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*safer pre and post  
employment checks*

**POLICY FOR NHSSCOTLAND**

December 2007



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SAFER PRE AND POST  
EMPLOYMENT CHECKS  
Policy for NHSScotland



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# 1. INTRODUCTION

1.1 This policy covers appointment checks that are either:

- required by law, or
- should be considered mandatory for all NHSScotland posts including temporary, locum, and agency staff. This policy also applies to the checking of identity and police checks for any staff given honorary contracts for the purposes of training including electives for those overseas.

It has been produced with reference to pre-employment screening good practice from the Centre for the Protection of National Infrastructure (CPNI) – a list of related documents is attached at **Annex A**.

It describes the procedures for the entry of staff into NHSScotland, irrespective of source including employees, volunteers, students, trainees, secondees or hired agency staff. It also covers policy for recruiting staff from overseas which must be followed **in addition** to the general recruitment policy.

This policy will be reviewed in December 2008 or if changes in legislation require the policy to be amended.

- 1.2 Failure to carry out these checks could put the health, safety, and even the lives, of patients at risk.
- 1.3 Failure by an employee to provide accurate and truthful information in their application should be considered a disciplinary matter. If an employee has intentionally provided inaccurate information, or withheld information that is relevant to their appointment, it can be cause for dismissal and prosecution.
- 1.4 This document outlines the minimum Scottish Government policy requirements for NHSScotland employers which organisations can develop further to meet local needs.

**It is standard policy that Health Boards must:**

- **Verify identity of prospective employees by photographic ID and relevant documents to provide details of current address** – *refer to para 2: Verification of Identity.*
- **Request Disclosure Scotland Enhanced or Standard checks as appropriate** – *refer to para 4: Disclosure Scotland applications.*

**If the post involves unsupervised patient contact or has the potential to put patients at risk then an Enhanced check is applicable.**

- **Ensure all appropriate action is taken to check criminal record status for overseas prospective employees. Health Boards must ensure that all steps are taken to try to obtain criminal record information for all overseas staff for NHSScotland posts that warrant a disclosure check. In the event that the country of origin is unable to provide criminal record status then it is the responsibility of the Health Board to carry out necessary risk assessment on the existing information provided to determine whether the prospective employee is safe to employ – refer to para 5: Overseas staff – Disclosure Scotland checks.**
- **Ensure overseas staff are entitled to work in the UK and have valid visas and work permits – refer to para 6: – Overseas staff Work Permits and staff recruited from abroad. Para 7: – Overseas staff visas. Para 8: Overseas staff Entitlement to work in the UK.**
- **Only use agencies listed on the national contract and regularly audit and monitor those agencies to ensure appropriate pre-employment screening is carried out in line with Scottish Government policy. Any agency found not complying will not be used by NHSScotland Boards – refer to para 9: Agency staff.**
- **Verify the necessary qualifications and registration with appropriate regulatory body for all health professional and support staff – refer to para 10: Qualifications and para 11: Registration with regulatory bodies.**
- **Employees who are required to drive in order to carry out normal duties of the post must hold a licence valid within the UK covering the appropriate classes of vehicle – refer to para 12: Driving Licence.**
- **Obtain at least two references for prospective employees following interview as instructed in the NHSScotland standard application form and prior to offering an unconditional offer of employment – refer to para 13: References.**
- **Interview candidates as part of assessment and selection. This will play an integral part of the pre-employment screening process – refer to para 14: Interview.**
- **Ensure staff have a pre-appointment health assessment before taking up work which complies with equal opportunities legislation and good occupational health practice – refer to para 15: Occupational Health checks.**
- **Carry out risk assessments wherever there is a risk to the health and safety of staff, patients or public – refer to para 17: Risk Assessments.**

- **Implement all pre-employment checks in compliance with relevant legislation** – refer to para 19: *Discrimination*. Para 20: *Data Protection Act*. Para 21: *Rehabilitation of Offenders Act*. Para 22 *Protection of Children Act*.
- **Ensure that candidates sign declaration on application form to ensure that all details have been provided to the best of the candidate's knowledge and are true and complete and provide Health Boards with the authority to obtain Disclosure Scotland checks, references, and regulatory body checks** – refer to para 25: *Application Form*.

