

Cafcass police checks handbook

This handbook sets out how safeguarding information should be obtained in private law applications from: the PNC Unit at the National Business Centre, local police forces, international police forces, military police, and SSAFA.

It incorporates previous guidance documents and confirms the rules around the retention of information disclosed by these agencies. Information from the police is collected as part of our responsibility under the Child Arrangements Programme to report to the court in issues of risk.

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Contents

When to undertake police checks?	4
Police request mailboxes at a glance.....	4
Level 1/Police National Computer (PNC) checks.....	5
Level 1 request validation criteria	5
Requesting a Level 1 check	6
What is the process for requesting Level 1 requests?	6
Can requests be prioritised?	6
Repeat and relevant other checks.....	6
When should repeat checks be commissioned?.....	6
Can checks on third parties be requested?	6
Attaching consent forms.....	7
Do consent forms need to be included on request emails?	7
How often should consent be obtained?	7
What constitutes a valid consent form?.....	7
Attaching court orders	7
When does a court order replace the need for consent?	7
What constitutes a valid direction?	7
Does an email from court count as a direction?	7
How specific does an order need to be?	7
Additional information for commissioning Level 1 requests.....	7
Additional service user information has been obtained, do I need to commission updated police checks?.....	7
Is consent required for updated checks in relation to a re-opened case?	8
What does 'foreign leg' mean on a PNC print?.....	8
Does PNC show convictions for all of the UK?	8
Can I access police check results for historic case?.....	8
Level 1 returns	9
How will I know when results are available?.....	9
What do the tick boxes on a trace return mean?	9
What does it mean if, in the 'additional information' section, a return states 'Please use information with caution', or similar?	9
Why has a request been rejected on ECMS?.....	9
The offence description provided on the results doesn't specify who the victim is and/ or is badly spelled/ cut off mid-sentence; why is this?	10
Who should I talk to if there's a problem with Level 1 check?.....	10

Level 2/International/Military police checks.....	11
Requesting Level 2 /International/Military police checks	11
When should Level 2 police checks be commissioned?	11
Further points to consider are:	11
When should military police checks be commissioned?	11
When should International checks be commissioned?	11
Further guidance for requesting Level 2 police checks	12
What is the process for commissioning Level 2/ International/ Military police checks? .	14
How long does it take for a request to be dealt with?	16
Level 2/International/Military police request validation criteria	16
Level 2 requests that have been commissioned must meet the below criteria:.....	16
Additional information for commissioning Level 2/International/Military police requests	18
Who should send the email commissioning requests?	18
How is the destination police force identified?	18
What constitutes a valid reason for a Level 2 request?	18
What constitutes a valid reason for an International request?	18
Where should requests be sent for 'out of jurisdiction' checks?.....	18
Level 2/International/Military police returns.....	19
How will results be returned?	19
How long will results take to be returned?	19
Who should be contacted if there are any issues with Level 2 returns?.....	19
What is the process if checks further to those already returned by the Police are required?.....	19
Further notes on International checks.....	20
How are International checks managed once they have been commissioned?	20
Additional information for commissioning International checks – EU requests only	20
Additional information for commissioning International checks – non-EU requests only	20
International checks- hints, tips and other information.....	20
SSAFA requests.....	22
Onward disclosure of police information.....	23
Retention of police information.....	23
Particularly Sensitive Information	23
Appendix 1: Home Office serious offence list.....	24
Appendix 2: Example process flowchart for Level 2 requests (Metropolitan Police Service)	26

When to undertake police checks?

The table below sets out when checks should always be taken, and when they should be taken where professional judgment determines such checks are necessary. The table also shows which checks require the consent of the individual, and which do not.

Police checks are undertaken by Cafcass in **private law applications only**.

<p><u>Always check, no consent needed</u></p> <p>PNC checks on all parties in child arrangements order c100 applications</p>	<p><u>Professional judgement, no consent needed</u></p> <p>PNC checks on all parties in other types of C100 applications</p> <p>Repeat PNC checks on parties in C100 applications</p> <p>Enhanced; international; military police; and SSAFA checks on parties in C100 applications</p>
<p><u>Always check, with consent</u></p> <p>PNC checks on people joined as parties after the FHDRA</p>	<p><u>Professional judgement, with consent</u></p> <p>PNC checks on all parties in non-c100 applications</p> <p>PNC checks on parties in any other private law application</p> <p>PNC checks on any 'relevant individuals'</p> <p>Enhanced; international; military police; and SSAFA checks on non-parties, or parties joined after the FHDRA</p>

N.B. Non-C100 requests, regardless of the original case they relate to (for example, in the case of an Enforcement Order or C2 application where additional parties are being joined) will always require consent or a court order.

Police request mailboxes at a glance

Level 1 requests

[PNCNBC](#)

Level 1 advice and request chases

[PNCQueries](#)

Level 2 - English, Welsh, Scottish, UK military police and international- requests

[Level2Requests](#)

Level 2 advice and police communications

[PoliceInfoManagement](#)

Level 1/Police National Computer (PNC) checks

Level 1 checks are carried out by the PNC Team, our specialist unit within the National Business Centre.

The team endeavour to carry out all Level 1 checks within two working days following receipt of a valid request.

