

Highways England Company Limited

Area 9

Asset Delivery (AD)

Scope

Annex 8

**Confidentiality & *Client's* Personnel
Security**

CONTENTS AMENDMENT SHEET

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1 CLIENT'S PERSONNEL SECURITY PROCEDURES	
1.1 Mandatory obligations	
1.1.1	The <i>Client</i> is required to adopt the Personnel Security requirements and management arrangements set down in Security Policy 3: Personnel Security of Her Majesty's Government (HMG) Security Policy Framework version 1.1 – May 2018 (see link in Annex 03) issued by the Cabinet Office as amended from time to time (the "Security Policy Framework").
1.1.2	The Security Policy Framework is available to be downloaded from the Cabinet Office website (see link in Annex 03). The <i>Contractor</i> familiarises itself with the objectives and principles embodied within the Security Policy Framework, in addition to the mandatory obligations extracted from the Security Policy Framework and set down in this Annex.
1.1.3	The <i>Contractor</i> ensures that the appropriate level of Personnel Security is obtained and maintained for all Staff in accordance with the Security Policy Framework.
1.1.4	The <i>Service Manager</i> notifies the <i>Contractor</i> of any revisions to the Personnel Security requirements arising as a consequence of subsequent amendments to the Security Policy Framework and agrees any remedial action required by the <i>Contractor</i> as a result of these amendments.
1.1.5	In addition to the requirements set out in the Security Policy Framework, the Cabinet Office Efficiency and Reform Group has introduced security requirements in relation to working area admittance, passes and photographs. These requirements are set out in Part Three of this Annex below.
1.2 Security checks – Minimum requirements	
1.2.1	<p>The HMG Baseline Personnel Security Standard (BPSS) forms the minimum-security check requirements for all Staff whose duties include</p> <ul style="list-style-type: none"> • working in any the <i>Client's</i> premises, for example, the Site, offices, depots, Regional Operations Centres (ROC), the National Traffic Operations Centre (NTOC) and any outstations owned and operated by the <i>Client</i>; • usage of the <i>Client's</i> Information Systems and • working unsupervised in any other capacity.
1.2.2	The <i>Service Manager</i> may notify the <i>Contractor</i> of a modification to the categories of Staff requiring BPSS security checks at any time.
1.2.3	The complete Government guidance document for the BPSS is available to be downloaded from the Cabinet Office website (see link in Annex 03).

1.2.4	Procedural and other details for ensuring compliance with the BPSS are set down in Part One – BPSS Compliance below.
1.3 Security checks – Additional vetting requirement	
1.3.1	Where Staff require unrestricted access to the <i>Client</i> areas identified in Part Two of this annex, the <i>Service Manager</i> notifies the <i>Contractor</i> of the appropriate level of National Security Vetting (NSV) to be carried out.
1.3.2	The <i>Service Manager</i> notifies the Security Team via email (see link in Annex 03) that the applicant requires NSV to be carried out.
1.3.3	Procedural and other details for ensuring compliance with NSV are set down in Part Two - National Security Vetting (NSV) of this annex .
2 PART ONE – BPSS COMPLIANCE	
2.1 Procedures	
2.1.1	The <i>Contractor</i> undertakes security checks to ensure the confidentiality, integrity and availability of the <i>Client's</i> asset (documents and information).
2.1.2	<p>The recruitment controls of the BPSS are required to have been carried out for all Staff to whom paragraph 1.2.1 applies prior to their employment on the contract. The recruitment control process is completed satisfactorily before an individual</p> <ul style="list-style-type: none"> • is issued with a security pass giving unrestricted access to the <i>Client's</i> premises; • potentially has access to the <i>Client's</i> sensitive, possibly protectively-marked, information and • is given access to the <i>Client's</i> IT network.
2.1.3	The <i>Contractor</i> takes all necessary measures to confirm that any previous security checking carried out on existing Staff meets the requirements of the BPSS, either in full or by exception using the risk management assessment process guidance contained in the Security Policy Framework.
2.1.4	The <i>Contractor</i> notes that, for existing Staff with more than 3 years continuous employment and who have not had any access passes or permits revoked in that time, the requirements for references in the BPSS security check can be deemed to be discharged by a letter from a Director or Head of Personnel of the <i>Contractor</i> certifying the same.

