

Dated: 26 April 2004

To: Applicant Companies and Approved Companies in all NSI Schemes that require Security Screening of individuals employed in a security environment.

SPECIAL BULLETIN No. 02/04

Guidance on the implementation of BS 7858: 2004, the British Standard Code of Practice for Security screening of individuals employed in a security environment (Supersedes BS 7858:1996)

BS 7858: 2004 shows a publication date of the 12 March 2004 and is now available through licensed outlets including the NSI who can supply copies at a discounted rate.

BS 7858: 2004 will now be applied across all NSI Approval Schemes where security screening of individuals employed in a security environment, is a condition of NSI approval. The Standard will be applied with immediate effect, subject to the additional clarifications and guidance within this Special Bulletin.

With immediate effect Applicant Companies will be assessed against the 2004 Edition and any Non-Compliances recorded against clauses of the Standard will have to be satisfactorily addressed before approval can be granted.

Existing approved companies will however be given until the 31 December 2004 to fully comply with the amended requirements. In the interim, observation reports will be issued for any of the revised requirements that are not satisfied and if such observations are not adequately addressed by the 31 December 2004 they will be elevated to a Non-Compliance. Failure to address any such Non-compliance in a timely manner will then impact upon the on-going approval decision.

In the case of companies operating in the manned services side of the Security Industry, the BS number is shown on the face of the NSI Certificate of Approval. These Certificates will be progressively updated, at renewal to reference BS 7858: 2004, provided satisfactory evidence is available to demonstrate compliance.

NOTE REGARDING THE STATUS OF BS 7858: 2004: Although issued as a code of practice by the British Standards Institution, it is important to note that compliance with the recommendations given is regarded as mandatory for all companies approved by NSI where the NSI Approval Scheme requires security screening; subject to any additional clarifications and guidance included within this Special Bulletin or issued subsequently. *The recommendations given in BS 7858: 2004 should therefore be regarded as requirements of the NSI approval scheme(s).*

SUMMARY OF KEY CHANGES

(Highlighted under the clauses of the new Standard)

Comments under each clause consist of a summary of the changes when compared with the corresponding clause within BS 7858: 1996.

Where the actual wording is quoted it is reproduced in bold text.

Where it is considered relevant to further clarify the specified requirement, additional guidance is included in italics.

It is not, however, the intent of the NSI to only impose its own recommended methods of compliance with specified requirements and the NSI will give full consideration to any alternative methods of achieving compliance with specified requirements.

COMMITTEE RESPONSIBLE FOR THE STANDARD

Relevant stakeholders in the Security Industry continue to be represented on the BSI Technical Committee GW/3 that prepared the Standard. It is also noted that the Criminal Records Bureau and the Office of Information Commissioner were represented through the Technical Panel GW/3/-/4.

FOREWORD

This British Standard was prepared by BSI Technical Committee GW/3 with representation as noted above. The Foreword also makes it clear that the Security Industry Authority (SIA) was consulted in light of legislation that is being phased in.

Attention is also drawn to the Data Protection Act 1998 and the Information Commissioners Code of Practice : Employment Records.

There is also a reminder that compliance with a British Standard does not of itself confer immunity from legal obligations and there is a list of statutory regulations that can impact on the Security Industry.

1. SCOPE

The scope has been amended to emphasise that it applies to **individuals in an environment where the security and safety of people, goods or property is a requirement of the employing organisation's operations and/or where such security screening is in the public interest.**

Safety and public interest were not previously referenced. Inclusion of the words 'safety and public interest' could potentially widen the application of the Standard but caution is suggested when its application is being considered in areas where it has not been established custom and practice to apply it e.g. a case for its application could easily be made for retail security where the security personnel could be involved with the apprehension of shoplifters etc including juveniles but a much more limited case could be made for a till operative where the main risk to the organisation is financial loss or customer dissatisfaction.