When a disclosure has been made results are uploaded to ECMS, which triggers an automatic notification to the assigned practitioner, indicating that new safeguarding information is available for review in the Police Information folder.

Any further queries, requests for advice or chase emails should be sent to PNCQueries@cafscass.gov.uk.

Results not received within the expected timeframe should be chased as early as possible.

Level 1 request validation criteria

Before they can be commissioned, all checks other than initial requests in C100 cases must meet the below criteria:

- o All requests relating to repeat checks in C100 applications must have a specific request reason.
- o All requests relating to initial and repeat checks in non-C100 applications must have a specific request reason and be court ordered or consented to by parties.
- o All requests relating to non-party adults in both C100 and non-C100 applications must be court ordered or consented to by non-party adults.
- o If the check is court ordered then the reason for the check needs to be recorded, and if the check is done with consent there is still a requirement that the reason for seeking it is specified.
- o Relevant court orders and signed non-party adults' forms must be attached to the request email to demonstrate legal compliance.
- o A specific request reason is defined as a tangible issue of concern originating from allegations/incidents reported by parties or children in the case (or any another identifiable source) that would reasonably suggest that new information may be available on the Police National Computer (e.g. previous checks listed an impending prosecution for a criminal conviction and the subject SU now indicates that an outcome is known).
- o A repeat request to identify any new information that may have come to light since the previous check request, without any reasonable explanation as to why it is believed that new information may now be available, does not constitute a valid request.

Requests that do not meet the above criteria will be rejected by the PNC Team, so it is important that checks are commissioned in line with the above rules to avoid delays to disclosure results being produced.

Requesting a Level 1 check

What is the process for requesting Level 1 requests? All Level 1 requests, including repeat requests and checks on other relevant individuals must be generated on ECMS from the Reporting menu (Safeguarding letters> Police (PNC) Disclosure) and then sent to PNCNBC@cafccass.gov.uk.

Standard C100 requests can be sent directly from ECMS to the PNCNBC mailbox, without the need to send a separate email.

Once a request has been generated, the 'pending documents' folder must be accessed to confirm sending. Failure to include this step will result in checks not being received by the PNC Team.

For requests that require evidence of authority to process checks, e.g. non-C100 requests and/or checks on 3rd party adults, the request must be sent via Outlook so that court order/consent attachments can be attached to the request email.

The naming format in these requests must be 'CASE NAME-CASE NUMBER-REQUEST TYPE', e.g. SMITH-800123-Level 1 Non-C100 request.

With these requests, please ensure that generated documents are removed from the pending documents folder.

A new request form must be generated on ECMS each time a check is sent to the PNCNBC mailbox; this will register the check on ECMS as being 'in progress'.

Can requests be prioritised? Requests can be fast-tracked, to be processed within two hours, where there are significant safeguarding concerns (i.e. it is believed the child is at immediate risk) and service manager authorisation has been provided (please add *urgent* into the subject line and notify the PNCQueries mailbox that an urgent request has been submitted).

Requests will not be fast-tracked for any reason other than significant safeguarding concerns.

Repeat and relevant other checks

When should repeat checks be commissioned? Once initial checks have been carried out, there is no protocol for automatic or regular re-commissioning of checks. Any repeat checks must be commissioned based on FCA professional judgement.

The reason for the new Level 1 request must be entered on the request form, e.g. updated checks required due to allegations of recent police involvement.

Can checks on third parties be requested? A check of relevant individuals (who are not parties) can be undertaken where the FCA forms the professional judgement, recorded in the case file, that it is relevant to the safety of the child and the matters before the court. The question of whether an individual is "relevant" is again a matter for professional judgement.

Consent from individuals, or a court order specifically directing safeguarding checks to be undertaken, must be obtained before any non-party checks are carried out. The relevant individual's details must also be added to ECMS, as a non-party.

Where consent from an individual is required, the individual must be aware that a check is being undertaken each time this is done.

Attaching consent forms

Do consent forms need to be included on request emails? Where consent is required, signed consent forms or relevant court orders must be attached to the request email.

How often should consent be obtained? Renewed consent must be obtained for repeat checks where the previous completed consent form is more than three months old.

What constitutes a valid consent form? Consent forms must be generated using the ECMS template, and the section stating with which agencies checks will be carried out must be clear and accurate.

All consent forms must be completed as fully as possible, and physically signed and dated by the individual.

Attaching court orders

When does a court order replace the need for consent? Court orders that state “Cafcass to prepare a safeguarding letter” or similar wording, provide the PNC Team authority to obtain police information in respect of parties in non-C100 cases.

All other wording (for example “Cafcass to prepare a Section 7 report/Wishes and Feelings Report”) does not automatically include this authority and therefore requests will need to be accompanied by signed consent, or an order that specifically directs police checks to be carried out.

What constitutes a valid direction? Directions for Cafcass to carry out safeguarding checks must be in the appropriate section of the order (i.e. after the heading “the court orders”). Anything prior to the court directions section of the order will be part of the recital and may state “results of safeguarding checks by Cafcass awaited”, or similar. These are not court directions and do not negate the need for consent.

An order appointing a guardian to a case does not replace the need for consent.

Does an email from court count as a direction? An email request from a court stating that safeguarding checks need to be carried out will not be acceptable without a valid court order, unless the email originates directly from a judge.

