

Karen Progl
Senior Manager & Data Protection Officer
ACRO Criminal Records Office

Via: NPCCPNCReviewFeedback@hampshire.pnn.police.uk

8 July 2021

Dear Ms Progl

Consultation on the Proposed Rules for Retaining and Disposing of Records on the Police National Computer

We are grateful to ACRO for inviting us to respond to this consultation. This letter outlines how proposed changes to the rules could impact our work as the professional regulator of almost 732,000 nurses and midwives across the UK, and nursing associates in England.

Our core role is to regulate. As well as promoting high educational and professional standards, we maintain the register of nursing and midwifery professionals eligible to practise across the UK and investigate concerns about nurses, midwives and nursing associates. Lack of access to historic caution and conviction data hinders our ability to provide assurance that applicants and registrants are capable of safe and effective practice and therefore, our public protection responsibilities.

How the NMC currently uses Police National Computer (PNC) information

[The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) Rules 2004](#) state that those applying to join our register or renewing their registration with us must declare any conviction or caution they have received in the United Kingdom for a criminal offence, or a conviction received elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence. [Our Code](#) also outlines that a registrant must tell both us and any employers about any caution or charge against them, or if they have received a conditional discharge in relation to, or have been found guilty of, a criminal offence (other than a protected caution or conviction).

If there is evidence the nurse, midwife or nursing associate was dishonest about criminal offending when they applied to join our register or renew their registration, we would carry out a full investigation into the circumstances to determine if this affects their registration.

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We're the independent regulator for nurses and midwives in the UK, and nursing associates in England. Better and safer care for people is at the heart of what we do.

Registered charity in England and Wales (1091434) and in Scotland (SC038362)

Information from the PNC is used by the NMC:

- To assist in [Fitness to Practise \(FtP\) investigations](#) of allegations of impairment by reason of caution, conviction and in some more limited circumstances, misconduct.
- To assist in investigating allegations of [fraudulent or incorrect entry to the register](#)
- To assist in making risk assessments for [interim orders](#) (urgent measures to temporarily suspend or restrict a nurse, midwife or nursing associate's practice while we investigate their case which means they cannot practise whilst the suspension is in place) on those cases listed above.
- During our registrations process, which includes investigations into health or character concerns declared or identified as part of an application.
- As part of a registrations appeals process.
- For the purposes of a restoration application made by a former registrant after being struck off the register. Applications for restoration can only be made after five years have passed since the striking-off order came into force.

NMC data on how PNC information impacts NMC processes

To illustrate the impact on our work, annually we investigate around 1700 applications and request PNC information for half of our cases. We make around 900 requests for PNC information annually made in relation to applications to join/re-join the register. In addition, we have applications where historic convictions are declared 'in error', but we still need to verify the information using the PNC. If the declarations are not relevant to the application we close the case in-team.

From April 2019 we submitted 872 Initial Applications with declared cautions/convictions to our Assistant Registrar for consideration about suitability to be registered. Ten of these initial applications to join our register were refused solely on a criminal conviction basis.

NMC Data from 01 April 2019 – 02 July 2021 found that undeclared criminal convictions or cautions were the third most common reason for Fraudulent Entry referrals during this data period, accounting for approximately 12% of referrals. Two out of 21 of these referrals resulted in the individual being removed from the register, the remaining 19 are still outstanding.

Implications of proposed changes on our work

The main impact on our work would be if the proposed changes to the PNC meant that information we rely on was no longer available to assist in our FtP and registration processes. Losing or restricting our access to PNC information could weaken our ability to maintain the integrity of our register. This would leave us less sure of the antecedents of registrants, thereby increasing the risk to public safety.

The proposed criteria allowing for the early deletion of conviction disposals would not lessen their importance or seriousness from our regulatory perspective. There would still be a need for us consider if action needs to be taken and what that would be.

The timeframes involved in our cases mean that six-year retention would not be long enough for some offences under group 3, which we may consider to be serious. This

includes offences which resulted in a conviction and custodial sentence, such as possession of drugs (class A-C), theft, driving under the influence of alcohol and using a false prescription to obtain a scheduled drug.