## 2. VERIFICATION OF IDENTITY

- 2.1 It is vital that the identity of a prospective employee is reliably verified before he/she is appointed.

By examining documents presented by a candidate you are aiming to corroborate their:

- full name – forenames and last name
- signature
- date of birth
- full permanent address.

- 2.2 As a minimum, 2 forms of ID must be checked. Health Boards must ask prospective employees to provide a document containing the individual's photograph such as a:

- Valid passport – any nationality
- UK Driving Licence – photo card

**and**

- a document providing the individual's current address, such as a utility bill, bank statement or the most recent council tax bill.

It is recommended that you check further documents to confirm identity – 3 forms of identity must be provided to meet Disclosure Scotland requirements.

- 2.3 A list of valid identity documents that can be used to accompany the photo ID and proof of address document is listed at **Annex B**.
- 2.4 If the inability to provide photographic proof of identity appears to be a problem, the prospective employee must provide a passport sized photograph of themselves. This must be endorsed on the back of the photo with a signature of a 'person of standing' in the individual's community who has known the individual for at least 3 years. This may include a:
- medical practitioner
  - officer of the armed forces
  - teacher
  - lecturer
  - lawyer
  - bank manager
  - civil servant.

The photograph should be accompanied by a signed statement from that person, indicating the period of time that the individual has been known to them.

Health Boards must check the statement to ensure that the signature matches the one on the back of the photograph and that it contains a legible name, address and telephone number.

**It is good practice to contact the signatory to authenticate the details of the statement.**

- 2.5 Your level of assurance about a prospective employee's identity will increase with the number and quality of the documents received. It is important to stress that documents do not have equal value. The ideal document:
- is issued by a trustworthy and reliable source
  - is difficult to forge
  - is dated and current
  - contains the owner's name, photograph and signature
  - requires evidence of identity before being issued.
- 2.6 **Annex B** also provides guidance on how to check for evidence of tampering with documents.

## 3. DISCLOSURE SCOTLAND CHECKS

- 3.1 Disclosure Scotland offer checks under Part 5 of the Police Act 1997 and in doing so gathers information from two central records of convictions (the Scottish criminal history system and the Police National Computer) and police forces across the UK. There are 3 levels of check available from Disclosure Scotland under the 1997 Act:
- Basic
  - Standard
  - Enhanced
- 3.2 A Basic Disclosure can only be requested by the individual (not by the employer) and is issued on payment of the appropriate fee (currently £20). This is the lowest level of Disclosure and will provide details of convictions considered unspent under the Rehabilitation of Offenders Act (ROA) 1974.
- 3.3 The higher level checks, Standard and Enhanced, include information on convictions held on criminal records and covers both spent and unspent convictions. In the case of Enhanced Disclosure, this may contain non-conviction information which a Chief Officer or Chief Constable may choose to disclose to the employer if they believe it to be relevant to the position in question. In some circumstances and only in connection with the Enhanced check, a Chief Officer or Chief Constable may also provide non-conviction information only to the registered person. If this happens, the information must not be shared with the applicant. The higher levels check must be countersigned by person registered with Disclosure Scotland.