2.1.5	The <i>Contractor</i> reconciles any unacceptable gaps identified between the BPSS and existing security checking in accordance with the requirements of the BPSS.
2.1.6	Any new Staff to whom paragraph 1.2.1 above applies are assessed strictly in accordance with the requirements of the BPSS.
2.1.7	The <i>Contractor</i> keeps full and auditable records of all security checks carried out on the Staff and makes such records available to the <i>Client</i> or its appointed representatives for audit purposes upon request.
2.1.8	<p>If:</p> <ul style="list-style-type: none"> the <i>Client</i> discovers any non-compliance with the requirements of the BPSS from the audit process; the <i>Contractor</i> fails to keep full records of security checks carried out on Staff; or the <i>Contractor</i> fails to make such records available on reasonable request; <p>The <i>Service Manager</i> may</p> <ul style="list-style-type: none"> invoke individual withdrawal of permits or passes to Staff or invoke systematic withdrawal of permit or passes to Staff, require that an independent audit of the <i>Contractor's</i> BPSS security check procedure is undertaken at the expense of the <i>Contractor</i> and instructs the <i>Contractor</i> takes appropriate action to immediately address any non-compliance with the BPSS notified to it by the <i>Service Manager</i>.
2.1.9	The <i>Contractor</i> notes that the BPSS does not constitute a formal security clearance. It is designed to provide a level of assurance as to the trustworthiness, integrity and reliability of the individual involved.
2.2 Security check process for BPSS	
2.2.1	The security check process of the BPSS below follows the guidance provided in the HMG Baseline Personnel Security Standard May 2018 (see link in Annex 03).
2.2.2	<p>The BPSS comprises verification of four main elements</p> <ul style="list-style-type: none"> Identity; Nationality and immigration status (including an entitlement to undertake the work in question);

	<ul style="list-style-type: none"> • Employment history (past 3 years); and • Criminal record (unspent convictions only). <p>Additionally, prospective Staff are required to give a reasonable account of any significant periods (6 months or more in the past 3 years) of time spent abroad.</p>
2.2.3	The specific requirements for verification of each of the four main elements are set down in Part II - The Verification Process of the HMG Baseline Personnel Security Standard (BPSS) (see link in Annex 03). An outline description of the core requirements is included below but does not relieve the <i>Contractor</i> from its obligation to comply with all the requirements of the HMG BPSS.
2.2.4	<p>Information collected at each stage of the process is reviewed, assessed and recorded in line with the forms contained in Appendix A below. These forms will cover</p> <ul style="list-style-type: none"> • Verification record; • Nationality and Immigration Status Form; • UK Home Office's Employer Checking Service; • Employment History Report Form; • Her Majesty's Revenue & Customs (HMRC) Record Check Form and • Criminal Record Declaration.
2.3 Verification of identity – Outline requirements	
2.3.1	Identity may be verified by physically checking a range of appropriate documentation (for example, passport or national identification (ID) card together with utility bills or bank statements) or by means of a commercially available identification verification service.
2.3.2	Only original documents should be used for identification purposes, copies are not appropriate. Electronic signatures should be verified by cross checking to a specimen signature provided by the individual.
2.3.3	There is no definitive list of identifying documents. The <i>Contractor</i> notes that not all documents listed in the BPSS are of equal value. The objective is to verify a document that is issued by a trustworthy and reliable source, is difficult to forge, has been dated and is current, contains the owner's name, photograph and signature and itself requires some evidence of identity before being issued (for example, a passport or national ID card).
2.3.4	National Insurance Numbers (NINOs) can be obtained fraudulently and cannot be relied on as a sole means of establishing identity or right to