How specific does an order need to be? All court orders directing checks on relevant others/non-party adults should specify individuals. For example, a direction for checks on “other occupants of shared accommodation” would not be valid.

Additional information for commissioning Level 1 requests

Additional service user information has been obtained, do I need to commission updated police checks? If the new information pertains to a corrected date of birth or an additional previous surname, a new Level 1 request should be commissioned to ensure that PNC has been thoroughly checked.

A place of birth or further address history will not usually affect results already provided, unless the PNC Team have specifically requested these details to be obtained.

Particular attention should be paid to obtaining any previous surnames when contact is made with service users.

All personal information obtained via a consent form or through contact with parties must be added onto ECMS and included on subsequently generated request forms.

If a new current surname is identified and added to ECMS, the previous surname must be added as an alias and not simply overwritten. Overwriting previous names held on file can lead to inaccurate police checks being performed.

Where the comprehensive personal details of service users are not requested and added to ECMS, this can lead to incorrect Level 1 results being returned. It is very important that service user information is updated in an accurate and timely manner.

Is consent required for updated checks in relation to a re-opened case? In continuations of C100 cases that have been re-created on ECMS with the application type “court ordered”, a copy of the original C100 must be provided along with the request to show that a court order or consent is not required.

For parties in non-C100 applications or non-parties/relevant others, standard consent requirements will apply.

What does ‘foreign leg’ mean on a PNC print? This refers to foreign legislation. Foreign convictions may show on the PNC return where there has been a previous request to a foreign authority, or a notification to the UK authorities concerning a UK national who has been convicted overseas.

Does PNC show convictions for all of the UK? Serious offences from Wales, Northern Ireland and Scotland are transferred to the PNC, and as such will show on a PNC return. However, these disclosures may not include non-conviction information (such as cases that have been ‘No further actioned’ or found not guilty) as can be found in records updated by English police forces.

Can I access police check results for historic case? Police disclosures are deleted in line with the Cafcass Case Recording and Retention Policy. The only circumstances in which police information will be available from previous cases is where the previous case was closed at a Work To First Hearing stage and less than 3 months has passed since the case was closed. In all other cases, fresh police checks will need to be carried out.

However, when a PNC Operator carries out a police check and finds relevant information, they will mark the service user as ‘Known to Authority’ on ECMS. Subsequent new cases will then carry this marker in the case plan, providing some indication that relevant police information will be available.

Please note, records for parties involved in cases prior to June 2017 may not carry this marker, even if they are known to police; the lack of ‘Known to Authority’ marker should not be relied on to indicate that there is no police information available.

Level 1 returns

How will I know when results are available? Level 1 information is returned to local teams via ECMS. The allocated FCA receives automatic notifications via email when the results are uploaded to the 'Police Information' folder. The results will either show a trace, no trace, indicate that more information is required or that the request does not meet consent criteria.

What do the tick boxes on a trace return mean? 'Accompanying disclosure print uploaded' indicates whether a PNC disclosure print has been returned, or whether only non-conviction information has been provided.

If ticked, 'PNC indicates further intelligence held with local force' indicates that the PNC Operator believes that further information/ intelligence is held by local police, in order to assist the allocated practitioner in determining whether a Level 2 check is necessary.

'Immediate safeguarding concerns' will be ticked where the PNC Operator believes that the police information identified requires immediate attention due to safeguarding concerns. The operator will notify practitioners directly, rather than waiting for ECMS notifications to be received, if they believe information needs urgent review.

What does it mean if, in the 'additional information' section, a return states 'Please use information with caution', or similar? This indicates that any information regarding criminal history should be confirmed with the individual before disclosing to the court. This is good practice in any case, however it is particularly relevant when an exact name/DOB/address match has not been made. Where possible, verifying that the information relates to the service user will help to identify if there are any discrepancies with the information provided. For example, the service user's details have been recorded on PNC as an alias only, and the PNC record relates to someone who has been using the service user's details.

In some instances, the PNC Team may be able to provide basic descriptive information that may help to resolve any claims of incorrect information being provided. The allocated FCA should ask for this information via the PNCQueries mailbox if they believe it would be of assistance.

Why has a request been rejected on ECMS? A request will be rejected if:

- More information needs to be obtained to verify a match on PNC

In these circumstances, the service user must be contacted so that the information can be obtained and added to ECMS. An updated request must then be generated and sent to the PNC Team. This information will help to ensure that safeguarding checks are thorough and accurate.

- Consent or court order requirements have not been met

A signed consent or specifically worded court order must be obtained, if not provided originally. A new request form must then be generated and re-sent, with the attached document(s), to the PNCNBC mailbox.

- A request has been generated on ECMS but not received by the PNC Team

If a rejected request has been marked as 'not received by relevant authority', this means that it has been identified through reporting that a request form has been generated on ECMS but not received by the PNC Team. Local teams will be notified of these instances and requests should be re-sent as necessary.

- The request does not meet the rules set out in the L1 validation criteria

I.e. a specific request reason hasn't been given for a repeat request. For example, the issues of concern that have led to the need for further checks have not been provided, e.g. allegations of recent police involvement.

For each rejected request, a returns document will be uploaded to the Police Information folder that will provide an explanation for the rejection.

