (pending investigation), immediately (Dismissal), permanently, (Gross Misconduct) and End Date of this period. | |

Signed by Line Manger and RPD

| | |
|--|--|
| Full Name Line Manager (enter in box) | |
| Job Role | |
| Signature of Line Manager Contractor, Sub Contractor, Voluntary Organisation | |

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| | |
|---|--|
| Date | |
| Authorised by (RPD for Probation Service) | |
| Date | |
| What to do next | |

When you have completed, please send a copy via e-mail to the Approvals and Compliance mailbox, with a copy of the outcome letter:

Recruitment-decisions@justice.gov.uk

For correspondence, their address is:

Security Group, Personnel Security Vetting Team
HMPS Shared Service Centre
PO Box 3037 Newport Gwent
NP20 9BB

When you have completed, please print and retain a copy locally.

Annex C: Guidance on the exclusion of individuals directly and non-directly employed

1. These procedures cover all individuals employed directly or non-directly by HMPPS or those who are engaged in any capacity through a supplier, however so engaged, of goods or services to HMPPS or where any work carried out for, or on behalf, of HMPPS or in a regulatory capacity. NDE workers will include all non-directly employed workers providing services to HMPPS organisations in the public and private sector through a contract for services. This incorporates those who are paid or unpaid. These procedures are to be applied to any DE staff or NDE worker is to be excluded on grounds of their behaviour or actions which are determined to pose a risk to the safety and security of the HMPPS estate, its staff, prisoners, people on probation or visitors or to the public at large.
2. Any individual employed directly (DE) by HMPPS will be dealt with under the relevant conduct and discipline procedures of HMPPS. All such individuals must be reported to the Personnel Security Vetting (PSV) team for their details to be entered on the Exclusion Register where their dismissal is deemed to pose a continued safety and security risk to the organisation.
3. Where the formal Conduct and Discipline Policy (PSI 2010-06 or PI 2014-34), has been followed and where an investigation report has been generated which led to the dismissal of a DE member of staff, for a reason that amounts to misconduct or gross misconduct (in accordance with the above mentioned policies) the relevant details must be entered onto the Exclusion Report Form at Annex A.
4. The individual must also be notified in writing of their exclusion using template letter at Annex D (NDE) or D1 (DE) and the date of the notification should be added to Annex A or Annex B.
5. Each person must be interviewed, and details entered onto the Exclusion Report Form at Annex A or B. If they decline to be interviewed or are unable to attend, for example, due to the nature of the incident, the details of the case *must* still be completed and entered on the form as far as is possible once a decision to exclude an individual has been reached. The individual must also be notified in writing of their exclusion and the date of the notification should be added to Annex A or B.
6. All parts of the form *must* be completed, although it may not always be possible to gain the individual's signature, this should be noted on the form with the phrase 'Declined to sign' or 'Unavailable to sign'. Where possible, and where it does not compromise any ongoing criminal investigation, safety or confidentiality, the reason(s) that led to the exclusion should be provided to the individual.
7. For **NDE** personnel - Interviews should be arranged by the Investigating Manager as soon after the incident as possible and a decision reached about excluding the individual. Where a criminal investigation has been initiated, this will take precedence over the exclusion interview. Once the interview has been completed the Exclusion Report Form *must* be signed by the investigating manager. If a local copy of this form and any associated documents are retained, these must be held in accordance with local data protection policy and comply with DPA and GDPR. For **DE** personnel – the Conduct and Discipline investigation process must be followed for any investigation.
8. A decision needs to be taken by the prison, probation or business unit about the duration of the exclusion, taking into account the seriousness of the misconduct and/or risk posed. All exclusion cases will need to take account of similar instances in order that a consistent approach is taken across the prison estate and probation. Further advice and guidance on this can be sought from PSV. For Probation individuals who are professionally registered, consideration also needs to be

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given to loss of authority alongside exclusion and guidance on this can be sought from the Probation Professional Register Policy Framework.

9. The Exclusion Report Form *must* then be sent by email to the PSV team recruitment-decisions@justice.gov.uk

Personnel Security Vetting team – Initial Procedures

10. When PSV receive the notification of exclusion, this will be logged on the Exclusion Register and the Counter Corruption Unit (CCU) will also be notified. The originating prison establishment or business unit is then notified that the exclusion and vetting record have been updated accordingly.
11. If the scope of the exclusion proposed by the prison or business unit differs significantly from those imposed in other parts of the HMPPS estate for similar incidents, the PSV will notify the prison or business unit of the consistent sanction which has been applied in the past. It is at the discretion of the Governor/Director or their equivalents in other HMPPS organisations if the scope of the exclusion sanction is amended or stands. Where the sanction differs, it is for the relevant Governor/Director to defend the sanction should it be challenged. If it is amended this *must* be notified to the Personnel Security Vetting team.
12. Once the above has been agreed and the Exclusions Register has been updated, a notification will be sent to SSCL by the PSV team to ensure that all vetting records are revoked.

