

## 1. Guidance on the Barred List review process for professional standards departments

- 1.1. Before progressing an application for removal from the Barred List, please ensure that you have fully read and understood this guidance. This document outlines the full process, timeframes and pertinent information for an application.
- 1.2. This process is to check that those who apply for their names to be removed from the Barred List are suitable to return to policing should they apply after successfully being removed from the Barred List.
- 1.3. It is also recommended that forces consider referring to **The Police Barred List and Police Advisory List Regulations 2017** and Section 7 of the **Home Office Guidance, Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing 2020**.

## 2. On receipt of an application

- 2.1. In advance of an application being submitted to a force, it will have been sent to the College of Policing ('the College') who will have ensured that individuals are eligible to apply for their name to be removed from the Barred List by checking if:
  - a. They were added to the Barred List three years ago, or longer, for gross incompetence.
  - b. They were added to the Barred List five years ago, or longer, for gross misconduct.
  - c. A period of three years or more has passed since their last application, if dismissed for gross incompetence.
  - d. A period of five years or more has passed since their last application, if dismissed for gross misconduct.
  - e. Following a previous application, another timeframe has been set, which has now elapsed.

- 2.2. The application will then be forwarded to the force [head of professional standards department (PSD)/appropriate authority]. From receipt of the application, the force has 20 working days in which to complete their part of the process. In some extenuating circumstances, this can be extended to 60 working days if the force feels the application is considerably lacking in information required to make a decision. For more information on this, please refer to section 4.2.
- 2.3. This application will not go through a full and formal vetting process, however a preliminary check will be done on the applicant. For consistency, the College recommends this is done by the Vetting Unit. For further details on what should be checked, please see section 2.5.
- 2.4. This check will take place on the applicant only, no third parties, to ensure that there is nothing that would be likely to exclude them from passing elements of basic police vetting standards. The check will highlight anything that would indicate they may not be eligible to work within a police force, if they were to apply for a job vacancy in policing in the future.
- 2.5. This check will include:
- Police National Computer
  - Police National Database (PND)
  - Local intelligence systems
  - Relevant force systems, such as PSD or HR
- This will check whether there have been any convictions made since the dismissal, which may impact on public confidence and may contradict any aspects of the application submitted. This could also include other information and/or intelligence that immediately indicates an individual may not be suitable to be removed from the Barred List.
- 2.6. At this stage it is important to note that we are not asking for any determinations to be made in regard to the information found, solely for the checks to be conducted and anything of note passed on to the [head of PSD/appropriate authority] who will use this to inform their assessment and recommendation to the College.

### 3. Force assessment

- 3.1. Once this preliminary check has been conducted, the details of the check will be passed to the [head of PSD/appropriate authority] to make an assessment, also using the application submitted by the individual, the reason for dismissal, and details of the misconduct hearing (the outcome of the hearing and the final report written by the hearing chair<sup>1</sup>) to make a recommendation. Where the case was presented at a hearing by the Independent Office for Police Conduct, it is recommended that they are included in any discussions or decisions at this stage.
- 3.2. The [head of PSD/appropriate authority] is reminded that this is not a process to appeal the dismissal or reason for dismissal. Rather they should consider:
- the individual's demonstration of their suitability to return to policing
  - the circumstances that led to the original decision/finding
  - the impact removing their barred status might have on public confidence in the police (**paragraph 21.37, Home Office Guidance, Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing 2020**)<sup>2</sup>

### 4. Providing a recommendation to the College

- 4.1. At this stage, and within 20 days, the [head of PSD/appropriate authority] will recommend to the College either of the following, along with a clear rationale to inform the subsequent decision made by the College:
- i. recommendation (along with rationale) to the College that the name is removed from the Barred List
  - ii. recommendation (along with rationale, outlining concerns) that the name is not removed from the Barred List
- 4.2. If the [head of PSD/appropriate authority] decides that they require further information, they must update the College within 20 days that this is the case. The

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<sup>1</sup> See paragraphs 11.153-11.157 of the Home Office publication 'Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing'.

