CHAPTER 6

SERVICE CONSTRAINTS

(Sponsor: NAVY RA-DHd RA)

CONTENTS

Note. *Recruiting policy is being aligned across the Services and will transfer to JSP 545 on or before 1 Apr 27; no further policy amendments or additions will be made to BRd 3(1). Recruiting-related RNTMs and RIs will remain extant until incorporated to JSP545 or cancelled.*

Para

0601. Undischarged Bankruptcy, IVA, or Significant Debts
0602. Credit Reference Checks
0603. Political Activities Within the Royal Navy
0604. Membership of Political Parties
0605. Membership of Extremist Groups
0606. Police Cautions and Fixed Penalties
0607. Penalties for Anti-Social Behaviour
0608. Care and Restraining Orders
0609. Custodial Sentences
0610. Police Involvement - Future and Prior to Entry
0611. Declared Criminal Convictions - Spent and Unspent
0612. Criminal Convictions - Failure to Declare
0613. Drugs
0614. DBS/Disclosure Certificate

CHAPTER 6

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0601. Undischarged Bankruptcy, IVA, or Significant Debts

a. Financial problems may, through worry and other pressures, seriously reduce an individual's efficiency. Moreover, if an individual is financially irresponsible, particularly if it leads to dishonesty, it will affect future advancement, the award of higher security clearances, and may ultimately lead to discharge from the Service. The examination of personal finances is therefore an important part of the recruitment process. CAs must assess the candidate's suitability in terms of financial responsibility. In particular, information must be obtained about the candidate's debts, assets, monthly outgoings and income and any unpaid County Court Judgments (CCJ), which can be a bar to entry.

b. Candidates who are declared ‘Undischarged Bankrupt’ are not eligible for entry into the RN until they can produce proof of ’Discharge from Bankruptcy’.

c. Candidates who declare significant debts are offered the opportunity to demonstrate their ability to cope with the repayment of the debts.

d. Independent Voluntary Agreements (IVA) (or Trusted Deeds in Scotland) are themselves not a bar to entry. A candidate who has entered into an IVA will automatically get a financial check as part of the SC, which may or may not result in the candidate being given an SC. Being given a SC means such candidates are not a security risk from a financial viewpoint, but it does not mean they are eligible from an employment point of view. When processing candidates with an IVA, consideration should be given to the time to run before expiry, time before entry, past performance in maintaining IVA payments, and the candidate’s attitude to debt.

e. Following the SI, an assessment must be made of the candidate's likely trustworthiness and ability to survive financially on future Service pay, without becoming an administrative burden. In making this assessment the primary concern must be whether the candidate is financially responsible, alongside their attitude towards incurring debts.

f. It is not possible to define a figure which represents an unacceptable level of debt: a mortgage (or other secured loan) or student loan are a totally different level of risk to monies owed to a debt agency or credit card. Careers Staff must use their judgement and experience but, in all cases, when total outgoings exceed 50% of the candidate's expected rate of pay on entry, the candidate must demonstrate that their outgoings will not present any undue pressure during training. They should also be offered the opportunity to assess and articulate their financial situation by completing a financial summary.

0602. Credit Reference Checks

a. As part of the SC, UKSV carries out a credit reference check for all candidates aged nineteen or over. The check may reveal serious financial difficulties and the existence of any unpaid CCJs against a candidate.

b. Candidates must be informed that a credit reference check forms part of the SC.

c. CCJs, when declared, must be cleared before a SC can be applied for. This may be achieved by the candidate obtaining a 'Certificate of Satisfaction' from the Court which made the Judgement. Records of CCJs are maintained on a central register and once a judgement is registered there are only two ways it may be removed:

(1) By application to the issuing court with evidence that the debt has been paid in full or,

(2) By providing sufficient evidence to the issuing court that the original judgement was entered against the debtor in error.

0603. Political Activities Within the Royal Navy

a. Regular personnel are not to take an active part in the affairs of any political organisation, party, or movement. They are not to participate in political marches or demonstrations and are not permitted to participate in industrial action or in any form of political activity organised by civilian trade unions or professional associations.

b. No restriction is to be placed upon attendance at political meetings so long as uniform is not worn, Service duties are not impeded, and no action is taken which could bring the Service into disrepute.

c. More detailed regulations regarding political activities within the RN are at BRd 2, Chapter 66.

0604. Membership of Political Parties

a. As described above, Service personnel are not permitted to take an active part in the affairs of any political organisation, party or movement.

b. There is, however, no restriction on the membership of a political party or trade union and there is no restriction on the attendance at political or trade union meetings where attendance at such a meeting is intended to enhance trade skills or knowledge. Uniform is not to be worn at such meetings.