The offence description provided on the results doesn't specify who the victim is and/or is badly spelled/cut off mid-sentence; why is this? Offence descriptions provided within Level 1 return documents are copied directly from the PNC; operators are not responsible for in the contents of the text. For further elaboration in relation to incidents identified, Level 2 checks should be considered.

How does "No relevant information held" differ from "No Trace" with level 1 results?

"No Trace" indicates that the service user does not have any record on PNC, held under the name details provided in the Level 1 PNC request.

"No Relevant Information Held" means that although the individual does have a record on PNC, the details of such, are offences that have no bearing on a child's welfare. For example; an individual received a fixed penalty notice for an offence of drunk and disorderly over ten years ago and have not had any recordable involvement with the police authorities since this incident.

Who should I talk to if there's a problem with Level 1 check? Please email the [PNCQueries](#) mailbox if problems are found with Level 1 returns. For example:

- A returns form has been returned incomplete or a PNC print appears to be missing
- A service user is disputing information provided
- There is a query regarding the information provided or the terminology used

Any problems will be investigated as quickly as possible by the team.

An email sent to the PNCQueries mailbox in the first instance may prevent delays caused by the commissioning of avoidable Level 2 checks.

Level 2/International/Military police checks

A Level 2 police check is a request by Cafcass for the disclosure, and provision by Police, of any relevant information held on the databases of a local police force(s) including local intelligence, call out logs and domestic abuse records.

All requests for enhanced police information, including Level 2, Military and International police checks, are managed centrally by the Level 2 Team via a single process.

Requesting Level 2/International/Military police checks

When should Level 2 police checks be commissioned? The decision to request police information further to that provided in a Level 1 disclosure is an exercise of professional judgment, but the following are examples of circumstances in which further police evidence may be necessary:

- When the information from the initial checks suggests there is further relevant information which on its own is not enough to suggest that immediate safeguarding action should be taken, but from which it is inferred that further relevant information may be held by local forces
- When different accounts are provided by the parties. Particularly allegations of violent incidents or other abusive behaviour, whether involving children and/or vulnerable adults, or criminal acts, which are relevant to the application before the court

Further points to consider are:

- Level 2 police checks should be initiated, where possible, whilst the case is with EIT if such information is deemed necessary to enable safe assessment of the situation.
- Completed level 1 checks do not need to show police involvement.
- Ideally at least one party has been interviewed so that approximate dates can be added to the Level 2 police request form. Interviews need to robustly cover any domestic abuse allegations ensuring that we understand the frequency, intensity and impact on the child. In some limited circumstances, the application or C1A may include sufficient details regarding the allegations to enable decisions to be made about the need for a Level 2 police check.
- Level 2 checks should not be completed if the local authority is actively involved and is going to be ordered to complete further work (in these cases the local authority should initiate checks). The safeguarding letter should be clear that the local authority might need to consider enhanced police checks.

When should military police checks be commissioned? The decision to request military police information is a matter of professional judgment based on issues of concern, for example, allegations of domestic assault whilst residing in barracks.

The service police bureau does not allow requests to be sent solely on the basis that that a person has served in the military.

When should International checks be commissioned? On checking the PNC return, you may find that the subject already has foreign convictions on their record either resulting from

a previous request to a foreign authority or a notification to the UK authorities concerning a UK national who has been convicted overseas (in the EU, member states are required to send details to the UK of all UK nationals who have been convicted in that country).

If information is not shown on the PNC return, and you assess that it is necessary to determine whether conviction information, relevant to proceedings, is held by EU or overseas authorities and/or the court has directed that Cafcass seek such checks, an international request should be commissioned.

Further guidance for requesting Level 2 police checks

General principles and good practice

- There should be clear recording on the case file about professional decision-making; if no Level 2 check is being completed due to sufficient supporting evidence in other agency reports, this needs to be clearly detailed.
- It is not the Court's decision about whether level 2 police checks are needed. It is the FCA's professional decision-making, assisted by the matrix below, that determines whether a Level 2 check is needed.
- Information from Level 2 checks should not be copied verbatim into a court letter or report. Information that is relevant needs to be summarised.

Matrix to help FCAs decide when a Level 2 police check is required

This matrix aims to support FCAs in considering the need for Level 2 checks – it does not cover all case scenarios but the principles can be applied to most situations.

Scenario	Action required
Level 1 police check shows multiple convictions for domestic abuse and some NFA	Information is already available in level 1 check however consider Level 2 check if frequency or intensity needs clarifying
Level 1 police checks shows no convictions for domestic abuse but several NFAs	Level 2 check is likely to be needed unless a party accepts all the allegations and/or there is corroborating information in other agency checks
Interview raises issues about the frequency or nature of domestic abuse that are not agreed by the parties – police call outs are referred to but disputed. The allegations are at a level likely to impact on the child and the advice to Court (see domestic abuse practice pathway, and Practice Direction 12J)	Level 2 police check is likely to be needed but consider what corroborating evidence is available in the local authority check/ level 1 check
Domestic abuse is raised during interview but both parties agree that the police have never been called	Level 2 police check is unlikely to add any additional information if police have never been called.
Interview raises concerns that the victim may be minimising the issues and therefore not telling you all the times the police have been called	Level 2 police check is likely to be needed to clarify frequency/intensity.
Allegations that there is domestic abuse in the household but with other partners	Level 2 check is likely to be necessary on the adult party to see if the police have been called to other