Six-year retention could affect how far back we could expect disclosure of criminal offences in registration applications. Restoration applications could also be impacted as these can only be made after a minimum of five years but with no maximum, during which period the requirement to keep us informed of any convictions or cautions will not have applied.

More about how we use criminal convictions in our work can be found in our guidance:

- [FtP - Criminal convictions and cautions](#)
- [Serious offending and specified offences](#)
- [Criminal offences we do not investigate](#)
- [Guidance on health and character](#)

Consideration for the role of regulators

We understand that the new proposals for the retention and disposal of law enforcement data would bring the PNC in line with the current rules used by Management of Police Information (MOPI) following good administrative practice. However, there are already instances where we struggle with disclosure of information from the police and changes to the PNC would introduce further obstacles the process.

In making any changes, we would ask that consideration is made to the role that regulators, like the NMC, play in protecting the public and if there is a case where exceptions can be made to allow us to continue to obtain the information we need from the PNC to fulfil this role. We would welcome discussion with you about which group 3 offences might be moved into group 2 as a possible solution. However, this would not be appropriate in all cases as for some offences we only want to know if a custodial sentence was passed. In this instance, to have PNC data ring fenced and linked to regulated professions or enhanced access for registration and FtP purposes could be better solutions.

Thank you again for the opportunity to outline how some of the proposals could negatively impact professional regulation. I hope this letter, alongside our feedback form, helps your inquiry. We would welcome further dialogue with you and can provide further assistance if this is helpful. If you have any further questions or concerns please contact our Policy Manager, Selga Speakman-Havard at selga.speakman-havard@nmc-uk.org.

Yours sincerely



Tom Scott
Interim Director of Professional Regulation

Enc – Feedback form

Feedback Form

On the Consultation on the Proposed Rules for Retaining and Disposing of Records on the Police National Computer (PNC) 2021

Security Classification	
NPCC Policy: Documents <u>cannot</u> be accepted or ratified without a security classification (Protective Marking may assist in assessing whether exemptions to FOIA <u>may</u> apply):	
OFFICIAL / OFFICIAL-SENSITIVE / OFFICIAL-SENSITIVE-COMMERCIAL / OFFICIAL-SENSITIVE-PERSONAL / OFFICIAL-SENSITIVE-OPERATIONAL	
Freedom of information (FOI)	
This document (including attachments and appendices) may be subject to an FOI request and the NPCC FOI Officer & Decision Maker will consult with you on receipt of a request prior to any disclosure. For external Public Authorities in receipt of an FOI, please consult with sherry.traquair@npcc.pnn.police.uk	
Author:	Karen Progl
Force/Organisation:	ACRO Criminal Records Office
Date Created:	7 th August 2020
Contributor:	Mark Williams, Norfolk & Suffolk Police
Coordination Committee:	Information Management and Operational Requirements Coordination Committee (IMORCC)
Portfolio:	Records Management and Police National Computer
Attachments @ para	Attachment to Consultation on the Proposed Rules for Retaining and Disposing of Records on the Police National Computer (PNC)
Information Governance & Security	
In compliance with the Government's Security Policy Framework's (SPF) mandatory requirements, please ensure any onsite printing is supervised, and storage and security of papers are in compliance with the SPF. Dissemination or further distribution of this paper is strictly on a need to know basis and in compliance with other security controls and legislative obligations. If you require any advice, please contact npcc.foi.request@cru.pnn.police.uk	
https://www.gov.uk/government/publications/security-policy-framework/hmg-security-policy-framework#risk-management	



1 Timescales

Review Period:

The consultation starts on 29th March 2021

Please email your completed feedback form to:

PNC_Review_Feedback@acro.pnn.police.uk

The deadline for receiving your feedback is:

No later than 7th June 2021

Your contact for any questions is:

Karen Progl, ACRO Criminal Records Office

Questions should be raised by email at this address:

PNC_Review_Feedback@acro.pnn.police.uk

This feedback form should be completed in conjunction with the consultation document, which contains more detail about the proposed rules.