Follow Up Action in Prisons or Business Units

13. Once the exclusion is confirmed, and the Governor or equivalent is content with the duration of the exclusion the prison/business unit need to notify the exclusion in writing to the main contractor/VCSE organisation or service provider within 10 working days of receipt, by sending the Notification of Exclusion Form shown in Annex D. In the case of directly employed personnel, they must be notified using the template set out in Annex D1.
14. A copy of the Annex D or D1 letter must also be forwarded to the Personnel Security Vetting team (via email - recruitment-decisions@justice.gov.uk) as this would form part of the case, in the event that an appeal is logged with the PGD, RPD or equivalent senior manager.
15. For NDE personnel - In most circumstances it will be necessary for the contractor to provide a replacement worker in order to fulfil the requirements of the contract; this may not extend to volunteers, but any replacement will need vetting to the appropriate level.
16. The contractor will be expected to remove the excluded worker from all HMPPS locations and business in which they are working if they have not already done so. Each case will be reconsidered after the exclusion period has expired on its own merits.

Non-Directly Employed Personnel Working in Multiple Locations

17. It is common for NDE workers to undertake services in a number of prison establishments or business units as part of a wider contract. It is important this is logged nationally on the Exclusion Register and communicated to Governors, RPD and the Counter Corruption Unit (CCU).

Notification of Exclusion to any HMPPS DE personnel

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18. Notification must be provided to the former employee in writing using the letter at Annex D1.

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Annex D: Notification of exclusion of any Non Directly Employed (NDE) worker (to the individual and their employer)

OFFICIAL – SENSITIVE

[Name and address of Employer organisation]

Name of Worker

National Insurance No.

HMPPS Business Location

Cc Personnel Security Vetting team

[Date]

Dear [Name of Contract Manager/equivalent or Sir/Madam] [TO BE FORMATTED]

[I/We] have received evidence concerning an incident [brief description of misconduct including dates if available]. Having examined the details of the case a decision was made to exclude [name of worker/you] from the [Please specify current location, e.g. HMP/YOI Hull, Kent, Surrey, Sussex Probation Region] location.

This exclusion applies for [specify in month/years or state “indefinite period”] with immediate effect and includes all His Majesty’s Prison and Probation Service (HMPPS) work locations. Their/Your name will be placed on the Exclusions Register, which is a nationally held database. This means that [name of worker/you] will not be considered for employment or to work in any capacity with HMPPS, until this time period expires.

DELETE IF NOT REQUIRED - The decision to exclude [name of worker/you] from HMPPS sites was made in their/your absence as they/you had resigned/resigned under investigation and/or chosen not to participate in the investigation process (delete as appropriate). A result has been reached in their/your absence based on the evidence available.

The individual's/Your [delete as appropriate] personal details may be provided to the Disclosure and Barring Service or other agency under relevant legislation for the purpose of the protection of children and vulnerable adults.

Details of the specific allegations against the individual/you and the supporting evidence are detailed below:

Allegation of Misconduct

It is reported that [name of worker/you] [Give details of what the individual has actually done, including dates and how and when the misconduct occurred – *only release information which can be disclosed*]

Basis of Decision

[Give brief details of supporting documentary evidence and witnesses (include a copy of any witness or complainant statements - *unless the information cannot be disclosed / is restricted*)]

[I/We] have to consider the overall safety and security of the [prison establishment/business unit] and in this case we consider that a fundamental breach of security and/or trust between you/the individual and the organisation has broken down.

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Representations can be made against the exclusion [through you as the main contractor/Voluntary organisation or directly by you (the individual) where no other avenue is available]. Any written statement and further evidence they/you wish to submit must be collated and sent to you [delete if individual appealing] for despatch to the Personnel Security Vetting team.

During the period any representation is being considered, you/the individual will not be allowed into any other prison or HMPPS location for security reasons.

Before you/the individual decides how to respond to this letter, you/they are recommended to read the HMPPS Exclusion Policy Framework, available from:

https://www.gov.uk/government/publications/policy-frameworks-index

An Exclusion Representation Authority will consider the evidence of the case and advise their decision by correspondence.

Exceptionally, oral representations will be considered if there is deemed to be evidence so compelling that it can only be presented at a meeting and will materially affect the exclusion. An agreement to consider oral representation can only be accepted or refused at the discretion of the respective Deputy Director or equivalent whose decision will be final. It is the responsibility of the service provider to ensure there are legitimate and credible grounds for the request.

Please indicate which option you have chosen and advise us by email:

Recruitment-decisions@justice.gov.uk

- No further action, or:
- I wish to make appeal against the decision.

If you wish to appeal, please provide the reason by selecting one of the following:

1. The evidence considered by the decision maker was incorrect or incomplete
 2. The decision to apply an exclusion was disproportionate to the alleged incident/breach
 3. The length of exclusion was excessive
 4. Any other reason - please give the reason here:
-
-

If you wish to appeal, please either provide details below, or send them in a separate letter. In either case, please attach any supporting paperwork.

All paperwork relating to a representation must be received by us within 15 working days of the date of this letter.

If we have not heard from you by [date] the case will be closed and no further representations will be accepted.

[Name of worker] will also receive a copy of this letter – DELETE IF APPROPRIATE.

