

1. Guidance on the Barred List review for applicants

- 1.1. Before completing the 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 your application.
- 1.2. It is recommended that applicants 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. Before completing the application

- 2.1. Before you complete the application process, it is important to note that applications will only be accepted if:
 - a. You were added to the Barred List three years ago, or longer, for gross incompetence.
 - b. You 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 your last application, if dismissed for gross incompetence.
 - d. A period of five years or more has passed since your last application, if dismissed for gross misconduct.
 - e. Following a previous application, another timeframe has been set, which has now elapsed.¹

¹ The three or five-year period commences from the date on which you are added to the Barred List, not the date of your dismissal. The period of a year is the normal passing of a calendar year from that point in time. For example, if you were added to the Barred List on 15 January 2018, you can ask for a review for gross incompetence from 16 January 2021 (ie, the expiry of a three-year minimum period) or for gross misconduct from 16 January 2023 (ie, the expiry of a five-year minimum period).

- 2.2. Although this application does not go through a full and formal vetting process, a preliminary check will be done by the originating force. Therefore, applicants are recommended to consider Section 8 of the **College of Policing Vetting APP May 2019**; in particular sections 7.2 and 7.3², which outline some of the considerations that may be taken into account when carrying out this initial check, and which may therefore affect an application.
- 2.3. This is not a process to appeal your dismissal; this would have been dealt with under the Police Appeal Tribunal (PAT) rules at the time of your dismissal if you appealed the outcome of the disciplinary hearing.
- 2.4. Any information you submit may be held by the College of Policing ('the College') or originating force, in line with general data protection regulation (GDPR)³ and Management of Police Information⁴ guidance.
- 2.5. Note that the main criteria for a successful application is evidence that you are suitable to potentially return to policing, subject to a full recruitment and vetting process.

3. Completing the application

- 3.1. Instructions have been created to assist you in completing the application form, which can be found at Appendix A on the form. Ensure that, when completing the form, you give as much information and supporting evidence as you feel is relevant to your application. The form must be completed in full, except where the instructions indicate otherwise. If you have any concerns or queries about the form, please contact your originating force, or the College at **BarredListReviews@college.pnn.police.uk**.

4. Application process

- 4.1. Once the College has received your application, it will be logged and checked for eligibility for review. This simply means that the length of time since you were added

² 'Assessing threat and risk' and 'Convictions and cautions considerations', Vetting APP May 2019.

³ **General data protection regulation 2018**

⁴ **Management of Police Information 2014**

to the Barred List will be checked and whether the criteria outlined in paragraph 2.1 is met. The application will be given a unique reference number, which will be sent to you within five working days following the application being logged. From this stage, you will not receive updates until the application form has progressed through the whole process, which is outlined at 4.12. The application will be processed as expeditiously as possible and you will either be contacted for additional information or at the end of the process with an outcome. Contacting the College or the originating force for updates on the progress of the application is likely to delay any progress, and it is unlikely that either the College or originating force will be able to provide you with any information other than that the application is in progress and an outcome decision will be made as soon as practicable.

- 4.2. The College will make their decision with the a recommendation from the force (see 4.4 onwards) and ‘in particular consideration of:
- 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**)⁵
- 4.3. ‘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**).
- 4.4. The next stage of the process, therefore, will be to send the application to the originating force. A preliminary, pre-screening check will be done by the originating

⁵ See also Regulation 7(6) of The Police Barred List and Police Advisory List Regulations 2017

force. This check will take place on you only, no third parties, to ensure there is nothing that would be likely to exclude you from passing elements of basic police vetting standards to indicate you may be eligible to work within a police force, if you were to apply for a job vacancy in the future (see paragraph 2.2). This will check for any convictions that have been received in the subsequent years since your dismissal, which may lead to an automatic vetting refusal.

- 4.5. As this check is only carried out on you as an individual, it is not a full recruitment vetting assessment (for example, it does not include financial checks) and is only valid at the time it is undertaken. As such, if you are removed from the Barred List and make an application for a role with any policing body, you will still be required to pass the vetting requirements for that role.
- 4.6. Once this check has taken place, the originating force will assess the information you have sent, alongside the records they already hold, and make a recommendation to the College. The recommendation will be either of the following:
 - 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
- 4.7. If the originating force decides that they require further information, they must update the College. This must be completed as soon as practicable, and in any case completed and advice supplied to the College within 60 working days from receipt of the application. This is intended to allow time for referees to be contacted and a meeting set up where appropriate.
- 4.8. In some cases, the originating force may request a meeting with you to discuss sections of the application if they deem it appropriate to do so. They may also request a meeting with your referee to discuss their reference. The originating force will then subsequently provide advice to the College whether they consider the matter to be recommendation (i) or (ii) above.
- 4.9. The originating force recommendation must have a comprehensive rationale and the College will make the decision as to whether your application is supported or not based on this. If there are any doubts as to why the recommendation has been

made, the College may go back to the originating force for further clarity. This recommendation is **not** the final decision and will only be taken into consideration by the College. This step is in place as the College does not hold any information on anyone dismissed from forces, other than that required for the Barred List.