0605. Membership of Extremist Groups

a. Service life precludes membership or support for extremist groups or organisations whose purpose includes incitement to racial hatred or violence.

b. There are numerous such groups and organisations with frequently changing names and objectives. Candidates who, during the recruiting process, declare themselves a member of such groups, or who have unspent convictions for racially motivated offences, or who express extreme racial views, are to be interviewed and rejected on grounds of personal qualities contrary to Royal Naval values.

c. R&A SO2 Policy is to be contacted for clarification if Careers Staff have any doubt about such a group or organisation.

0606. Police Cautions and Fixed Penalties

a. The civil police in England, Wales, and Northern Ireland, may use discretion and not put a case to the Crown Prosecution Service but instead award a Police Caution (PC) (formerly known as a Formal Police Caution) or, for those under the age of 18 years, a Reprimand or Final Warning. In Scotland, the sanction which corresponds to the PC is the Fixed Penalty.

b. PCs, Reprimands and Final Warnings are held on Police records for up to 5 years but are not subject to the Rehabilitation of Offenders Act 1974. There is no requirement for Careers staff to ask questions relating to PCs, Reprimands, Final Warnings or Fixed Penalties. Candidates must declare, in confidence, however, all convictions to UKSV when application is made for SC. The rehabilitation period is taken as expired when the PC is given.

0607. Penalties for Anti-Social Behaviour

a. Although still applicable in Scotland, the Anti-Social Behaviour Order (ASBO) was replaced in England, Wales, and Northern Ireland in 2014 by a Civil Injunction, Community Protection Notice (CPN) or Criminal Behaviour Order (CBO). Technically, these sanctions are not punishments in their own right, but may be ordered in conjunction with punishment, e.g., a fine. Any sanctions listed in this section should be considered ‘spent’ once they cease to have effect, but where the sanction has been joined with a punishment, the rehabilitation period is the period associated with the punishment.

b. Candidates with an ‘unspent’ sanction for anti-social behaviour are not to be processed.

0608. Care and Restraining Orders

a. Candidates who are the subject of Care or Supervision Orders which have been made for reasons other than for the committing of a crime, e.g., because of parental neglect or any need of care and protection, may be considered for entry before the Court Order has run its full course, provided they are suitable in all other respects. Application is to be made to the relevant local authority for a letter of recommendation for military service for the candidate. The local authority letter of recommendation must be uploaded to documents on MIS for visibility by the NETE.

b. Candidates who are subject to restraining orders are not to be processed until the Order has passed its expiry date.

0609. Custodial Sentences

All enquiries received from those serving custodial sentences are to be referred to R&A Policy WO1.

0610. Police Involvement - Future and Prior to Entry

a. All candidates, whether they have declared criminal convictions or not are, on completion of interview, to be given a verbal caution relating to future Police involvement, as stated on the post-interview caution paperwork available on the MIS.

b. Those who declare Police involvement prior to entry are not to be entered into the RN until the outcome of the Police investigation or court appearance is known. Those who are subsequently sentenced are to be processed in accordance with these instructions.

0611. Declared Criminal Convictions - Spent and Unspent

a. The lives of those in the RN depend on the reliability and integrity of each and every member of the Service. Those recruited into the RN may operate complex machinery and work in independent teams. They will also handle weapons and explosives. It is the duty of the RN to preserve the safety of all, and to ensure that young, impressionable personnel are not corrupted by those lacking in integrity.

b. The assessment of the reliability and suitability for employment in the RN is the responsibility of R&A Policy SO2. Certain criminal convictions, while they may be acceptable and tolerated in civil society, are not acceptable in the RN. As a general rule, candidates with criminal convictions that are ‘unspent’ will not be eligible for entry. Where the ‘unspent’ conviction meets certain conditions laid down in Chapter 7 and the ROM Chapter 14, however, a waiver, or dispensation, may be sought from R&A DHd. Each application will be considered on its merits. The gravity and nature of the offence(s) are the main factors when considering dispensation.

c. CAs may openly discuss ‘unspent’ convictions with the candidate to establish suitability for entry on completion of the Selection Interview (SI); ‘spent’ convictions must not be discussed (see sub-paragraph d. below for exceptions).

d. Candidates applying for medical roles and Royal Navy Police (RNP) are excluded from the Rehabilitation of Offenders Act 1974 and are not afforded protection from it (Note 6 MoD Form 493). Accordingly, candidates for medical roles may be questioned about 'spent' and 'unspent' convictions. These candidates must comply with the requirements of the Disclosure & Barring Service (DBS). Refer to R&A Policy WO1 for roles currently requiring DBS clearance prior to entry.

e. Only 'unspent' criminal convictions need be disclosed to CAs, unless the candidate is applying for entry into a medical/dental role (or QARNNS) or RNP, in which case **all** convictions must be disclosed. All criminal convictions (including Police Cautions) must be declared, however, in confidence and by all candidates, to the UKSV when an SC application is made. Candidates must also inform CAs of any Police involvement, including the requirement to attend court as a witness, prior to their entry.

f. Candidates who have declared 'unspent' criminal convictions (and 'spent' for medical/dental, QARNNS and RNP candidates) must meet the requirements shown above. If there is a mandatory rehabilitation period required for a specific offence or sentence, then the candidate must not be processed until that period is complete, unless a waiver can be applied.

g. CAs are to question the candidate and establish details of convictions after the SI. On completion, if the candidate is considered suitable, an application for a waiver should be made by email to R&A Policy WO1, explaining the circumstances, dates of offences, dates and details of convictions, in accordance with ROM, chapter 14.