2. TERMS and DEFINITIONS

A new definition is included for **‘confirmed employment’** to make it clear that this relates to the **period after provisional employment which is granted upon successful completion of security screening.**

Also, under the definition for **‘relevant employment’**, a new note is added to draw attention to **The Information Commissioners Employment Practices Data Protection Code – Part 1: Recruitment and Selection.**

There is also a new and interesting definition for ‘writing’ i.e. **‘legible document (hardcopy document or electronically stored document capable of being printed) from an individual whose identity is verified’.**

In light of the above definition and the references to electronic data under clause 11 Records, NSI will accept that references supplied may be in the form of hard copy or an electronic submission, including Emails and Facsimile submissions. There is of course a proviso that in all cases the reference should be clear and that the individual supplying the reference has also been verified.

A definition is now included for a **‘screening controller’** as there are subsequent references to the responsibilities of this individual e.g. refer to the fourth paragraph of clause 4.1.

3. GENERAL

3.1 Although there is no change to this clause, it is fully reproduced to reinforce the objective and purpose of security screening to BS 7858 i.e. **‘The organisation should not employ individuals whose career or history indicates that they would be unlikely to resist the opportunities for illicit gain, or the possibilities of being compromised, or the opportunities for creating any other breach of security, which such employment might offer’.**

3.2 A clause is now included to make it clear that **the organisation should not employ individuals who, where required, cannot produce a valid work permit or visa**, followed by a note referencing the **Asylum and Immigration Act 1996.**

Essentially there are no changes other than the inclusion of the above reminder regarding compliance with an appropriate piece of legislation.

3.3 An existing clause that requires the organisation to make it clear to all individuals that high standards have to be maintained, has been strengthened to make it clear we are talking about **high standards with respect to honesty and integrity.**

A new clause is also included to the effect that **‘Individuals employed in security screening should be mindful of the difference between personal opinion and fact when recording information about individuals’.**

The above also serves as a useful reminder of the need to exercise caution when recording results of interviews and conclusions on the acceptability or otherwise of applicants and particularly with regard to references given and received. Whatever comments or conclusions are recorded it must be clear that they can be substantiated, particularly bearing in mind the individual’s right to access such information under the Data Protection Act.

4. SECURITY SCREENING PROCESS

4.1 General

This section has been expanded and includes certain points that were previously under separate headings e.g. the need for a personal interview prior to any offer of employment being made.

It also now starts with a clear requirement that **‘the organisation should inform individuals being screened that their personal data will be used for the purposes of screening’**.

A new clause has been included that states **‘the screening controller should ensure that private and confidential data about individuals being screened is held confidential unless authorised in writing by the individual being security screened’**. Attention is also again drawn to the **Data Protection Act 1998**.

NSI therefore expects to see evidence to show that a particular individual has been formally appointed as the screening controller and how he or she has been made aware of his/her responsibilities and authorities and some detail to highlight how the company ensure such information is maintained on a confidential basis. Relevant evidence may include organisation charts, job descriptions, procedures that highlight and assign such responsibilities, statements on application forms and internal audit reports that confirm that information is held in a confidential and secure environment.

A new clause is included with respect to **electronically held security screening information to ensure that appropriate measures are in place to prevent alteration** and a note included to draw attention to **DISC PD 0008: 1999, Code of practice for legal admissibility and evidential weight of information stored electronically**. (Although not referenced in the Standard it should also be noted that there is now a BSI Business Information Product BIP 0008:2004 that supersedes PD 0008:1999).

Such measures may include the availability and use of specified documentation consisting of information management policy, information retention schedule, information security policy, procedures manual and system description manual. Other measures may include access control (passwords etc), restricting certain access to a read only and print basis, audit trails and system designs that prevent alterations to recorded material being made by users.

4.2 Screening file (previously clause 4.2.4)

A clause to make it clear that **a screening file** (previously referred to as a personal file) **should be established for each individual subject to security screening** and inclusion of a **reference to clause 11 on records**.

4.3 Provision of information (previously clause 4.2.5)

No significant changes, except for clause a) which now makes it clearer that details of the education and career history should include **details of education, employment, periods of self-employment, unemployment and gaps in employment throughout the screening period**.

See also 4.5 below.

4.4 Continuous record of career and history (previously clause 4.2.2)

No significant change other than the addition of a specific **requirement for the organisation to enquire whether former employers would re-employ the individual.**

NSI therefore requires all NSI approved companies to incorporate such a question on their standard forms for employment references.