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[Name/s]

[Investigating Manager or equivalent]

Note – once this letter has been completed, remove all brackets, all blue/green/red font and this box.

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Annex D1: Notification of Exclusion to a person Directly Employed by HMPPS

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[Name and address of HMPPS]

Name of Employee

National Insurance No.

HMPPS Business Location

Cc Personnel Security Vetting team

[Date]

Dear [Name of person being excluded]

[I/We] have received evidence concerning an incident [brief description of misconduct including dates if available]. Having examined the details of the case a decision was made to exclude you from the [Please specify current location, e.g. HMP/YOI Hull, Kent, Surrey, Sussex Probation Region] location.

This exclusion applies for [specify in month/years or state “indefinite period”] with immediate effect and includes all His Majesty’s Prison and Probation Service (HMPPS) work locations. Your name will be placed on the Exclusions Register, which is a nationally held database. This means that you will not be considered for employment or to work in any capacity with HMPPS, until this time period expires.

DELETE IF NOT REQUIRED - The decision to exclude you from HMPPS sites was made in your absence as you had resigned/resigned under investigation and/or chosen not to participate in the investigation process (delete as appropriate). A result has been reached in your absence based on the evidence available.

Your personal details may be provided to the Disclosure and Barring Service or other agency under relevant legislation for the purpose of the protection of children and vulnerable adults.

Details of the specific allegations against you and the supporting evidence are detailed below:

Allegation of Misconduct

It is reported that you [Give details of what the individual has actually done, including dates and how and when the misconduct occurred – *only release information which can be disclosed*]

Basis of Decision

[Give brief details of supporting documentary evidence and witnesses (include a copy of any witness or complainant statements - *unless the information cannot be disclosed / is restricted*)]

[I/We] have to consider the overall safety and security of the [prison establishment/business unit] and in this case we consider that a fundamental breach of security and/or trust between you and the organisation has broken down.

You can appeal against the exclusion by replying to this letter. Any written statement and further evidence you may wish to submit *must* be collated and sent to you for despatch to the Personnel Security Vetting team. Individual representations sent directly to the prison establishment or business unit *will not* be considered.

During the period any representation is being considered, you will not be allowed into any other prison or HMPPS location for security reasons.

Before you decide how to respond to this letter, you are recommended to read the HMPPS Exclusion Policy Framework, available from:

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https://www.gov.uk/government/publications/policy-frameworks-index

An Exclusion Representation Authority will consider the evidence of the case and advise their decision by correspondence.

Exceptionally, oral representations will be considered if there is deemed to be evidence so compelling that it can only be presented at a meeting and will materially affect the exclusion. An agreement to consider oral representation can only be accepted or refused at the discretion of the respective Deputy Director or equivalent whose decision will be final.

Please indicate which option you have chosen and advise us by email:

Recruitment-decisions@justice.gov.uk

- No further action, or:
- I wish to make appeal against the decision.

If you wish to appeal, please provide the reason by selecting one of the following:

1. The evidence considered by the decision maker was incorrect or incomplete
 2. The decision to apply an exclusion was disproportionate to the alleged incident/breach
 3. The length of exclusion was excessive
 4. Any other reason - please give the reason here:
-
-

If you wish to appeal, please either provide details below, or send them in a separate letter. In either case, please attach any supporting paperwork.

We will consider your comments and the other details of the case and send you our decision in writing after consideration of the evidence presented. **All paperwork relating to a representation *must* be received by us within 15 working days of the date of this letter.**

If we have not heard from you by [date] the case will be closed, and no further representations will be accepted.

[Name/s]

[Investigating Manager or equivalent]

Note – once this letter has been completed, remove all brackets, all blue/red font and this box.

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Annex E: Decision of the Representations Authority on Exclusion

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[Name and address of main Employer organisation]

Name of Worker.....

National Insurance No.

HMPPS Business Location

Cc Personnel Security Vetting (PSV) team

[Date]

Dear [Name of Employer Manager or Sir/Madam]

[I/We] have now considered all the facts of the case and based on the body of evidence have decided the decision to exclude [name of worker/you] stands. The exclusion is:

[Please specify duration of the sanction and the effective date it applies from] You will need to ensure [name of worker/you] will/are not be deployed in any HMPPS locations.

In making [my/our] decision [I/we] have considered all the facts available including [list all documentary evidence]. [I/We] have also taken into account remarks in their/your written statement dated [day/month/year] and have considered [name of worker/you] previous [good] conduct.

Based on the above body of evidence I am satisfied that [name of worker/you] did [detail the allegation of misconduct, when and where it occurred]. Therefore, the decision to exclude [name of worker/you] from HMPPS remains. This exclusion applies for [specify in month/years] with immediate effect and includes all HMPPS work locations. Their/Your name will be placed on the Exclusions Register, which is a nationally held database. This means that [name of worker/you] will not be considered for employment with His Majesty's Prison and Probation Service (HMPPS), until this period of time expires.

This decision is final and is based on a balanced consideration of all the evidence. No further representations will be accepted.

[Name of excluded person] will also receive a copy of this letter – DELETE AS APPROPRIATE.