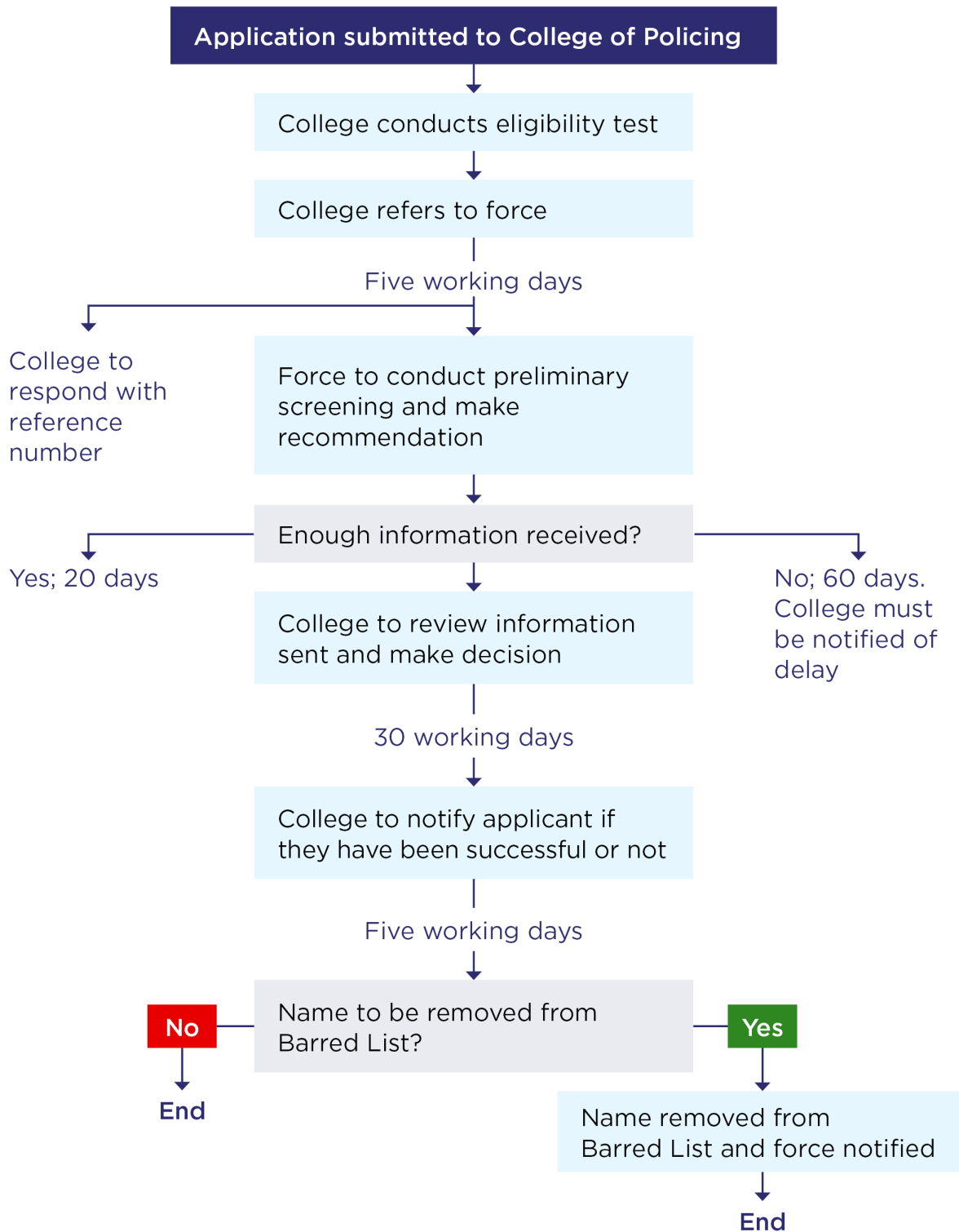
<sup>2</sup> See also Regulation 7(6) of The Police Barred List and Police Advisory List Regulations 2017.

College may request further updates at other time intervals to ensure progress. The assessment and recommendation must be completed as soon as practicable, and in any case completed and the recommendation supplied to the College within 60 working days from receipt of application. This is intended to allow time for referees to be contacted and a meeting set up where appropriate.

- 4.3. The recommendation you submit to the College must have a comprehensive rationale on the College template, and be returned to [BarredListReviews@college.pnn.police.uk](mailto:BarredListReviews@college.pnn.police.uk) within the 20 or 60 working day timeframes outlined previously, along with any supporting evidence. This recommendation is **not** the final decision and will only be taken into consideration by the College. It should be noted that the College does not hold any information on anyone dismissed from forces, other than what is required for the Barred List. Therefore, it is important that the College is provided all the relevant information on the matter to make an informed decision.
- 4.4. The College will make the final decision as to whether the application is supported or not, considering the recommendation and rationale submitted by the force. If there are any doubts as to why the recommendation has been made, the College may go back to the [head of PSD/appropriate authority] for further clarity.
- 4.5. On making this final decision, the College will take into consideration:
- the individual's demonstration of their suitability to return to policing
  - the circumstances that led to the original case-to-answer decision
  - the impact removing their barred status might have on public confidence in the police (**Home Office Guidance on Police Misconduct, Annex I (1.36)**)
- 4.6. 'The College of Policing must also consider the impact which removing the individual from the Barred List may have on public confidence in the police. This will be intrinsically linked with the nature and circumstances of the dismissal and the level of harm caused. It is essential that, in cases where it is not suitable that an individual's barred status be removed, they continue to be barred from working within policing and specified law enforcement bodies.' (**paragraph 21.40, Home Office Guidance, Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing 2020**).

## 5. Timeframes

- 5.1. The whole process should take no longer than 60 working days from the application date, except in exceptional circumstances where it may take up to 100 working days.



## 6. What next?

6.1. Following this process there will be two outcomes available:

- a. Removal from Barred List
- b. Remain on Barred List

There is no appeal for this process. The applicant will, however, be able to reapply once again in three years if dismissed for gross incompetence, or five years if they were dismissed for gross misconduct. There may be occasions where the College decides to reduce this period of time.

6.2. If 6.1 (a) applies, the College will let the applicant and the [head of PSD/appropriate authority] know within five working days, as indicated above, and will remove the applicant's name from the Barred List in this timeframe. In this same timeframe, the force will also remove PND markers from the individual's record.

6.3. Following this, the applicant will be able to apply for roles in policing, no longer having the status of being a barred person.

6.4. If 6.1 (b) applies, the applicant and the [head of PSD/appropriate authority] will be notified within five working days. The applicant's name will remain on the Barred List, they will remain a barred person and forces will continue to be unable to employ them.