## 4. DISCLOSURE SCOTLAND APPLICATIONS

- 4.1 To apply for a Standard Disclosures the application must be for an occupation, profession, or office, etc. as stated in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 (as amended). To apply for an Enhanced Disclosure the application must be for an occupation, profession, or office, etc. as stated in the ROA Order 2003 (as amended) and addition be included in the Police Act 1997 (Criminal Records) (Scotland) Regulations 2006.
- 4.2 Managers who are responsible for recruiting employees will identify the appropriate level of disclosure to be requested for individual posts, **Standard or Enhanced**. Managers must assess each post and should remember that if the post does not come within the scope of the ROA Order, then a basic disclosure is the only check that can be requested of the individual. Prospective employees for all applicable posts will be informed that this is a requirement of the Health Board's Recruitment and Selection Process.
- 4.3 It has been recommended that Health Boards do not need to ask prospective candidates to provide Basic Disclosure information. Prospective employees who apply for posts that do not warrant a Standard or Enhanced check will be screened through the mandatory ID, references and documents checks.
- 4.4 All child care posts that come within the meaning of 'child care' as set out in the Protection of Children (Scotland) Act 2003 are eligible for the Enhanced Disclosures. Where the position involved is a child care position this must be noted on the disclosure application. Doing so will ensure that the Disclosure check will also include a check of the Disqualified from Working with Children List (DWCL) in accordance with the Protection of Children (Scotland) Act 2003 (POCSA). POCSA also enables Disclosure Scotland to access similar lists held in England & Wales.
- 4.5 **Standard Disclosures** – Standard Disclosures will contain details of all convictions on record, whether spent or unspent under the Rehabilitation of Offenders Act 1974.

Standard Disclosures will be requested for non-clinical employees and those volunteers who are required to work in all in-patient settings and who will have **regular face-to-face or telephone contact with patients**.

- 4.6 **Enhanced Disclosures** – will include all details available in Standard Disclosures and may also contain non-conviction information held locally by the Police, where this is considered by them as relevant to the post.

**Enhanced Disclosures will be requested for any of the following employees, including bank, agency or locum staff, or rotational staff working in any of the areas identified below:**

Staff	Area of Work
Medical & Dental (including professions complementary to dentistry)	Children's Services Elderly Services
Nursing & Midwifery	Learning Disability Services
Allied Health Professionals	Acute & Continuing Care Psychiatry
Speech & Language Therapy	A&E and Theatre
OD Practitioners	Outpatients & Community
Psychology	Pharmacy
Pharmacists	
Other professional staff not listed here but who are employed, perhaps on a sessional basis, to work with patients, e.g. Alternative Therapists	

- 4.7 This list is not exhaustive or exclusive and is intended for guidance.
- 4.8 Many job titles vary between Boards and some jobs may be rotational. The job title alone would not be enough to determine the level of check as the location and flexibility of the job would have to be considered.

**THEREFORE IF THE POST INVOLVES UNSUPERVISED PATIENT CONTACT OR HAS THE POTENTIAL TO PUT PATIENTS AT RISK THEN AN ENHANCED CHECK IS APPLICABLE REGARDLESS OF THE JOB TITLE.**

This may include non-clinical staff, e.g. porters and drivers in areas of access to patients.

Further guidance on Disclosure Scotland checks can be found at:  
[www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).

## 5. OVERSEAS STAFF – DISCLOSURE SCOTLAND CHECKS AND OVERSEAS POLICE CHECKS

- 5.1 Employers who recruit staff from abroad should carry out the necessary police checks in line with that country's justice system and UK requirements.
- Health Boards must ensure that all steps are taken to try to obtain criminal record information for all overseas staff.
  - Health Boards must carry out a Disclosure Scotland check for posts that warrant a disclosure check even if an applicant claims never to have lived in the UK, and a police check in the country of origin.
  - Staff from outside of the UK must have a Protection of Children Act (PoCA) check before being appointed to a regulated childcare position.
- 5.2 The Criminal Records Bureau (CRB ) [www.crb.gov.uk](http://www.crb.gov.uk) which provides a similar disclosure service primarily for England and Wales offers advice about:
- obtaining criminal record information in twenty two countries and operates a fax-back facility.
  - how an individual can obtain his/her criminal record or certificate of good conduct from overseas.
- 5.3 Disclosure Scotland and CRB cannot currently access overseas criminal records or other relevant information as part of their disclosure service. If Boards are recruiting staff from from overseas, a Disclosure Scotland check may not provide a complete picture of their criminal record that may or may not exist. To help you get a fuller picture of their background and the type of information they provide (including any cost) the CRB provides guidance on how you can obtain further information from a number of overseas countries.
- A link to this information is available on the Disclosure Scotland website: <http://www.disclosurescotland.co.uk/FAQ29.htm>.
- A list of these countries is attached at **Annex C**.
- 5.4 If the country that you are looking for is not listed you must contact the Foreign and Commonwealth website [www.fco.gov.uk](http://www.fco.gov.uk) or telephone 020 7008 1500 who may be able to assist you in obtaining this information.