etc. Interviews need to ascertain likely timeframe to enable Level 2 checks to be completed	incidents. Note we need consent/court order to undertake a check on a non-party. Gaining consent is desirable when allegations are being made about a new relationship.
Allegations of domestic abuse but local authority check clearly documents that they have been involved with the children and details several police referrals to the local authority	Level 2 may be necessary if the level of domestic abuse is believed to be above what is noted in all the documents and ascertaining the seriousness is likely to impact on the advice given to court
Interviews have not been completed but C100 refers to alleged domestic abuse	More details are likely to be needed before a Level 2 check can be completed such as timeframe of incidents although a Level 2 check can be completed.
Case needs further assessment by Cafcass due to the allegations made	L2 checks should be requested in EIT wherever possible. Where a party has been interviewed at FHDRA and a section 7 ordered but L2 is needed WAFH are responsible for requesting them to prevent delay in transfer of case.
Advice to the Court is consideration of Fact Finding and full police disclosure	Level 2 is unlikely to be needed if the court orders full police disclosure, however if the Court does not follow Cafcass advice but orders a section 7, the need for Level 2 should be re-considered.
Consider other types of risks. Allegations of drug and alcohol misuse; sexual abuse; physical abuse; emotional abuse; risk to child status	Level 2 may be necessary if parties are indicating that there has been police involvement in relation to other risk issues and the local authority information does not include the assessment of risks identified during their intervention
Domestic abuse is raised in the application and telephone interview but local authority is actively involved with the case	Advice should be that local authority should seek additional police info to inform their case decision-making.
If the FCA at the first hearing is advising that the local authority undertakes a section 37 or section 7 report	It is expected that the FCA has a conversation with the local authority and shares the risk issues, after the first hearing if a section 7 or section 37 ordered. Cafcass should share the safeguarding letter with the local authority. Cafcass should not request Level 2 checks.
Reconsider the need for Level 2 checks throughout the life of the case	Level 2 may be necessary especially where new information comes to light when using tools, during interviews or on receipt of other agency information.

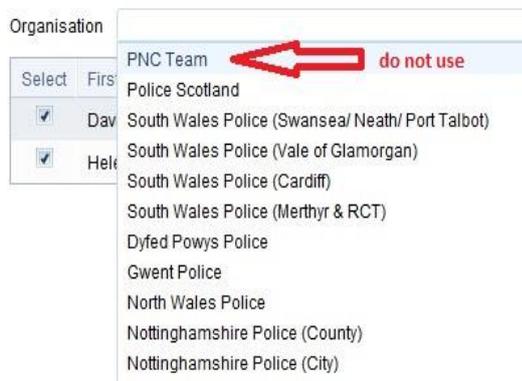
What is the process for commissioning Level 2/International/Military police checks?

Creating requests

All decisions to commission enhanced checks must be sent on the 'FCA Level 2 Request' template found under 'Safeguarding Letters' in the Reports menu on ECMS.



When generating the request, the Police Force that the checks need to be undertaken with **MUST** be selected from the organisation drop-down, PNC Team **MUST NOT** be selected.



Once the correct force and parties are selected, click

[Generate Document](#)

to create a new FCA Level 2 Request form.

The FCA Level 2 Request form captures:

- The Case name and number
- The parties to be checked
- Whether Level 1 checks have been returned/reviewed (L2 checks only)
- Whether appropriate consent has been gained
- The specific reason for requesting Level 2/International/Military checks, which **MUST** include a date/timeframe for the information required.

- The destination police force or country for the checks

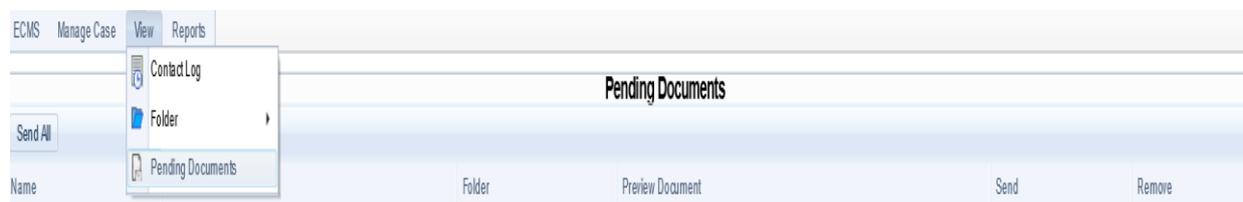
Once complete select “save” to save to pending documents on ECMS or “save as” to save to your PC, in order to attach to an email.

Sending requests

All Level 2 police check requests must be sent to Level2Requests@Cafcass.gov.uk which can be done using one of two methods:

Submit via ECMS – Does not allow further editing

On ECMS, select View – Pending documents



Select the Level 2 police check documents you have generated and click “Send as Word” The request will be sent automatically to the Level2Requests inbox and a copy will be stored in the Correspondence folder on ECMS.

Submit via email – Allows further detail to be included in the email body

If you selected “save as” when completing the request form, you will need to create a new email to submit to Level2Requests@Cafcass.gov.uk.

Attach the saved word document to the email and ensure the subject line contains “Case Name-ECMS Reference-Level 2 Request-Police Force Name”

The next scheduled court hearing and report filing dates should also be included on request emails if ECMS has not yet been updated with these details.