[Name/s]

[Group / Deputy Director or their equivalent]

Note – once this letter has been completed, remove all brackets, all blue font and this box.

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Annex F: Template letter for use only if the decision of the Representations Authority on Exclusion has been subsequently rescinded

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[Name and address of Employer organisation]

[Name of Worker]

[HMPPS Location]

cc Personnel Security Vetting (PSV) team

[Date]

[I/We] have now considered all the facts of [name of former employee/worker/you] case and have decided that the [allegation/complaint] is not proven [give reasons why]. The exclusion is therefore removed and [name of former employee/worker/you] will be allowed to continue to provide services to His Majesty's Prison and Probation Service (HMPPS) organisation.

Any record of the vetting status of the former employee/worker/you will be adjusted to reflect this decision.

You should contact the business unit to make arrangements for a suitable date for [name of former employee/worker/yourself] to restart work.

[Name of former employee or worker] will also receive a copy of this letter – DELETE AS APPROPRIATE.

Thank you for your co-operation.

[Name]

[Group / Deputy Director or their equivalent]

[Representations Authority]

Note – once this letter has been completed, remove all brackets, all blue font and this box.

Annex G: Roles and responsibilities of those involved in exclusion

Directorate of Security - Personnel Security Vetting (PSV) team

This team is headed by an operational manager and non-operational staff who maintain a record of all applicants excluded under this policy. They will update the Exclusion Register and provide the Governor/Director/Controller/Head of Group with the normal sanction that has been applied nationally for the particular categories of exclusion, in order to provide a national context. They also receive notification of cases from the Group / Deputy Director that have been subject to representation where the exclusion sanction has been amended or rescinded.

Contractors and Service Providers Manager

Any concerns expressed by workers relating to their exclusion from a HMPPS site *must* be managed by the contract providers. It is the responsibility of the contractor or voluntary organisation to advise the worker of the formal decision to exclude both pending investigation and at the outcome of the investigation process. Where the worker wishes to present additional evidence through Representations this *must* also be managed by the contract manager. Governors/Directors/Controllers and Heads of Unit will **not** engage in direct correspondence with individual workers on exclusions, unless they are a standalone role not linked to any other service provider or contractor, along with individuals who are no longer employed by the contractor or service provider and have no other means of making representations against a decision to exclude.

Contractors and Voluntary Organisations

All contractors, voluntary organisations and individual volunteers *must* comply with HMPPS policies and procedures when working at the organisation's sites and ensure that sub-contractors and their workers are explicitly made aware of their personal responsibilities for safety and security. They *must* also ensure they have received adequate training and instructions and have the competence to carry out their work efficiently. Correspondence from the establishment/business unit *must* always be directed to the main contractor/voluntary organisation or equivalent, which holds contractual responsibility for the satisfactory delivery of the services provided and the behaviour of their workers.

Probation Service

The Probation Service (formerly the National Probation Service) for England and Wales is a statutory criminal justice service, mainly responsible for the supervision of people on probation and the provision of reports to the criminal courts to assist them in their sentencing duties.

Controllers and PECS Contract Managers

Responsibility in the line for the contracted prison and escort sector for revocation of certificates and badges for Prison Custody Officer's (PCO's) will be dealt with by Directors in collaboration with Controllers and separately contract managers in PECS. Incidents of exclusions/dismissals *must* be reported to the Directorate of Security - Personnel Security Vetting team by the Directors in prisons and contract managers on the PECS contracts. Any subsequent representations of individuals employed directly by escort companies will be made to the company in the usual manner.

Group / Deputy Directors / Regional Probation Directors

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Group / Deputy Directors / RPDs are responsible for considering any representation cases and notifying the outcome to the prison or equivalent elsewhere in HMPPS, contract supplier and PSV. It is at the sole discretion of the Group / Deputy Director / RPD to decide if they wish to accept oral representations by exception. Evidence will be so compelling that a meeting is deemed worthwhile.

Governors/Directors/Heads of Unit

The Prison Governor, Probation Service Senior Manager, Director of the Private Prison, Head of Unit or their nominated representative will consider the duration of any exclusion. This will be notified to the contractor and/or individual and subsequently reported to PSV team who will note their records. The Governor and equivalent retain discretion on the duration of the exclusion, but the Personnel Security Vetting team will be able to assist and provide information regarding similar cases, so that a consistency of approach is maintained.

Shared Services Connected Limited (SSCL)

SSCL are responsible for managing the processing and the updating of security vetting records for staff and non directly employed workers. They will receive the confirmation of the exclusion via ACT, notice of which will give the authority to SSCL to update the vetting record accordingly. They will also update the vetting record when a representation against exclusion is successful.

Volunteers

For those individuals who provide voluntary services through a voluntary organisation, the principals outlined relating to workers excluded will still apply where this is co-ordinated through a central or regional management/ administrative function. But where voluntary services are provided on an ad hoc basis without central co-ordination, there will be a requirement by the prison or business unit to engage directly with the individual throughout any exclusion procedure. The voluntary term encompasses voluntary and community organisations, charities, social enterprises, co-operatives and mutuals both large and small.