0612. Criminal Convictions - Failure to Declare

a. On receipt of the UKSV 001, the UKSV will compare the criminal conviction declarations made with those revealed during the Security Check.

b. Except in the most serious cases, those candidates who fail to declare 'spent' convictions will be sent a 'second chance letter' by UKSV requesting them to reconsider their criminal convictions' declaration. If the candidate further refuses to admit convictions, UKSV would normally refuse a SC on the grounds of 'dishonesty during the vetting process' and inform the sponsor. A rejection letter is to be sent by the sponsor directly to the candidate giving the reason for rejection as "dishonesty during the recruiting process". If appropriate, the letter may state a waiting period, which must elapse before the candidate may reapply.

0613. Drugs

a. Drug misuse may be tolerated in some walks of life, but the lives of those in the RN depend on the reliability of each and every member of the Service. Drug misuse is not only illegal, but also incompatible with the duty of the RN to preserve the safety of all personnel. More detail is at Chapter 21. Correspondingly, candidates with certain drug-related unspent convictions are ineligible to join the RN; see Chapter 7.

b. **Compulsory Drug Testing (CDT).** All RN personnel are subject to CDT; a positive test result may lead to Administrative Discharge:

(1) **Ratings/Other Ranks.** Discharge SNLR (CDT) - see part 7, para 5448.

(2) **Officers.** Administrative Discharge (Misconduct) - see part 7, para 5441.

c. Both Discharge categories are a bar to re-entry into the RN. Personnel discharged from the Army or RAF after a positive CDT test result are also ineligible for entry into the RN.

0614. DBS/Disclosure Certificate

a. Government legislation requires people working with children and vulnerable persons to be subject to checks by the Disclosure and Barring Service (D&BS) and issued with a Disclosure Certificate (DC). D&BS administer the application process for the MoD, and all MoD clearances are conducted at the 'enhanced' level.

b. The requirement to comply with this legislation includes all Careers Staff, members of presentation teams and Candidate Preparation Centre Staff. The DC procedures for members of R&A Staff are contained within R&A Standing Orders.

c. A DC that is acceptable to the MoD may only be obtained from the D&BS when application is made on a Disclosure Application Form (DAF) through Defence Business Services (DBS), which is the MoD focal point for processing requests for DCs.

d. **DC Requirements for Specific Roles.** This procedure applies only to candidates for the following roles[1]:

(1) Chaplain.

(2) Dental Officer and Dental Officer Cadet.

(3) Medical Officer and Medical Officer Cadet.

(4) Dental Hygienist, Dental Nurse (Qualified) and Dental Nurse (Student).

(5) Nursing Officer Qualified (Adult), and Nursing Officer Qualified (Mental Health).

(6) Medical Assistant, Medical Technician (Qualified)[2], Medical Technician (Student)[3].

(7) Naval Nurse Qualified (Adult), Naval Nurse Qualified (Mental Health), Naval Nurse Student (Adult), Naval Nurse Student (Mental Health).

[1] Although D&BS clearance is not required to join, CAs should inform candidates who have applied for RNP or PTI roles that there may be a requirement to obtain this whilst in-Service.
[2] Biomedical Scientist, Operating Department and Radiographer roles.
[3] Biomedical Scientist, Operating Department and Radiographer roles.

e. During initial discussions, Careers Staff must inform candidates that, for the roles listed above (including RNR), there is a legal requirement for their application to undergo disclosure checking by D&BS and the production of an acceptable DC. A statement to this effect will be included on all appropriate Careers Information.

f. The following roles may require a DBS depending on assignment following Phase two training and will be initiated by the Career Manager.

(1) Physical Training Instructor

(2) Royal Navy Police

g. **D&BS Appeals.**

(1) The CA is to ensure the following rights must be explained.

(2) In the event that a candidate believes that the information listed in the DC is in error, the candidate has a right to contact D&BS on the Disclosure Dispute line 0300 0200 190, or complete an online form[4] to challenge disclosure information.

(3) Disputes must be raised within 3 months of a certificate's issue date.

h. **DAF - Disposal of Unused Forms.**

(1) Each DAF is uniquely numbered by the D&BS.

(2) CAs are to inform Navy People Discipline[5] of any candidates who have withdrawn from the recruitment process so their D&BS application can be cancelled.

[4] https://www.gov.uk/report-problem-criminal-record-certificate/dispute-a-mistake.
[5] navypeople-pspexecdisc@mod.gov.uk