4.5 Character references (previously clause 4.2.3)

A new clause to consolidate requirements for character references that has not fundamentally changed the requirements, although it now introduces a specific requirement that the **character referees should have known the applicant for a minimum of 2 years within the past 5 years and that they should not be obtained from relatives of the individual being screened.**

Also, there is now a specific requirement that **wherever possible, a character reference should be requested from the most recent past employer of the individual being security screened.**

This is a tightening of the standard, in that it introduces a definite requirement to approach the most recent past employer in all cases for a character reference, except for situations where it is not possible to do so (e.g. if it is not possible to identify the location of the most recent past employer). (This contrasts with the Note 2 to clause 4.2.3 in the 1996 edition).

However, there is a timing issue in cases where the individual is still employed.

Note 2 to 4.3 indicates that **if necessary, individuals may be reassured that a current employer will not be contacted until written permission from the individual is obtained.**

Clause 4.3 states that **if permission to contact a current employer is withheld until an offer of provisional employment is made, the individual should be informed that it is a condition of the offer of provisional employment that the offer will be withdrawn if the security screening is not concluded satisfactory.** Also, as indicated above, clause 4.4 calls for former employers to be asked whether they would re-employ the individual.

A note is retained to emphasise that **Effective security screening is dependent upon those having knowledge of the individual being screened supplying information and references. It is hoped that individuals and organisations will co-operate in supplying information and references in respect of their past employees when requested to do so, unless there are good and substantial reasons for not doing so.**

NSI fully concurs with the above note and would additionally point out that if an organisation wishes to be approved to BS 7858 then that organisation must have a reasonable expectation that they will receive references from other companies and it would therefore seem unreasonable if they do not themselves co-operate and supply references for their own past employees.

4.6 Verification of information (previously clause 4.2.6)

There are no fundamental changes to the requirements but some of the clauses have been modified to give more emphasis to the verification of information or to reference examples of the intended documentation that should be submitted, as detailed below:

Clause a) now includes **the type of documentation that can verify the current place of residence e.g. provision of an original utility bill, bank statement, driving licence etc. which bears the individual's address.**

Clause b) now includes an **EU driving licence with photographic identification as a document to verify date and place of birth.**

A warning note is also now included that **it might be necessary for individuals to provide certain information about themselves in order to complete the verification procedures. Care should be taken to ensure that the information supplied is genuine.**

An example of a document that may need to be verified could be a 'To Whom It May Concern' reference which should not normally be accepted at face value and contact should be made with the referee to verify that he/she has indeed issued the individual with such a reference.

A prudent requirement has also now been included that reads **'Where a discrepancy appears during the security screening of an individual, the individual should be invited by the organisation to make representations about the discrepancy'.**

4.3 Conditions for commencement of provisional employment – 5 year screening (previously clause 4.2.7)

This section has not been fundamentally changed but it has been rewritten to provide greater clarity and linkage to the time limitations for completion of the complete screening process as detailed below:

The lead into the section now makes it clear that employment may commence after limited (five year) screening at the **discretion of the organisation.**

This makes it clear that applicants do not have automatic right to provisional employment and assists those companies who wish to carry out the full ten year screening before making any offer of employment.

The included note now also makes it clear that **confirmation in writing of oral security screening enquiries does not need to be obtained as part of limited security screening i.e. prior to commencement of provisional employment, but does need to be obtained as part of completing the full 16 week screening.**

Clause e) now also calls for at least one of the two character references to be in place before an offer of provisional employment is made.

4.8 Period allowed for completion of security screening

No change (still a maximum of 16 weeks for completion of security screening).

4.9 Review of the screening process (replaces previous clause 4.2.9)

Slight change to the requirements to emphasise that the **responsibilities for review rest with the screening controller** and incorporation of a specific requirement **to utilise a progress sheet (or other equally effective means).**

Note regarding On-going monitoring (previously clause 4.2.10)

It should be noted that the old clause 4.2.10 relating to on-going monitoring has been withdrawn. The clause required employers to monitor all personnel in relevant employment, so as to be aware at the earliest possible time of any changes, which may indicate that an employee's suitability may have become reduced to an unacceptable level. In other words their personal circumstances could

have changed to such an extent that they may no longer be able to resist the opportunity for illicit gain if placed in a situation of great trust and temptation. Companies however must be mindful of employment law and adopt a sensitive approach to such issues.