- 5.5 There are however challenges around ensuring that you have the correct identity, etc. when provided with certificates by aspirant employees. There is EEA work currently ongoing in this area but it is likely to be 3-4 years before it will be possible to be able to legally and practically check on criminal offences committed elsewhere in the EEA. For outwith the EEA, this will take even longer.
- 5.6 The quality and type of information differs from country to country:
- Not all countries operate in the same manner. Some, for example, will have centralised records whilst others may only have locally held files.
  - What constitutes a criminal offence in this country may not in another, e.g. the threshold for recognition of a sexual offence in France is less definite than here due to cultural differences.
- 5.7 The accuracy and authenticity of the information typically depends on how certificates are obtained. Some foreign embassies and high commissions in the UK initiate requests for information on prospective employees on behalf of applicants (employers) and liaise with the relevant issuing authority abroad. The results are passed back to the embassy or high commission and then to the applicant.
- 5.8 In cases where prospective employees have to apply to the issuing authority direct, the relevant UK-based embassy or high commission may still be able to provide advice on what to expect. If there is any doubt about the record produced, they may also be able to authenticate the results.
- 5.9 In the event that the country of origin is unable to provide criminal record status then it is the responsibility of the Health Board to carry out necessary risk assessment on the existing information provided to determine whether the prospective employee is safe to employ.
- 5.10 However, it should be recognised that where meaningful background checks cannot be carried out and sufficient assurance cannot be gained by other means, **it might not be possible to employ the individual**. This may in no way reflect on the honesty and integrity of the individual, just that the required background checks in the country/countries of residence prior to arriving in the UK were simply not possible.

## 6. OVERSEAS STAFF – WORK PERMITS AND STAFF RECRUITED FROM ABROAD

- 6.1 Under the Asylum and Immigration Act 1996, employers are obliged to ensure that their employees are legally entitled to work in the UK. Section 8 of the Act makes it a criminal offence to employ a person aged 16 or over who is subject to immigration control unless that person has been authorised to be in the UK by the Government, and is permitted to take up the post in question; or the person comes into a category where employment is also allowed. Further information on the prevention of illegal working is available on the Borders and Immigration (BIA) website at [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk).
- 6.2 Work Permits are issued by Work Permits (UK). Further information on how to obtain a work permit is available at [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk). It is the employer's responsibility to apply for, and meet the cost of the application. Work permits cannot be transferred between jobs or employers.
- 6.3 If a prospective employee is not a British Citizen or a citizen of one of the EEA countries, they are likely to require a work permit. There are certain exceptions including:
- an EEA national
  - a Swiss national
  - a family member of an EEA or Swiss national who is in the UK exercising their treaty rights or a family member of an EEA or Swiss national who intends to join them in, or is travelling with them to, the UK
  - a citizen of Gibraltar
  - a Commonwealth citizen with permission to stay in the UK on the basis of UK Ancestry
  - an applicant with Highly Skilled Migrants Programme (HSMP) status. HSMP allows individuals with exceptional skills to seek entry or stay in the UK without having a prior offer of employment. If you have any queries on HSMP you can telephone: 0114 207 6020.
- 6.4 NPEE – Notification of Premature End of Employment:
- The NPEE form must be used to notify Work Permits (UK) if the worker does not commence work with you or the employment ends prematurely. This form should be completed and sent to Work Permits (UK) at the address below.