Enter any further information you wish to submit into the body of the email, add your details/email signature and click “Send”.

Once your request has been processed by the PNC team, you will receive an email confirming this and any further details you may need to be aware of.

The FCA Level 2 Request enables the Level 2 Team to ensure that the request for information meets the police/country criteria for sending, preventing any delays further down the line.

Once validated, the Level 2 Team will generate and send a formal request letter to the relevant police organisation.

Practitioners must not generate their own formal request letters to the Police on ECMS; these will be generated by the PNC Team once an FCA request form has been validated.

How long does it take for a request to be dealt with? The request will be picked up by the Level 2 Team within one working day, for validation that the request meets police criteria. This avoids unnecessary delays whilst the request is being processed by the police and ensures that all requests to access sensitive information on service users are adequate, relevant and not excessive.

The turnaround time for individual police forces vary; notification of current turnaround times will be provided within a confirmation email sent to the requesting FCA.

Level 2/International/Military police request validation criteria

Level 2 requests that have been commissioned must meet the below criteria:

- *All parties/non-party adults must be on ECMS.* Any service users that are involved in a Cafcass case must be recorded on Cafcass systems.
- *Consent must be obtained, where applicable.* Please see the [‘When to undertake police checks’](#) section for guidance on when consent or a court order directing checks to be carried out are necessary.
- *Level 1 police checks must be completed. This is a requirement for Level 2 checks only.* Aside from being a police requirement, Level 1 checks are a valuable early indicator of concerns that may need to be investigated further. If updates regarding recent police involvement with parties are required, up-to-date Level 1 information may provide the required information, or may raise concerns to be included on the Level 2 request.
- *A specific reason for commissioning the checks must be provided.* Any concerns indicating that enhanced checks are required will be raised from interviews with service users, Level 1 disclosures or local authority safeguarding returns. This must be explained in the reason for the request. It is important to include dates, times and any other relevant information (e.g. police reference numbers) regarding alleged incidents.

Some police authorities have individual criteria, such as:

- The Metropolitan Police Service requires a Service Manager’s scanned physical signature to be attached to all Level 2 requests (to be included in the body of the request email if not already on file).
- West Midlands Police require the commissioning Family Court Adviser’s scanned physical signature to be attached to all Level 2 requests (to be included in the body of the request email if not already on file).
- Requests to the Greater Manchester Police require address history dates to be provided before a request can be processed.
- Military requests require authorisation by a PNC Team member to be added to the completed request form before a request is sent to the Military Police Service Bureau.
- International police requests require additional information be obtained. The basic mandatory details for International checks to include are:
 - *The reason for the request*
 - *Destination country/countries*

- *Name(s), DOB, gender, country of nationality, country of birth, town/village of birth of the individual*

Other useful information to include if possible:

- *Parents' names*
- *Passport number*
- *National ID card number*

Different countries have different data requirements. Country specific mandatory requirements can be found [here](#). This list is updated regularly.

The team will reject requests that do not meet the validation criteria and will provide advice on how to resolve omissions

Any questions about the process can be sent to the [PoliceInfoManagement mailbox](#).

Additional information for commissioning Level 2/International/Military police requests

Who should send the email commissioning requests? Request emails must be sent to the [Level2Requests](#) mailbox directly by the commissioning FCA. This will help to make sure the professional judgement behind a request is explained clearly, and if a request requires further work, the Level 2 Team can liaise with the FCA as early on as possible to make sure the request can be validated and sent.

Following this procedure will ensure that the police can process the request successfully, without any unnecessary delays. It will also ensure that safeguarding request progress is recorded accurately on ECMS and that invoices for International requests can be paid promptly.

How is the destination police force identified? Destination forces for requests should be given as the force area or country where police contact is alleged to have occurred. The Level 2 Team can help to identify the relevant destination police force, if this information is unknown to the FCA. Locations of incidents should be confirmed before requests are sent, to ensure that requests are sent only to the appropriate police force areas.

What constitutes a valid reason for a Level 2 request?

For a request to be commissioned, a concern that police contact has occurred must exist.

If police contact is alleged to have occurred then other details (such as dates/approximate dates) should be obtained from parties, Level 1 disclosures and LA check results to support the Level 2 request. Requests will not be validated if they do not include a request reason. Where checks have been court ordered, basic supporting information should still be provided.

What constitutes a valid reason for an International request?

Requests for international police information are made if Cafcass learns – through the application, WTFH interview, or by other means (such as a direction from the court) – that one or more parties has spent a significant amount of time residing overseas, or is an EU national, or any other non-UK national. International requests can also be made in respect of ‘relevant individuals’, using Cafcass’ criteria for wider police checks.

As much information as possible must be given with regards to any known or alleged involvement with the police in the relevant country.

Where should requests be sent for ‘out of jurisdiction’ checks? Checks for enhanced police information from Wales and Scotland, the Military Service Police Bureau and International police organisations can be obtained using the standard ‘FCA Level 2/Int./Military request’ form via the [Level2Requests](#) mailbox.

The Police Service of Northern Ireland has confirmed that no enhanced information will be provided to Cafcass. Where it is determined by the FCA that relevant information may be held by local forces in Northern Ireland (not available on the PNC), the court should be advised that it may consider ordering disclosure from PSNI, or ordering the parties to obtain this information themselves.