If a company applying for or wishing to maintain an existing NSI approval has a scope that is limited to the provision of a security screening service then it is accepted that the old clause is no longer relevant and no additional NSI requirements will be applied. However if the applicant or existing approved company wishes to include within its approved scope additional security services, then it is likely that there will be additional requirements. Such additional requirements will be detailed within the relevant British Standard Code of Practice and its associated NSI Special Bulletin or Technical Specification.

5. REFERENCES (mainly replaces previous clause 4.4 on oral references)

The previously established principles are maintained but there is now reference to **the progress sheet (or other equally effective means)** and clause **f)** now states that **‘clear proof with name and signature of the individual who completed the 5 year security screening process should be available in the screening file. A copy may also be placed on the personal file’**.

The old requirement that written requests for written confirmation of the information given orally, should be forwarded within five days of the enquiry being made, has been modified and written confirmation is now not necessary prior to the authorisation of provisional employment.

It should also be noted that **‘Wherever practicable, the authorisation of an offer of provisional or full employment should be made by an individual independent of the security screening process’**.

NSI accepts that this may not be possible in a small organisation but expects the principle to be applied in larger companies where there is a hierarchy of personnel involved with personnel and operational issues in addition to the designated screening controller.

6 INCOMPLETE RECORD OF CAREER AND HISTORY (mainly replaces previous clause 4.3 on gaps in career record)

6.1 General

This clause now specifies the use of referees as the means for closing out gaps in the record of career and history in all but exceptional cases, and reads:

Where the record of career and history is incomplete and cannot be independently confirmed in accordance with the written verification procedure (see 4.6) statements in writing from referees should be used.

There is then no change with regard to the requirements covering the suitability and credibility of such referees.

In cases where a significant gap has been covered as per clause 6.1 by a written statement from a suitable and credible referee who had personal knowledge of the individual during the gap-period, NSI actually encourages the use of an executive sign-off as further evidence that senior or executive management are aware of the matter and have weighed the risks of employing individuals where complete employer references could not be obtained.

There is then a final clause that allows in **exceptional cases, one of the methods detailed in clause 6.2 or 6.3 to be used, but not both.**

Clause 6.2 relates to a ‘Qualified Sign-off’ and clause 6.3 to Statutory Declarations, which are commented upon under the following clauses.

6.2 Qualified Sign-off

It is stressed that **such an option should only be utilised as a last resort and the executive signing off the gap in the record of career and history should be satisfied that all reasonable efforts have been made to gain the required information.**

A Note is also included to draw attention to the Security Industry Authority (SIA) and the Private Security Industry Act (PSIA) licensing scheme and there is a recommendation that if the position applied for is not subject to licensing then a basic disclosure is obtained from the Criminal Records Bureau (CRB) prior to an executive utilising the sign-off option.

Clarification is then provided as to who is considered to be a senior executive in the organisation.

The Qualified Sign-off is limited to the most recent 5 years of the security screening process and a single gap of no more than one year.

Additionally the screening controller is required to maintain a list recording all instances of Qualified Sign-off.

Qualified sign-off must only take place if all of the following conditions are met:

- a) The organization has made every effort to carry out security screening of the individual; and*
- b) There is evidence as to why the security screening process could not be completed, despite every effort having been made; and*
- c) The sign-off only relates to the most recent 5 years of the security screening process; and*
- d) The sign-off is only in relation to one gap, which must be of not more than 1 years duration within the 5-year period.*
- e) A Statutory Declaration is not being used for the other 5 years of the security screening process; and*
- f) Taking all the security screening information into account, there is absolutely no suggestion that the person being screened would be unlikely to resist the opportunity for illicit personal gain, or the possibilities of being compromised, or the opportunities for creating any other breach of security, which employment might offer.*

NSI will raise the necessary Non-Compliance or Observation Reports if there is any suggestion that the qualified sign-off is becoming the norm or being treated as an easy option, rather than seeking corroboration from referees in accordance with the first paragraph of clause 6.1, or in any other way being used inappropriately.