Further information is available at [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk) or

Work Permits (UK)  
PO Box 3468  
Sheffield  
Tel: 0114 259 4074

- 6.5 The Home Office also has an Employers Helpline – 0845 010 6677 which can be used by employers who require advice about ensuring that potential employees are entitled to work in the UK. It also advises also advises on what the legal requirements are and what documentary evidence should be requested from potential employees.

## 7. OVERSEAS STAFF – VISAS

7.1 Non EEA nationals may need entry clearance before they can travel to the UK.

The entry clearance process for the UK is carried out by UK Visas which runs the UK's visa service through British diplomatic posts overseas.

7.2 It is the responsibility of the appointed individual to obtain, and meet the cost of, any visa required. Further information on whether the individual needs to apply can be obtained from [www.ukvisas.gov.uk](http://www.ukvisas.gov.uk).

## 8. OVERSEAS STAFF – ENTITLEMENT TO WORK IN THE UK

8.1 While checking an applicant's identity, it is also important to make sure that the individual is legally entitled to work in the UK in line with Home Office guidance and all documents are checked as identified under section 8 of the Asylum & Immigration Act 1996 (effective from 1 May 2004). Guidance is available at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

Key points include:

- assumptions should never be made on the basis of an individual's appearance or accent
- the Home Office lists suitable verification documents
- copies must be taken of all identity documents
- authenticity of these documents must be verified
- all photo identification must be current.

8.2 When checking if an applicant has the legal right to work in the UK, one document from the list in **Annex D** must be used.

## 9. AGENCY STAFF

9.1 If pre-appointment checks are delegated to an agency, Boards must satisfy themselves those checks and processes are carried out to the standard required. The Scottish Government Health and Wellbeing Directorate has also issued guidance on the appointment of locums under the title Code of Practice in the Appointment and Employment of Locum Doctors.

9.2 Agency Staff – National Contracts:

The use of all national contracts is mandatory for all NHS boards. In the case of agency labour, use of non-contracted suppliers should cease and Recruiting Managers should ensure service continuity is maintained by the use of recognised contract staff, if required.

National Contract suppliers are summarised below:

Category	Contract Reference	Expires	Suppliers
Nursing (North & East)	AGY003	Nov 2007	Scotnursing, Allied Acorn, BNA, Raeburn
Nursing (West)	WSP001-006	Nov 2007	Scotnursing, Allied, Acorn, Advantage, Prestigate
Locums	WOT 501	May 2008	Medacs & Reed
Allied Healthcare Practitioners	WOT 502	Currently under review	Reed, Medic International, Jenny Reeves
Non-clinical Staff	AGY002	April 2008	NRG, Kelly Services, Pertemps, Reed, Adecco, A.S.A., Hays, Select, Certes, Office Angels, Blue Arrow, Brook Street, Data People, Edenscott, Allstaff, Search

**Boards are ultimately responsible for pre-employment checks. It is therefore the responsibility of Boards to monitor and audit agencies to ensure appropriate pre-employment checks are carried out on behalf of NHS Scotland. Any agency not complying with the standards in this document must not be used by Boards in order to ensure patient safety.**

# 10. QUALIFICATIONS

- 10.1 For all health professional staff, the necessary qualifications and professional registration for the position applied for must be verified.
- 10.2 Original educational certificates and verification of registration should be sought. For professional registration, this must be obtained by directly contacting the statutory professional regulator to ensure ongoing registration. For educational certificates, the original certificates must be viewed to ensure that they have not been tampered with. Photocopies are not acceptable.

# 11. REGISTRATION WITH REGULATORY BODIES

- 11.1 Before NHSScotland employers appoint a health professional, they must ask the relevant regulatory body to specify whether:
- the applicant is appropriately registered
  - the registration covers the proposed role
  - the registration is subject to any current restrictions
  - the applicant is the subject of any fitness to practise investigations which the regulatory body has a duty to disclose.
- 11.2 Not every regulatory body discloses fitness to practise proceedings openly or online and do not make changes to the registrant's details until proceedings are complete and the individual is found guilty of misconduct.

It is therefore not always sufficient to consult the regulatory body's website to confirm fitness to practise information. In some cases it will be necessary to contact the regulatory body.