	work. Temporary numbers beginning with TN or ending in a letter from E to Z inclusive are not acceptable.
2.3.5	Where verification of identity is not straightforward, but a decision is nevertheless taken to employ an individual, the <i>Contractor</i> notifies the <i>Service Manager</i> and records the matter on the Early Warning Register.
2.4 Nationality and immigration status (including an entitlement to undertake the work in question) – Outline requirements	
2.4.1	Nationality and Immigration Status may be verified by physically checking appropriate documentation or, in exceptional circumstances only, by means of an independent check of UK Visas and Immigration records.
2.4.2	The <i>Contractor</i> takes the necessary steps to ensure that an individual has the right to remain in the United Kingdom and undertake the work in question.
2.4.3	Checks need to be applied consistently and the <i>Contractor</i> needs to be aware of its obligations under the Equality Act 2010 (see link in Annex 03).
2.5 Employment history (past 3 years) – Outline requirements	
2.5.1	<p>The <i>Contractor</i> verifies the individual's recent (minimum of 3 years) employment or education history, as applicable, by</p> <ul style="list-style-type: none"> • following up references with previous employers, • verifying Her Majesty's Revenue and Customs (HMRC) tax returns or accountant certified company accounts for self-employment periods, • verifying academic certificates, • means of a commercially available CV checking service or • in exceptional circumstances or where there are unresolved gaps, by means of an independent check of HMRC records.
2.5.2	To ensure that individuals are not concealing associations or unexplained gaps, the <i>Contractor</i> carries out an investigation to address any doubts over the information provided before proceeding further with the BPSS requirements.
2.6 Criminal record (unspent convictions only) – Outline requirements	
2.6.1	The <i>Contractor</i> should note that the requirement to verify "unspent" convictions does not apply when the BPSS is being carried out as part of the groundwork for NSV, where a full check of criminal records ("spent" and "unspent") are made as part of that process.
2.6.2	Under the terms of the Rehabilitation of Offender Act 1974 (see link in Annex 03), it is reasonable for employers to ask individuals for details of

	any “unspent” criminal convictions. The Act states that if an offender remains free of further convictions for a specified period (the “rehabilitation period”), the conviction becomes spent. Where rehabilitation has taken place, the individual must be treated as if the offence had never been committed.
2.6.3	The <i>Contractor's</i> attention is drawn to the basic disclosure certificate check option available from Disclosure and Barring Service (see link in Annex 03).
2.6.4	Where “unspent” convictions have been disclosed, the <i>Contractor</i> carries out a risk assessment, which may include the need for legal advice, before proceeding.
2.7 Approval for employment	
2.7.1	General guidance and requirements post BPSS verification are contained in Part IV – Post Verification Process of the HMG BPSS (see link in Annex 03). An outline description of the core requirements is included below but does not relieve the <i>Contractor</i> from its obligation to comply with all the requirements of the BPSS.
2.7.2	Subject to paragraph 2.7.3 below and unless advised to the contrary by the <i>Service Manager</i> , all Staff for whom a completed BPSS Verification Record has been submitted may be treated by the <i>Contractor</i> as suitable to undertake the duties referred to in paragraph 1.2.1 above.
2.7.3	The <i>Client</i> ordinarily requires a period of 3 working days from receipt of a fully completed BPSS security check for its internal approvals process and prior to the subsequent issue of access permits and passes. The <i>Service Manager</i> may exclude from the working areas any individual for whom a BPSS Verification Record is not supplied, is incomplete or is otherwise unsatisfactory.
2.7.4	BPSS Verification Records with a sealed Criminal Record Declaration are assessed separately on a case by case basis by the <i>Service Manager</i> . The <i>Service Manager</i> advises the <i>Contractor</i> if the individual has been approved as suitable to undertake all or any of the duties referred to in paragraph 1.2.1 above.
2.8 Incomplete or unsatisfactory BPSS verification records	
2.8.1	Where a BPSS is incomplete or is otherwise unsatisfactory, the <i>Service Manager</i> advises the <i>Contractor</i> of the deficiencies and the actions needed to correct them.

2.8.2	The <i>Service Manager</i> contacts the Security Team (see link in Annex 03) to address any actions needed as a result of an incomplete or otherwise unsatisfactory BPSS check.
2.9 Renewal of the BPSS	
2.9.1	Under most circumstances, renewal of the BPSS is not required.
2.9.2	The <i>Contractor</i> rechecks the immigration status of migrant Staff before their current right to remain in the United Kingdom visa expires or within 12 months of the previous check, whichever is the sooner. These checks are repeated until the employee can demonstrate an indefinite right to remain in the United Kingdom or until the employment comes to an end.
2.9.3	The <i>Service Manager</i> instructs the <i>Contractor</i> to carry out additional security checks on any Staff required to operate in or on a List X site (see link in Annex 03).
2.9.4	If an individual, who has previously been subject of a BPSS security check, leaves the employment of the <i>Contractor</i> and is subsequently re-employed by the <i>Contractor</i> within twelve months, the original security check authorisation may be reinstated. The <i>Client</i> may require additional evidence before reinstating the original security check authorisation. In all other cases of re-employment, the full BPSS security check must be carried out.
2.10 Ongoing personnel security management (“aftercare”)	
2.10.1	The <i>Contractor</i> monitors, manages and supports the required behaviours of Staff who are approved for work on the contract in line with the principles contained in the Security Policy Framework and reports to the <i>Service Manager</i> immediately if the continuing suitability of an employee is in doubt.
2.10.2	Where the <i>Contractor</i> reports a case of doubt or the <i>Service Manager</i> considers that the actions of any of the Staff do not conform to the <i>Client's</i> required behaviours, the <i>Service Manager</i> may instruct the <i>Contractor</i> to review the performance of the individual concerned. The <i>Contractor</i> takes appropriate action in consequence of the review, which may include <ul style="list-style-type: none"> • Performance improvement; • Temporary suspension of permits and passes; or • Removal of the individual in accordance with the core clause 22.2 of the NEC4 Term Service Contract (TSC).