Annex H: Some examples of exclusions and the kinds of sanctions that may be imposed on NON-DIRECTLY EMPLOYED (NDE) individuals

Example 1

J provides educational services to the prison, a role they have been undertaking for 6 months via the educational provider. Whilst J is providing training, an office that they have been using is found unlocked in an area where prisoners have access. A written warning has been issued to them previously in regard to the office being left open. This is the second incident and in this case it is decided that exclusion will be considered.

J is interviewed by the Head of Security and Intel as the Investigating Manager and a member of the security department, who explain the reason they have been asked to meet with them. J admits the lapse and apologises appreciating the seriousness of the incident, although feels being excluded is disproportionate.

It is explained to J that as they have compromised the safety and security of the prison on a further occasion, they will be excluded. Such incidents of misconduct are serious breaches of protocol and although new to the prison regime, as this is a second incident it is decided they will be excluded from HMPPS for 1 year. This does prevent J from applying and working at any other HMPPS site for the specified time.

The Investigating Manager completes the **Annex A: Exclusion Report Form** and in this case J signs the form to acknowledge that the reason for their exclusion has been explained to them and that they understand the investigation process. This is sent to the Personnel Security Vetting team, who log the exclusion adding J's name to the Exclusion Register. The Personnel Security Vetting team will inform Shared Services to remove any vetting clearance. J is escorted from the prison and the contractor is notified of the exclusion using the **Annex D: Notification of exclusion of any NDE person to them and their employer**.

Example 2

P provides minor building services to the prison on a contractual basis and has been working on and off in the prison for the last 5 years. There has been an increase in the number of attempts to smuggle mobile phones into the prison and intelligence indicates P is suspected of being involved. Subsequently P is intercepted conveying a number of unauthorised items into the prison including SIM cards and an unknown substance believed to be cannabis.

P is immediately taken to the Security Department and interviewed. They refuse to explain anything about the incident; P is advised that this is such a serious breach of trust and threat to the safety and security of the prison that the police have been notified to consider criminal prosecution. It is decided that due to the seriousness of the incident P will be excluded nationally for a period of 10 years.

P refuses to sign the **Annex A: Exclusion Report Form** and is held until the police attend and remove them to be charged. The form is completed and signed by the Investigating Manager who is dealing with the incident. Under the signatory box for the excluded worker the phrase 'Declined to Sign' is added to the Report form. The form is sent to the Personnel Security Vetting team in order that the exclusion can be logged, and P's name is added to the Exclusion Register.

The Investigating Manager completes the **Annex D: Notification of exclusion of any NDE person to them and their employer**. This is sent to the main contractor for their action.

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Example 3

A, a healthcare assistant employed through the local Primary Care Trust is caught trying to bring unauthorised items into the prison.

A is interviewed and it is decided that they should be excluded. A agrees to sign **Annex A: Exclusion Report Form** and is subject to a national exclusion for 10 years. The police undertake an investigation in order to determine if there is sufficient evidence for a criminal prosecution.

The Investigating Manager completes the **Annex D: Notification of exclusion of any NDE person to them and their employer**. This is sent to the main contractor for their action.

Example 4

K, an agency Probation Officer discloses third party personal data, contrary to HMPPS Data Policy to a service user who they have been working with for some time. The breach is uncovered, and K is immediately interviewed to provide their account of events. K denies any wrongdoing and states this was a misunderstanding. K is informed that this is a serious breach of trust, breaks data protection rules and poses a serious risk to the safety and security of HMPPS. All the evidence available is considered, and it is decided that due to the seriousness of the incident K will be excluded for a period of 5 years.

During the formal hearing K is informed of the exclusion but refuses to sign the **Annex A: Exclusion Report Form**. The form is completed and signed by the Investigating Manager or equivalent. Under the signatory box for the excluded worker the phrase 'Declined to Sign' is added to the Report form. The form is sent to the Personnel Security Vetting team in order that the exclusion can be logged, and K's name added to the Exclusion Register. The Personnel Security Vetting team will inform Shared Services to remove any vetting clearance.

K is escorted from the prison and the contractor is notified of the exclusion using the **Annex D: Notification of exclusion of any NDE person to them and their employer**.

Annex I: Some examples of exclusions and the kinds of sanctions that may be imposed on DIRECTLY EMPLOYED (DE) individuals

Example 1

D, a well-regarded Probation Officer who served a valued length of time within HMPPS, starts to drink heavily and this is not known to their line manager or anyone else they work with. They are arrested for drink driving a number of times over a short period of time. D discloses one of these arrests, but not the others. The others come to light, and D is immediately suspended, pending investigation under the loss of authority and conduct and discipline policy.

D is interviewed by the Interviewing Manager for all the evidence is fully considered, and the full disciplinary process followed. Once complete, the decision is taken to dismiss D and also remove their authority to practice as a probation officer. It is decided that D should also be placed on the Exclusion Register, as their integrity has come into question, for failing to disclose some of the offences. D is notified of the reason for the exclusion and agrees to sign **Annex B: Exclusion Report Form**. The exclusion is set for five years, the same amount of time as their loss of authorisation to practise. This process should be followed under the Probation Professional Register Framework for both Exclusion and Loss of Authority. D is provided with support and signposted to relevant agencies throughout the process.