The SIA has already commenced the licensing process for Door Supervisors and has a rollout programme to cover additional aspects of the Security Industry over the next few years. Where licensing for a certain category of security employee is already up and running, it will also be a condition of any NSI approval that all relevant individuals are in possession of the appropriate licence and NSI approved organisations will be expected to maintain records to verify that they have checked that all relevant employees have the appropriate licence.

6.3 Statutory Declaration (previously part of clause 4.3)

No significant change when compared with the text that was included under 'gaps in employment' in the previous issue but it is much clearer that it should **only be utilised when the normal security screening process cannot be demonstrably completed and it should not be used with respect to the five most recent years of the security screening period.**

It should be noted that the previous reference (in the third paragraph of BS 7858:1996) relating to the use of the Data Protection Act 'subject access' provisions is absent from the 2004 edition, this absence reflecting current Government thinking and best practice guidance regarding the use of these provisions for the purposes of employment. (However, as mentioned, there is now the Note in 6.2 regarding CRB basic disclosure).

7 ANCILLARY STAFF (previously clause 5)

The basic requirements remain unchanged but **aspects** relating to routines for such matters as clearing desks, securely shredding etc have been omitted from this clause and are now included under a new sub-heading 11.3 Working practices.

8. ACQUISITIONS AND TRANSFERS (previously clause 6)

The basic provisions are unchanged, although there is some minor rewording and there is now a specific reference to the Employment Rights Act 1996.

The final sentence also now makes it much clearer that **any previously unscreened employee who, as a result of the acquisition or transfer, is employed in a position requiring security screening should also be subject to such screening within 16 weeks of assuming the new position.**

9. SUBCONTRACTORS (previously clause 7)

Essentially the requirements for security screening are unchanged, other than referring to 'individuals who, through subcontract arrangements, are engaged in relevant employment' rather than 'all subcontract personnel'.

10. INDIVIDUALS EMPLOYED IN SECURITY SCREENING (previously covered under clause 8)

10.1 General

The section has been reworded but it still covers the need for all individuals carrying out security screening (including the new role of screening controller) to be also subject to screening in accordance with the Standard and be adequately supervised. A note is also retained to highlight where it is normally appropriate to have different individuals signing off the provisional and final screening stages.

A new note is added to the effect that **Screening controllers and those individuals carrying out security screening should individually sign a confidentiality agreement relating to the disclosure of the organisations confidential information and/or material with respect to employees past, present and future.**

NSI expect to see evidence of such a signed confidentiality agreement or appropriate wording in the an acknowledged statement of terms and conditions of employment or alternative document.

10.2 Training

A new sub-heading and expanded requirement for training of all individuals employed in interviewing and security screening. It is now emphasised that **the training of such individuals should fully cover the recommendations given in the Standard and the essential elements of**

the Data Protection Act, and include an explanation of security requirements and their ongoing nature.

NSI expects to see training records signed by the trainer and trainee that demonstrate that the above requirements were covered.

10.3 Subcontracted security screening

A new sub-clause to make it clear that the Standard still has to be applied to any subcontractors providing such a security screening service.

11. RECORDS (previously clause 9.1)

This clause relates to the security screening data and records, although the general housekeeping provisions contained within the first paragraph of 11.1 and within 11.3 are ones that it is prudent and reasonable for security companies to observe in relation to all confidential information and records which (if abused) may give rise to a breach of security.

It should be noted however that if a company uses ancillary staff who may not be in relevant employment (and who therefore may not have been security screened), clause 7 of BS 7858:2004 expressly calls for **clear and unambiguous working practices to be established for dealing with any confidential information to which such ancillary staff might (in the absence of such working practices) have access to in the course of day-to-day operations.**

11.1 General

This clause now commences with a requirement to **maintain and store records securely** and references the Data Protection Act 1998 as well as DISC PD 0008, BS 7799-1 and BS 7799-2 for storage of electronic data.

Compliance with the Data Protection Act is a condition of NSI approval but NSI does not assume the responsibility for verifying compliance with each piece of relevant legislation. The remaining DISC and BS references are taken as guidance references and compliance with the same is not monitored by the NSI under BS 7858.