Level 2/International/Military police returns

How will results be returned? Returns are sent by the police to inboundpost@cafcass.gov.uk, where they are uploaded to the case file, in the Police Information folder.

Upon return, an automated notification is sent to the FCA. Local processes are followed for the appropriate safeguarding statuses on ECMS to be marked as 'completed' (this is not done by the PNC Team).

How long will results take to be returned? There is an expectation that Level 2 results from regional police forces in England will be returned within 15 working days, however police forces often experience high demand and have limited resources which unfortunately means turnaround is longer. Weekly updates are provided to senior service area management with details of known delays and any other barriers to processing.

Military checks are usually returned within five working days.

There are no standard turnaround times for International checks.

Requests that have been outstanding longer than the expected timeframe will be reported back to the police by the Level 2 Team so that they can be followed up.

With International requests, ACRO will routinely chase requests on behalf of Cafcass.

Who should be contacted if there are any issues with Level 2 returns? Any queries or requests for advice should be sent to the [PoliceInfoManagement](#) mailbox. Any queries that cannot be resolved by the Level 2 Team will be forwarded to the relevant police contact.

What is the process if checks further to those already returned by the Police are required? If, upon receipt of disclosure, Cafcass requires additional information, a second request should be sent to the Level2Request mailbox, specifying exactly what further information is required.

However, if information is disputed or is believed to be incorrect this should be highlighted by way of a query to the PoliceInfoManagement mailbox as this will usually be addressed more quickly by the force's disclosure unit.

Further notes on International checks

How are International checks managed once they have been commissioned? The International Criminal Conviction Exchange portfolio at the ACPO Criminal Records Office (ACRO) hosts both the United Kingdom Central Authority for the Exchange of Criminal Records (UKCA-ECR) and the Non-EU Exchange of Criminal Records (NEU-ECR). The teams provide an efficient and effective service aimed at supporting non-police agencies in the UK by obtaining criminal conviction information from foreign authorities.

ACRO has the ability to make requests to check for foreign previous convictions for purposes other than criminal proceedings, such as child protection. However, countries respond to these requests in accordance with their national laws and consequently they may not be able to disclose the full record when requested, or may deny the request. The consent of the individual may be required.

Additional information for commissioning International checks – EU requests only

EU member states are only obliged to respond to requests made for purposes other than criminal proceedings in accordance with their national law.

If their national law permits a response to a request of the same nature in their own country, the EU member state must respond to the UK's request within ten working days. There may be a few extra days for processing and translation before a reply is sent to Cafcass.

However, if the EU member state's national law would not permit a response to a request of the same nature in their own country; there is no obligation for them to respond to the UK. The requesting party will be notified if this is the case.

Additional information for commissioning International checks – non-EU requests only

There is no prescribed response timeframe for non-EU countries although urgent cases can be prioritised and the NEU-ECR will chase cases when necessary (i.e. if the request is of an urgent and serious nature). The NEU-ECR can provide guidance on average response rates for individual countries.

International checks- hints, tips and other information

- ACRO should be contacted when there is a dispute as to information held on the PNC regarding offences abroad (e.g. case of mistaken identity).
- ACRO will translate returns if required.
- ACRO has asked countries to indicate whether they will respond to requests relating to child arrangements order applications; Portugal, Germany, Finland, Denmark, Hungary, Australia and Ireland have indicated that they will not respond to requests outside of criminal proceedings. Individuals should apply for a copy of their own record through the relevant national authorities, and not ACRO. The Home Office has produced guidance on this, which can be [found here](#).
- France, The Netherlands and Spain will not process requests for UK nationals or other EU nationals as they have carried out a full historic exchange with all EU Member States and information should be available on the PNC.

If anticipated information is not present on PNC, Cafcass is able to submit a request via ACRO, but only if the FCA holds intelligence to suggest that the subject may have convictions which have not been exchanged.

For example, if a UK subject does not give their true nationality whilst before police or court in France, the Netherlands or Spain, the conviction information will not be transferred to the UK and appear on PNC.

If a situation such as this is believed to have occurred, it is beneficial to have details of any potential convictions (i.e. type of offence, approximate dates, where they occurred, convicting court etc.) so that these can be looked into by the respective country's police force.

- Each request is considered at the time, and the current situation of the country is considered before ACRO decide whether to make the request. However, the NEU-ECR does not make requests to the following countries: Afghanistan; Armenia; Aruba; Iran; Iraq; North Korea; Libya; Palestine; Somalia; Western Sahara.
- Requests to China, including Macao and Hong Kong, Israel and Tibet will only be made in exceptional cases, where it is likely the UK case will collapse if the information is not provided. The necessity for making the request is balanced against the human rights of the individuals concerned.

This information is regularly updated by ACRO so please contact the [PoliceInfoManagement](#) mailbox if you have any questions.

SSAFA requests

SSAFA checks are generated and requested by local teams, these should not be sent via the Level 2 Team as they are akin to LA rather than Police checks.

SSAFA provides a social work service to children, young people and families living in military communities.¹ SSAFA holds information that would otherwise be held by local authorities in the UK. A form for requesting information from SSAFA is available on ECMS.

Cafcass should request information regarding any social work involvement with the parties, when one or more of the parties has resided on a military base within the past five years.