2.11 Retention of documentation	
2.11.1	The documentation associated with the BPSS check is retained by the <i>Contractor</i> until the expiry of the contract period and for a period of twelve months after the individual has ceased to be employed on the contract.
2.11.2	The <i>Contractor</i> destroys all electronic and paper copies of documentation which it is no longer required to retain.
3 PART TWO – NATIONAL SECURITY VETTING (NSV)	
3.1 Procedures	
3.1.1	In all cases, verification of identity and the individual's entitlement to undertake the work in question must be carried out before embarking on NSV.
3.1.2	Other than in exceptional circumstances, NSV must not be undertaken before the BPSS's full controls have been applied. The <i>Contractor</i> agrees with the <i>Service Manager</i> , on a case by case basis, any exceptional cases where NSV and BPSS procedures are required to be carried out in parallel.
3.1.3	The <i>Service Manager</i> determines if any Staff need to undertake NSV in addition to the BPSS check.
3.1.4	If the <i>Service Manager</i> considers that NSV is required, the <i>Client</i> identifies, manages and undertakes the necessary vetting at the <i>Client's</i> expense.
3.1.5	Where the <i>Service Manager</i> determines that NSV is required, the approvals process set out in section 10 does not apply, unless the <i>Service Manager</i> instructs otherwise. Access permits and passes are ordinarily only issued on satisfactory completion of NSV.
4 PART THREE – CABINET OFFICE EFFICIENCY AND REFORM GROUP REQUIREMENTS	
4.1 Admittance to the <i>Client's</i> premises	
4.1.1	The <i>Contractor</i> submits to the <i>Service Manager</i> details of people who are to be employed by it and its Subcontractors. The details include a list of names and addresses, the capacities in which employed, and other information required by the <i>Service Manager</i> .
4.1.2	The <i>Service Manager</i> may instruct the <i>Contractor</i> to take measures to prevent unauthorised persons being admitted on to the <i>Client's</i> premises.

	The instruction is a compensation event if the measures are additional to those required by the Scope.
4.2 Passes	
4.2.1	All Staff are required to carry a <i>Client's</i> pass whilst working in any of the <i>Client's</i> premises.
4.2.2	The <i>Contractor</i> submits to the <i>Client</i> for acceptance a list of the names of individuals for whom passes are required. The <i>Client</i> issues the passes to the <i>Contractor</i> . Each pass is returned to the <i>Client</i> when the individual no longer requires access to that part of the Site or after the <i>Client</i> has given notice that the individual is not to be admitted to the Site.
4.3 Recorded images	
4.3.1	The <i>Contractor</i> does not take images, for example, photographs or videos, of the Site or the <i>service</i> or any part of them unless it has obtained the acceptance of the <i>Service Manager</i> .
4.3.2	The <i>Contractor</i> takes the measures needed to prevent Staff taking, publishing or otherwise circulating such recorded images.
5 BASELINE PERSONNEL SECURITY STANDARD (BPSS) CHECK	
5.1 Introduction	
5.1.1	Unless advised otherwise it is the <i>Client's</i> hiring manager who completes a BPSS check. The <i>Client's</i> hiring manager for the contract is the <i>Service Manager</i> . All Staff, working on the <i>Client's</i> premises or with its technology, have to be BPSS approved before it begins working for or with the <i>Client</i> . The BPSS form and guidance have been produced to assist the <i>Client's</i> hiring managers undertaking checks and to ensure all checks meet the standards set out in the Security Policy Framework.
5.1.2	The BPSS form and guidance notes are provided in Annex 3.