Therefore, it is necessary for the College to have all the relevant information to objectively assess this to make a final decision.

- 4.10. Please note that if you do not consent to your information being shared between the College and the originating force, the process cannot progress further, and your application will have failed at this stage. Therefore, the outcome decision is that you will remain on the Barred List. Also, if you do not provide additional information requested in a timely manner, this may affect any final decision. An application withdrawal of any kind will be aligned with the College dismissal of an application, meaning regulation 7(7) of the Police Barred List and Police Advisory List Regulations 2017 applies, so the minimum period will restart from this point.

5. Timeframes

- 5.1. This section outlines the timeframe that the College will apply to ensure the process is as thorough but quick as possible.
- 5.2. 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, as outlined in Figure 1 overleaf.

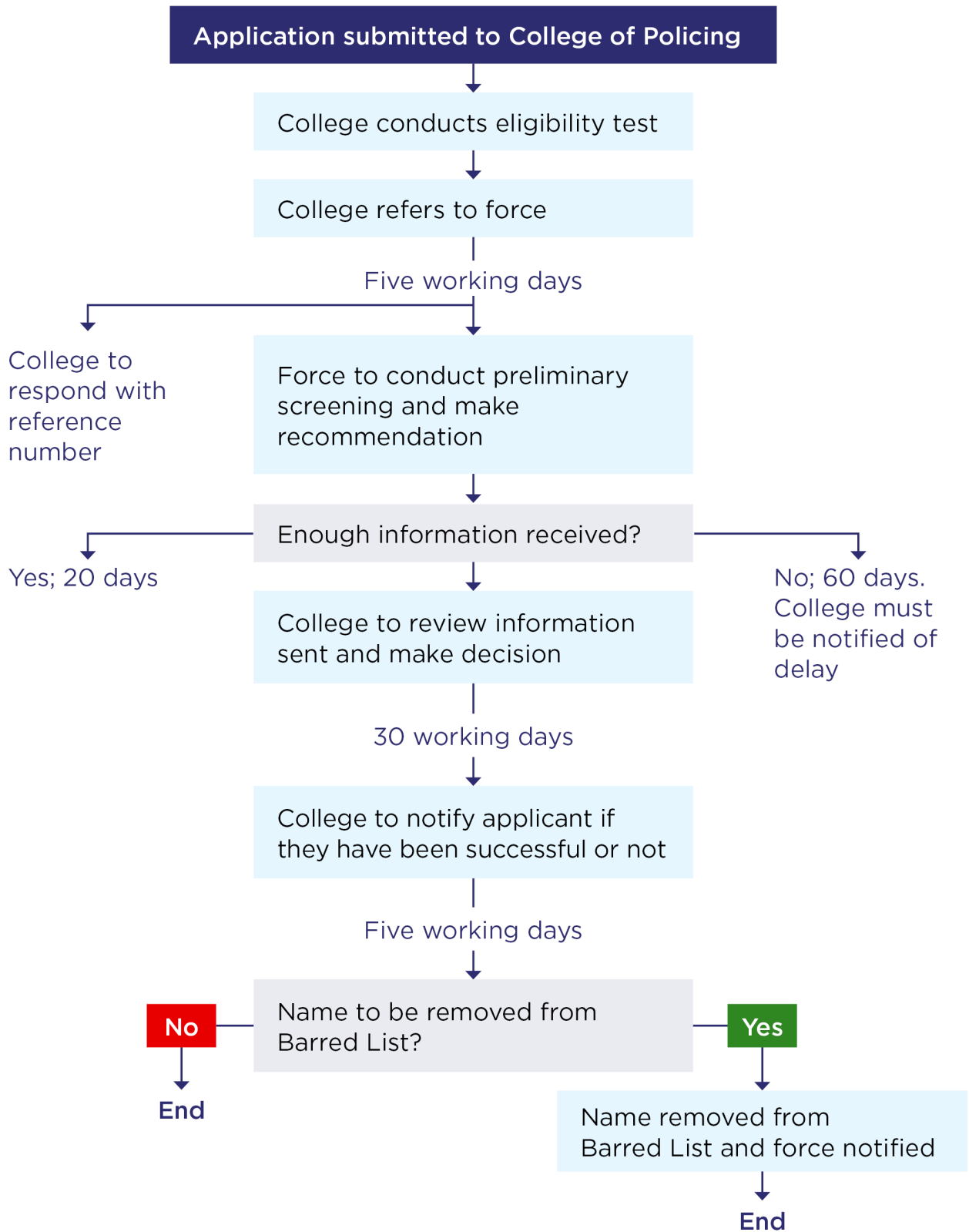


Figure 1. Timeframe flow chart

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. You will, however, be able to reapply for a review in three years if dismissed for gross incompetence, or five years if you 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 you and the originating force know within five working days, as indicated above, and will remove your name from the Barred List in this timeframe. The force will remove the Barred List marker from the Police National Computer within the same timeframe. Following this, you will be able to apply for roles as previously, with recruitment and vetting processes still to be taken into consideration.

6.3. If 6.1 (b) applies, you will be notified within five working days. Your name will remain on the Barred List and forces will continue to be prohibited from employing you.