The Investigating Manager completes the **Annex D1** letter to inform D in writing of the outcome – which has resulted in them being placed on the Exclusion Register (the reason for this, the time period applied and what this means for the person) and the removal of their authorisation to practice as a Probation Officer.

To note: the time sanction applied for the loss of authorisation to practice and the time sanction for the exclusion should generally mirror each other but they are not linked and discretion exists to extend the length of the exclusion.

Example 2

During a routine search, S, a Prison Officer is found to have a small quantity of drugs found in the sole of their shoe. S could not explain how the drugs had got there when questioned and it was suspected that they were trafficking them in for a prisoner on a wing they had been working on. S is immediately reported to the police and taken away to be interviewed.

Once all the evidence available is fully considered, and the full disciplinary process has been completed, the case results in dismissal. It is then decided that due to the seriousness of the incident S will be excluded for a period of 10 years.

During the formal disciplinary hearing S is informed of the exclusion but refuses to sign **Annex A: Exclusion Report Form**. The form is completed and signed by the Investigating Manager. Under the signatory box for the excluded person the phrase 'Declined to Sign' is added to the Report form. The form is sent to the Personnel Security Vetting team in order that the exclusion can be logged, and the name added to the Exclusion Register. The Investigating Manager completes the **Annex B1** letter to inform S of the outcome.

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Example 3

Q, a Probation Officer, forms an inappropriate relationship with a person on probation who they have been working with for some time, and it is discovered that Q has edited and removed papers from the person's files to assist them with their hearings.

Q is immediately called to account and interviewed. Q refuses to discuss what is presented to them and denies any wrongdoing. Q is advised that this is a serious breach of trust and that they pose a risk to the safety and security of HMPPS as an organisation. The police are notified to investigate any criminal aspects to the case. Once all the evidence available is considered, and the full disciplinary process has been followed, it leads to dismissal. It is decided that due to the seriousness of the incident Q will be excluded for a period of 10 years and lose their authority to practice as a probation officer. This process should be followed under the Probation Professional Register Framework for both Exclusion and Loss of Authority. Q is provided with support and signposted to relevant agencies throughout the process.

During the formal disciplinary hearing Q is informed of the exclusion but refuses to sign the **Annex A: Exclusion Report Form**. The form is completed and signed by the Investigating Manager. Under the signatory box for the excluded worker the phrase 'Declined to Sign' is added to the Report form. The form is sent to the Personnel Security Vetting team in order that the exclusion can be logged, and Q's name added to the Exclusion Register.

The Investigating Manager completes the Annex D1 letter to inform Q of the outcome – which was to dismiss Q, place them on the Exclusion Register (the reason for this, for how long and what this means for them) and the removal of their authorisation to practice as a Probation Officer for 10 years

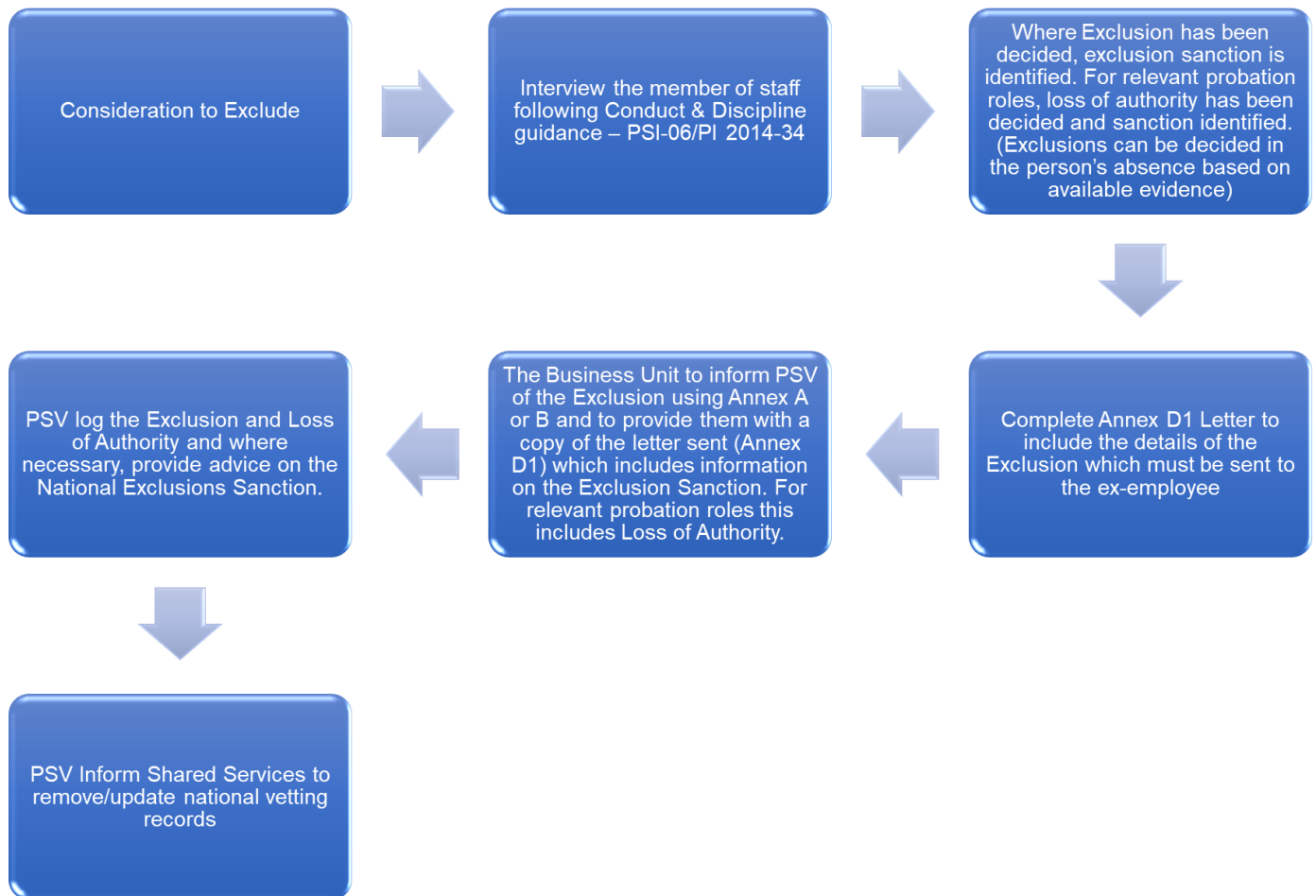
To note: the time sanction applied for the loss of authorisation to practice and the time sanction for the exclusion should mirror each other.