You should only provide feedback on behalf of your own organisation, if you raise points about another organisation this should be recorded under additional information

Please only submit one response on behalf of your organisation, covering all of the points that you wish to raise

If you do not have any point to raise please submit your feedback form stating whether or not you agree with the proposed rules, or that have no opinion on the proposed rules.

2 Details about Your Organisation

Name of Your Organisation:	NMC (Nursing & Midwifery Council)
Department (if relevant):	Stategy and Insight
Name of single point of contact (SPOC):	Selga Speakman-Havard
Contact details for SPOC Email: Telephone:	Selga.speakman-havard@nmc-uk.org
Name of person signing of the response for your organisation:	Tom Scott
Role and position of person signing off the response for your organisation:	Interim Director of Professional Regulation, Executive Team - Professional Regulation

3 Proposed Rules

Current Rule: PNC Records will be retained until the person is deemed to have reached 100 years of age

Proposed Rules

Rule 1: Some categories of data will be weeded from PNC before the person is deemed to be 100 years of age

Your response:

Agreed
 Not agreed
 Agreed in part
 No view

Your Comments:

We recognise the reasons for this change being suggested, but wish to make clear our concerns about the shortening of duration for which details some offences may be kept, which may impede us in carrying out our duties as a regulator, and potentially present a risk to public protection as applied to our regulated professions (nurses, midwives, and nursing associates). Whilst our concern about the principle of grouping is a general one, we wish to stress our particular concerns about the introduction of a proposed 'group 3' classification of offences, which would result in offences falling within the category being stuck after a period of six years. This would impede our ability to vet registrants who have convictions for offences such as drug possession, burglary of a dwelling, theft, drink driving, and using a false prescription to obtain a scheduled drug. The NMC uses PNC information in its Fitness to Practise (FTP) processes in order to assist in the investigation of allegations of impairment by reason of caution / conviction and in some more limited circumstances misconduct (for example if an offence resulted in a conditional discharge). The PNC will be used in making risk assessments for Interim Orders (IOs) on those cases. The NMC also uses PNC information to assist in investigating allegations of Fraudulent or Incorrect Entry to the register (and associated IO risk assessments). We have discussed how these processes relate to the PNC data concerned at greater length in a separate letter, attached alongside this submission.

Rule 2: Where the longest retention period is justified 100 years will no longer be a specified time period. Being replaced with 'until a person is deemed to have reached 120 years of age'.

Your response:

Agreed
 Not agreed
 Agreed in part
 No view

Your Comments:	Click here to enter text.
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Current Rule:	The Records of deceased persons are retained until they would have been deemed to reach 100 years of age
Proposed Rule	
Rule 1:	That the retention periods for deceased persons are the same as for living persons
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	Offences resulting in a Police disposal of No Further Action (NFA) are currently retained until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	Management of Police Information (MoPI) Group 1 - Most Serious Sexual and Violent Offences would be retained for a 10 year clear period. This means that if no other offences need to be considered the offence would be deleted after 10 years.
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input checked="" type="checkbox"/> Agreed in part <input type="checkbox"/> No view
Your Comments:	Serious offences should be picked up prior to a professional joining our register, unless they have provided false information. As such, a possible impact would be a registrant not declaring a caution/ conviction and the NMC being made aware after the caution/ conviction had been removed from the PNC. However, the shortest period of time for an occurrence like this would be 6 years and there are likely to be other

	avenues (via the police or courts system) for obtaining the information or evidence required for an investigation.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences would be retained for a 10 year clear period. This means that if no other offences need to be considered the offence would be deleted after 10 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input checked="" type="checkbox"/> Agreed in part <input type="checkbox"/> No view
Your Comments:	Serious offences should be picked up prior to a professional joining our register, unless they have provided false information. As such, a possible impact would be a registrant not declaring a caution/ conviction and the NMC being made aware after the caution/ conviction had been removed from the PNC. However, the shortest period of time for an occurrence like this would be 6 years and there are likely to be other avenues (via the police or courts system) for obtaining the information or evidence required for an investigation.
Rule 3:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input checked="" type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input type="checkbox"/> No view
Your Comments:	As we have made clear above, whilst we believe that each classification increases the barriers to public protection faced by professional regulators, this classification presents particular risks to our ability to access the necessary information or evidence to assess the fitness to practice of professionals on our register due to the relatively short timeline involved. The necessary justification for classifying the scheduled offences as Group 3 is not present, as MoPI principles do not address the duties of professional regulators as outlined in our legislation (in particular the Nursing and Midwifery Order 2001 as ammended). As such, there is a conflict of priorities insofar as these changes are applied to data sharing with professional regulators, and would potentially undermine our role in performing our statutory and public protection duties.