- 11.3 List of regulatory bodies and contact details is attached at **Annex E**.

## 12. DRIVING LICENCE

- 12.1 Employees who are required to drive in order to carry out normal duties of the post must hold a licence valid within the UK covering the appropriate classes of vehicle.

## 13. REFERENCES

13.1 Boards must obtain at least two references before making an unconditional offer of employment to check facts such as the applicant's qualifications and previous job history and suitability for the post.

13.2 References must only be taken up for the **prospective employees following** interview as instructed in the NHSScotland standard application form.

13.3 Who should be approached?:

The candidate is requested to supply two referees:

- one of which should be the current employer and wherever possible the other should be the last or most recent employer.

13.4 Other types of reference:

Depending on the individual's circumstances, additional references will also be required. If:

- an individual has been overseas for a single spell of 3 months or more, or a cumulative total of 6 months or more, every effort should be made to obtain a reference from the overseas employer
- an employer's reference is not available, a second personal reference should be obtained from a referee of some standing in the individual's community (for instance a doctor, lawyer, MP, etc.)
- an individual has been in full time education, a reference should also be obtained from the relevant academic institution
- an individual has served in the Armed Forces or Civil Service during the previous three years, employer's references should be obtained from the relevant service or department
- where there is an unexplained gap in the applicant's CV or application form it will be necessary to obtain verification of whatever explanation is given.

13.5 Self-employment references:

For periods of self-employment, evidence should be obtained (for example, from HM Revenue & Customs, bankers, accountants, solicitors, client references, etc.), to confirm that the individual's business was properly conducted and was terminated (i.e. the applicant's involvement in the business) satisfactorily.

### 13.6 What information should you request?:

You are looking for factual information to confirm the accuracy of the details provided by the candidate on their application form and to provide verification by the referee as to the suitability for the post on offer in terms of:

- performance
- skills
- ability

It is therefore essential that when requesting a reference that a copy of the job description is included in order that direct comment can be made.

13.7 You are advised to verify a minimum of 3 years of previous employment. However, 5 years is preferable. Ideally you should aim to check a period which covers at least two positions with separate employers. You may wish to check previous employment details with more than one employer to build up a more comprehensive picture about your prospective employee. However if the employment with the previous employer lasted more than five years then a check with the one previous employer may be sufficient.

13.8 References must always be obtained in writing, although it may be necessary to telephone referees to clarify information.

- Referees should be asked to comment on work and professional competence and personal qualities with a focus on suitability for the post being applied for. It should be borne in mind however that comments on 'personal qualities' can be highly subjective.
- Explanations must be sought in relation to any gaps in employment.

13.9 References for health professionals should be obtained from the applicant's clinical line manager and the medical director/other professional lead or chief executive. Where this is not possible, employers should make an informed judgement and seek references from the most suitable person available, e.g. supervising consultant, post-graduate Dean, educational supervisor, clinical director.

### 13.10 Doubts on authenticity of information

Your checks may return information which contradicts the details provided by the applicant and raises concerns. In this situation you should:

- proceed in a sensitive manner – there is often a reasonable explanation for apparent inconsistencies
- attempt to address your concerns directly with the candidate (e.g. at an interview)
- when you have the facts, consider them within the context of all that applicant's screening results.

In exceptional circumstances, where your checks reveal substantial misdirection, then you may feel it would be appropriate to report your concerns to the police or to NHSScotland Counter Fraud Services (switchboard 01506 705 200, Earlston House, Almondvale Way, Livingston, EH54 6GA).

### 13.11 Standardised reference form

You should consider devising a standard form for employer references. Standard templates can help to identify relevant information and minimise the effort involved to prompt a quick response. Areas your form should include are:

- Over what period did the subject work for your company?
- What was their position?
- What did their duties involve?
- Record of sick absence in last 3 years.
- Are you related to the subject?
- Over what period have you known the subject?
- Would you be content to employ the individual again?
- Are there any other comments you would like to make related to the suitability of the applicant for this position?