The remaining clauses summarise the requirements already stated in other clauses with respect to files to be maintained for each screened employee and now make it clear that **full security screening files are to be retained during employment.**

11.2 Cessation of employment

This new sub-clause clearly defines the security screening data and records to be **maintained for 7 years following cessation of employment** and now makes it clear that almost the entire contents of the security screening file are to be maintained. Previously it was only basic details (see below) that had to be retained after cessation of employment and this did not need to include actual references etc).

The list of records to now be maintained is significantly extended such that it will probably be easier to retain the complete screening file for the duration of employment and 7 years thereafter.

The old requirement for basic details of the individual (dates employed, positions held, disciplinary offences and a comment on suitability to be employed in the Security Industry) to be retained for ten years after cessation of employment is absent from BS 7858:2004. These are the

sort of detail that a company might typically keep in a personnel file, (as distinct from a security screening file). Whilst BS 7858:2004 is silent about the matter of what records to keep from the end of the seventh year after cessation of employment to the end of the tenth year, it should be noted that (a) BS 7858:2004 does not actually call for any data or records to be destroyed after a given period (although these are or may be Data Protection Act considerations that organisations need to be aware of and to take account of), and (b) that for companies to be in a position to co-operate in supplying information and references in respect of their past employees (as they are encouraged to do – see Note to clause 4.5), they will need to retain at least basic details for ten years, this period being the “security screening period” defined in clause 2.7.

11.3 Working practices

This new sub-clause introduces a provision that working practices be **regularly reviewed and updated if necessary**. In the context of the security screening operations of a company and the related data and records, it covers matters such as **clearing desks and locking filing cabinets, etc., at the end of the working day, securely shredding and disposing of waste paper (including spoiled documents, etc.), the control of access to computers and data storage media, recording of telephone conversations etc.**

Whilst this particular sub-clause (11.3) relates specifically to data and records relating to security screening operations, please refer also to the comments given above relating to clause 11 generally.

11.4 Model forms

This section references the expanded list of recommended proforma, which are attached to the Standard as Annex B and include a specimen form for the Qualified sign-off.

Use of the actual recommended forms is not mandatory and companies are permitted to develop their own versions, taking note of the prescribed requirements. Whatever version of a standard form is utilised it remains the responsibility of a company seeking NSI approval or maintenance of an existing NSI approval, to ensure that the format of the form and its use, ensure that the relevant information is obtained and verified. In some instances the standard forms do not ensure capture of all relevant information (see comments against each form) but for companies developing a form for the first time they provide a good starting point.

Annex A is an informative attachment summarising the main requirements of the Rehabilitation of Offenders Act 1974.

Annex B contains the 7 recommended forms.

Form 1 Oral enquiry – previous employer

Although the form is generally designed to capture the essential information, NSI also expect companies to establish not just the name of the individual supplying the information but their role or job title. Additionally and particularly if it is the most recent employer the contact should be asked whether they have personal knowledge of the individual and if so can they also supply a character reference.

Form 2 Oral enquiry – other than previous employer e.g. character reference

Clause 4.5 of BS 7858:2004 requires that the individual providing the character reference should be asked to confirm the nature of their relationship with the individual subject to the security screening and that they have known the applicant for a minimum of 2 years within the past 5, the recommended form does not ensure that such information is recorded when utilised for a character reference. Companies utilising the recommended example should therefore make provision for also capturing/recording such information.

Form 3 Request for confirmation of information given orally

No additional NSI requirements or comment.

Form 4 Verification progress sheet

Although the form addresses the requirements it is noted that it only has provision for recording the date each request has been sent and companies should also consider incorporating provision to record repeat requests or chase up letters for the relevant information. Even if the form does not provide evidence of any follow-up to the original request, the NSI require alternative evidence be it in the form of copies of chase letters etc to show that companies do not send out an initial request say in week one and then sit back until the 16 weeks are up and process as a gap.

Form 5 Personal reference and employment verification

No additional NSI requirements or comment.

Form 6 Statutory Declaration

No additional NSI requirements or comment.

Form 7 Qualified Sign-off

No additional NSI requirements or comment.

Annex C is a similar attachment on the principles of the Data Protection Act 1998.

End of document

MJC