Example 4

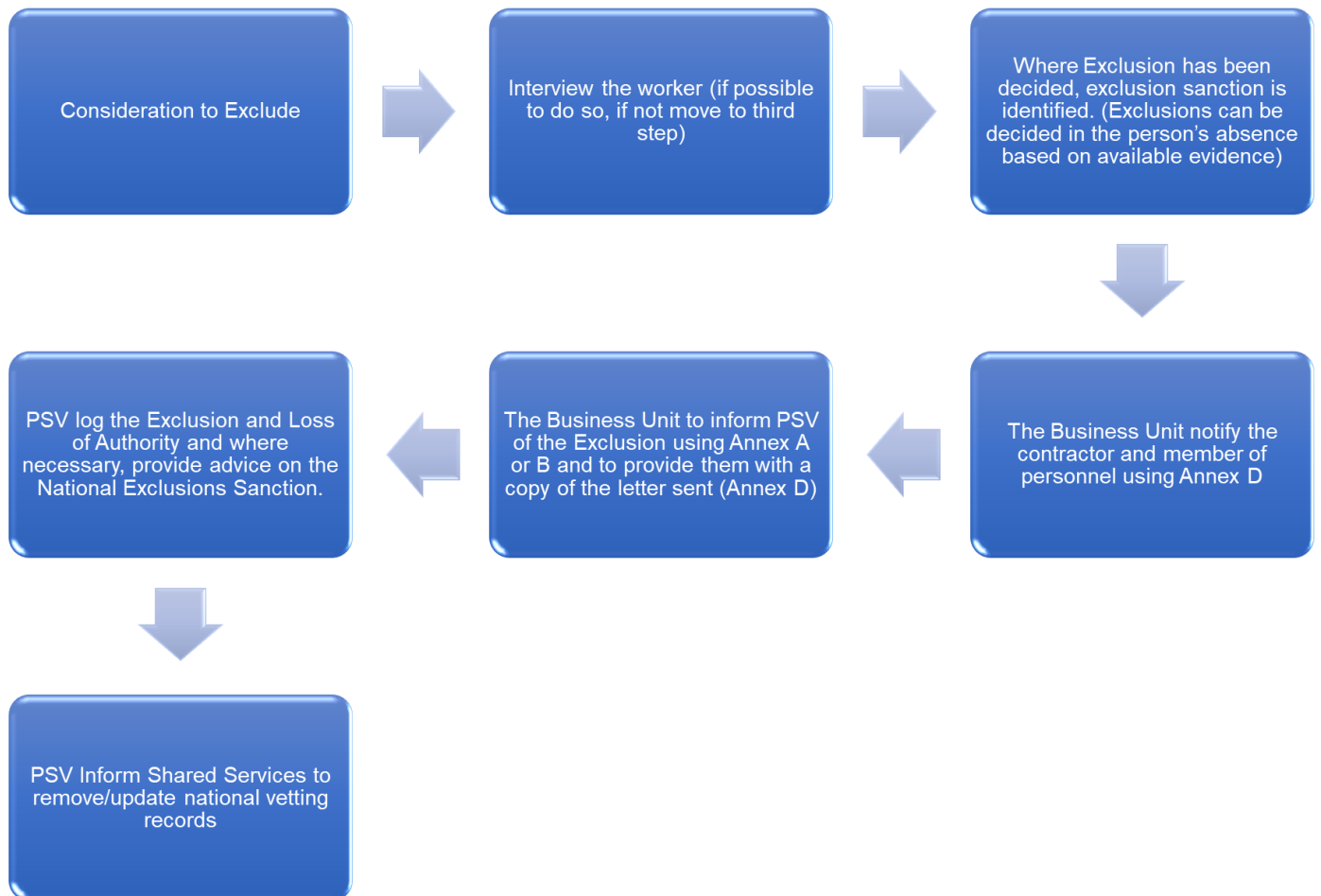
During a routine search, T, a Prison Officer is found to have a small quantity of drugs concealed on their person. On further investigation, it was revealed that the drugs had been supplied by a well-known organised criminal gang. When T's home was searched police found over £20,000 in cash. T had, over a five-year period, taken several holidays with their family that had cost between £7,000 and £11,000 each. T and their partner both owned luxury cars bought new. At trial, T, who pleaded not guilty on all charges was found guilty of possession but acquitted on all other charges. They were sentenced to 36 months in prison. During the police investigation, T was temporarily suspended and excluded from all HMPPS premises on a temporary basis. On conclusion of the trial, T was excluded for an indefinite period. The reason given by the Governor at the time of the exclusion was that, despite the acquittal, there was, on balance, sufficient reliable information that T had over several years played a major part in the criminal conspiracy to supply drugs to several prisons.