Current Rule:	Penalty Notice for Disorder (PND) if recorded on PNC are retained until a person is deemed to have reached 100 years of age
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Proposed Rule

Rule 1:	PND's would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	Cautions, Reprimands and Warnings are currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age.
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	We use PNC information in our FTP processes in order to assist the investigation of allegations of impairment by reason of caution/ conviction, and in some more limited circumstances misconduct (for example if an offence resulted in a conditional discharge). The PNC will be used in making risk assessments for Interim Orders (IOs) on those cases. The NMC also uses PNC information to assist in investigating allegations of Fraudulent or Incorrect Entry to the register (and associated IO risk assessments).
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult (18 and over) – Where any offences had been committed as an adult would be retained for a 30 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	We use PNC information in our FTP processes in order to assist the investigation of allegations of impairment by reason of caution/ conviction, and in some more limited circumstances misconduct (for

	example if an offence resulted in a conditional discharge). The PNC will be used in making risk assessments for IOs on those cases. The NMC also uses PNC information to assist in investigating allegations of Fraudulent or Incorrect Entry to the register (and associated IO risk assessments).
Rule 3:	Youth (U18)– Where all offences had been committed as a youth would be retained for a 10 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	We use PNC information in our FTP processes in order to assist the investigation of allegations of impairment by reason of caution/ conviction, and in some more limited circumstances misconduct (for example if an offence resulted in a conditional discharge). The PNC will be used in making risk assessments for IOs on those cases. The NMC also uses PNC information to assist in investigating allegations of Fraudulent or Incorrect Entry to the register (and associated IO risk assessments).
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input checked="" type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input type="checkbox"/> No view
Your Comments:	We use PNC information in our FTP processes in order to assist the investigation of allegations of impairment by reason of caution/ conviction, and in some more limited circumstances misconduct (for example if an offence resulted in a conditional discharge). The PNC will be used in making risk assessments for IOs on those cases. The NMC also uses PNC information to assist in investigating allegations of Fraudulent or Incorrect Entry to the register (and associated IO risk assessments). With particular regard to Group 3 and the period of six years, we have made our opposition to the group 3 classification clear above. In our view, the same concern would apply with regard to this proposal.

Current Rule:	An offence with a Not Guilty or Acquitted court disposal is currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	

Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained for a 10 year clear period. This means that if no other offences need to be considered the offence would be deleted after 10 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences would be retained for a 10 year clear period. This means that if no other offences need to be considered the offence would be deleted after 10 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 3:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	Court disposal of Not Proceeded With, Withdrawn, No Evidence Offered, Discharged, Dismissed, and CPS Discontinued are currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age

Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view

Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 3:	Youth – Where all offences had been committed as a youth would be retained for a 10 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	Pleaded Guilty or found Guilty of lesser offence are currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input checked="" type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 3:	Youth – Where all offences had been committed as a youth would be retained for a 10 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part

	<input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcome of "Jury Discharged Having Given Verdict on Another Count is currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 3:	Youth – Where all offences had been committed as a youth would be retained for a 10 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view

Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcome of ‘Judge Rules No Case To Answer’ is currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
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Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcomes of ‘Bindover Imposed, Restraining Order (on acquittal), Prevention Order, Supervisory and Community Requirements are currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view

Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
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Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcomes of 'Remain on File, Adjourned Sine Die' are currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
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Your Comments:	Click here to enter text.
Rule 3:	Youth – Where all offences had been committed as a youth would be retained for a 10 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part

	<input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcomes of 'Died/Committed Suicide before Charge Disposed Of' are currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
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Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcome of 'Failure to Appear' is currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rule	
Rule 1:	All MoPI Group - would be retained until the person is deemed to have reached 120 years of age, unless the disposal is updated with another outcome
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcomes of 'Disposal without Conviction' is currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed

	<input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 3:	Youth – Where all offences had been committed as a youth would be retained for a 10 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcomes of 'Guilty' (where a non-custodial sentence applies) is currently retained on PNC until a person is deemed to have reached 100 years of age
Proposed Rules	
Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 3:	Youth – Where all offences had been committed as a youth would be retained for a 10 year clear period
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
	<input type="checkbox"/> Agreed

Your response:	<input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

Current Rule:	The court outcomes of 'Guilty' (where a Custodial sentence applies, including a suspended sentence) is currently retained on PNC until a person is deemed to have reached 100 years of age
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Proposed Rules	
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Rule 1:	MoPI Group 1 - Most Serious Sexual and Violent Offences would be retained until the person is deemed to have reached 120 years of age
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Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
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Your Comments:	Click here to enter text.
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Rule 2:	MoPI Group 2 – Other Sexual and Violent Offences Adult – Where any offences had been committed as an adult would be retained for a 30 year clear period
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Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
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Your Comments:	Click here to enter text.
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Rule 3:	Youth – Where all offences had been committed as a youth would be retained for a 10 year clear period
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Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
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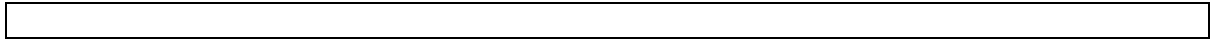
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Your Comments:	Click here to enter text.
Rule 4:	MoPI Group 3 – All other offences would be retained for a 6 year clear period. This means that if no other offences need to be considered the offence would be deleted after 6 years
Your response:	<input type="checkbox"/> Agreed <input type="checkbox"/> Not agreed <input type="checkbox"/> Agreed in part <input checked="" type="checkbox"/> No view
Your Comments:	Click here to enter text.

4 Law Enforcement Database Service (LEDS)

With the move towards LEDS (replacement for PNC) and the new processes and systems associated with it there is ongoing work to analyse who determines the purposes and means of processing personal data in each processing action conducted with LEDS (and is therefore the controller or a joint controller of the data or processor in that action). If you wish to make comment as to the factual positions of any such processing by your organisation please do so here. Any comments will be fed into the ongoing analysis of the new system.

We have given full details on our data use and purposes in a separate letter response. To summarise, information from the PNC is used by the NMC to 1) assist in Fitness to Practise (FTP) investigations of allegations of impairment by reason of caution, conviction and in some more limited circumstances, misconduct 2) assist in investigating allegations of fraudulent or incorrect entry to the register 3) assist in making risk assessments for interim orders (urgent measures to temporarily suspend or restrict a nurse, midwife or nursing associate's practice while we investigate their case which means they cannot practise whilst the suspension is in place) on those cases listed above 4) During our registrations process, which includes investigations into health or character concerns declared or identified as part of an application 5) As part of a registrations appeals and for the purposes of a restoration application.



5 Additional Information

Please add any further information you feel you need to add in support of your review that hasn't been covered by the questions asked

We welcome this consultation and would like to convey our thanks for being invited to respond. Our engagement with the consultation focusses around particular concerns about limited aspects of the proposals, which makes the format of this survey a difficult format in which to convey our full response. Similarly, the full impact of the changes for professional regulation may be difficult to anticipate or evidence in advance, so we have concentrated on areas where our knowledge and experience is substantive. For these reasons we have responded separately by letter, and request that this is taken into account as part of the formal consultation exercise.

6 Attachments

Please include any extracts or attach any documents (or links to documents) in support of your evidence. Please ensure that you state the section you are referring to and explain the relevance

See letter

7 What Next

The Review Team would like to thank you for your feedback, and reassure you that all feedback will be considered.

All feedback will be collated and reviewed by the review team

The proposed rules will be amended where appropriate, following the feedback

The identified Controllers of PNC will consider whether it is necessary to implement a new policy for PNC retention and disposal

All Stakeholders who have provided feedback will be informed of the outcome

Thank you!

Please remember to email your feedback to PNC_Review_Feedback@acro.pnn.police.uk no later than 7th June 2021