The request should be sent by email with the following information to vetting@ssafa.org.uk:

- Full name
- Date of birth
- Service number (for the serving member)
- Children in the household at the time of posting

If this information has not been returned by the date of the hearing then the court should be made aware of this.²

¹ In Great Britain and in five overseas bases: Germany, Cyprus, Gibraltar, Brunei and the Falkland Islands.

² SSAFA should be able to return this information in time for FHDRA if the request is made within 48 hours of Cafcass receiving the C100. However, it is likely that Cafcass is only made aware of one or both parties' military background(s), and service number, through the course of WTFH interviews, which may mean the request is made too close to FHDRA for SSAFA to provide the information for this hearing.

Onward disclosure of police information

The rules around onward disclosure of police information are set out in the ACPO Disclosure Protocol, available on the Safeguarding page of the intranet. Questions regarding specific cases should be discussed with [Cafcass Legal](#).

- Cafcass will not give a direct copy of Police documentation to any parties or their legal representatives. Cafcass will set out relevant information disclosed by police to the court via the Safeguarding Letter or the s7 report.
- Cafcass will disclose information provided by the police to the local authority if there are urgent child protection issues. Cafcass will also share information provided by the police should the court determine that the local authority complete a s7 report. This prevents unnecessary repeat checks being carried out with the police, by the local authority, on the same parties in the same case.

Retention of police information

Police information is always retained for three months from the date of receipt, even if a case concludes earlier than that. This is because repeat checks may not be undertaken if a new application is received within three months of the date when a case closed, unless there is reason to believe that there has been police involvement in the meantime.

Original information, including copied documents, provided by the Police, including international forces, military police and SSAFA, must be deleted 18 months after receipt, or when the case is closed to Cafcass, whichever is the earlier. Where disclosures have been summarised on the contact log or in reports to court, these summaries will remain in the case file.

In accordance with the Case Recording and Retention Policy, the printing of information provided by the police, about service users, is prohibited in all circumstances.

Particularly Sensitive Information

On infrequent occasions, where information is of a particularly sensitive nature, such as intelligence obtained from a Covert Human Intelligence Source (CHIS), or where disclosure may prejudice a criminal investigation or prosecution or in other circumstances cause substantial harm, but is nevertheless assessed as relevant to a particular case, the local force will write to Cafcass providing the reasoning behind non-disclosure.

This letter can be passed to the Court to make any necessary directions.

If the police want to withhold any information from the parties the court will give them the opportunity to intervene and make their own representations.

Appendix 1: Home Office serious offence list



ASSOCIATION OF CHIEF POLICE OFFICERS

Home Office Serious Offence List (HOSOL)

OFFENCES TO BE RECORDED ON THE POLICE NATIONAL COMPUTER

If the International Criminal Conviction Exchange Teams in ACRO make an enquiry to another country in relation to a foreign national and receive back details of foreign criminal convictions that are the equivalent to one of the UK offences indicated in Annex A below, it should be added to the PNC.

As of the 5th November 2014 if any of the below offences in Annex A are added to the PNC it will act as trigger and the rest of the conviction history can be updated to the PNC record.

ANNEX A

Genocide

Murder

Poisoning/Administering noxious substances

Kidnapping

Rape

Sexual offences against children and mentally disordered persons (including indecent photos)

Terrorism/Membership of a proscribed organisation

Causing explosions/making/possessing explosives

Armed robbery

Child stealing

People trafficking

Possession of firearms to resist arrest

Possession/supply/manufacture/selling/purchasing of prohibited weapons/firearms/chemical weapons/nuclear weapons

Endangering/destroying aircraft/ships with a sentence of 15 years or more

Arson/criminal damage etc endangering life with a sentence of 10 years or more

GBH/wounding with a sentence of 10 years or more

Supply/manufacture/import/export of drugs with a sentence of 8 years or more

OTHER QUALIFYING OFFENCES TO BE ADDED TO THE PNC

As of 5th November 2014, where ACRO receive any foreign convictions, following a request, which meet the below criteria, those foreign convictions will be updated to the PNC.

All sexual offences which fulfil the criteria for sex offender registration under the Sexual Offences Act 2003

A series of offences of GBH and serious ABH which individually do not meet the threshold of the current HOSOL requirements but collectively would (N.B. The series of offences can be considered for update to PNC where the combined sentence for all of the offences adds up to 10 years imprisonment or more. The application of this rule applies to all assault cases.)

Three offences of class 'A' drugs trafficking or domestic burglary committed after 15th August 2010 in accordance with the Sch 17 para 10. Coroners and Justice Act 2009 and allowing for required custodial sentence.

Five offences of other crimes (which have been committed in the past 3 years) not specified in the Annex A list which demonstrates a significant risk from a recidivist offender

Offences of robbery which have resulted in a term of imprisonment of three years or more (N.B. This will cover offences of violence linked to theft)

Any other offences which have been committed where the victim is a vulnerable adult or where a police officer considers the offender has committed what might be identified as a 'precursor offence' (leading to a future serious offence)

Any other offence where the seriousness is viewed in isolation

Any offences which will result in automatic barring from working with children in accordance with the DBS barred list of offences

Appendix 2: Example process flowchart for Level 2 requests (Metropolitan Police Service)