T appealed against the exclusion decision on the basis of his acquittal on the most serious charges. This appeal was rejected given the overwhelming balance of probabilities indicating his involvement in the major conspiracy.

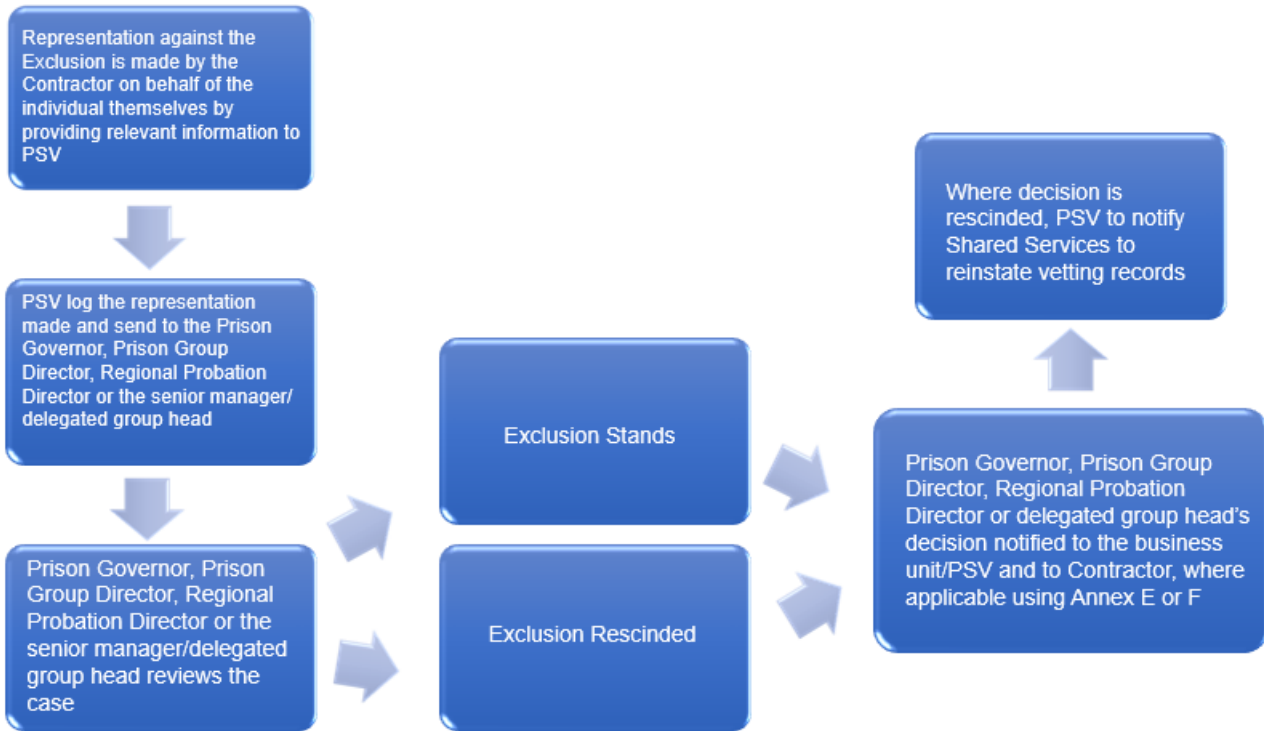
Annex J: Exclusions Process Map - Directly Employed personnel



Annex K: Exclusions Process Map – Non Directly Employed workers



Annex L: Appeals Process - Directly Employed personnel & Non Directly Employed workers



Relevant job roles include all paid or unpaid roles that require attendance at any HMPPS premises, any premises managed on behalf of HMPPS, or any roles carried out for or on behalf of HMPPS, whether directly employed (DE), non-directly employed (NDE) or however so retained/engaged.

Relevant job roles also include those employed by contractors and other partners of HMPPS, including voluntary, community and social enterprises (VCSE) for any work that will include attendance at any HMPPS premises, or any work carried out on behalf of HMPPS at any location.