### 13.12 Consent

References must only be taken up with the employee's consent and only for the preferred candidates following interview as instructed in the NHSScotland standard application form. An employee may indicate that they wish references to be taken up only after they have been offered a job. For example, they may not wish their current employer to know that they are seeking alternative employment.

13.13 A provisional offer of employment may be made prior to receipt of all pre-employment checks, including references. The provisional offer letter must state that the offer is **provisional** and conditional to receipt of satisfactory pre-employment checks.

# 14. INTERVIEW – ASSESSMENT AND SELECTION

14.1 As well as providing an opportunity to discuss the candidate's suitability for employment, an interview will play an integral part of the pre-employment screening process because:

- they encourage applicants to be honest
- they allow the employer to find out missing information which is relevant to the pre-employment process and to probe candidates about their responses or for additional information
- interviews provide a good opportunity to add to the overall assessment of the applicant's reliability and integrity.

# 15. OCCUPATIONAL HEALTH CHECKS

## 15.1 Health assessments

All NHS staff must have a pre appointment and pre placement (if moving to a new post) health assessment which complies with equal opportunities legislation and good occupational health practice. It should ideally be done between the interview and job offer stage or before a member of staff:

- takes up their first post including any training
- transfers to a new employer in the NHS
- changes role, where this involves a significant change of duties.

## 15.2 Health assessments are necessary to:

- to ensure that the individual has the functional physical and mental capability and capacity to meet the demands of the role
- provide the individual and the organisation with expert independent advice and recommendations for adjustments to the job or environment that would enable the individual to achieve effective performance in the role and the employer to comply with the obligations imposed by equal opportunities legislation
- identify anyone at risk of developing work-related diseases from hazardous agents in the workplace.

Although responsibility for recruitment ultimately rests with the employing manager, the employer's Occupational Health Service should provide specialist confidential advice to the employer and the applicant.

## 15.3 The Pre-employment Health Assessment Sub-group (PABS) was established in 2005 to explore the issues surrounding Health Assessment in relation to the pre-employment and pre-placement process for NHSScotland Staff.

The Sub-group publish guidance and a standard for pre-employment and pre-placement health assessments in January 2008.

# 16. REFUSAL OF EMPLOYMENT

16.1 Prospective employees should not be refused employment on health grounds unless:

- expert occupational medical advice has been sought
- the applicant has had the opportunity to discuss issues raised with an occupational health professional
- the employing manager has fully considered all the facts.

# 17. RISK ASSESSMENTS

17.1 Risk assessments are legally required and should be carried out wherever there is a risk to the health and safety of staff, patients or public. The chief executive has overall statutory and operational responsibility for managing health and safety. A board member (ideally an executive director) should have responsibility for overseeing health and safety risk management across the whole organisation.

Specific requirements for employers can be found in the Management of Health and Safety at Work Regulations (1992) available at [www.legislation.hmso.gov.uk](http://www.legislation.hmso.gov.uk).

# 18. RISK ASSESSMENT RESPONSIBILITIES FOR EMPLOYERS

## 18.1 An employer should:

- make a suitable and sufficient assessment of the risks to the health and safety of employees and the risks to others (i.e. patients)
- have a health and safety action plan that describes the risk assessment process and the appropriate training and identification of competent persons
- identify preventative and protective measures
- introduce the preventative and protective measures required to improve workplace health and safety
- review the assessment if there is reason to believe that it is no longer valid, e.g. if the process has changed, the building has been refurbished or an experienced member of staff has left
- keep a written record of the findings of the assessment and any groups of employees particularly at risk
- have arrangements in place for the effective planning, organisation, control, monitoring and review of the preventative and protective measures
- provide any health surveillance identified in the risk assessment
- appoint a competent person to assist the employer
- establish procedures to be followed in the event of serious and imminent danger
- provide effective health and safety information, instruction and training for all employees on a regular basis, and ensuring that the training is updated and repeated regularly
- consult regularly with safety representatives and staff.

## 18.2 When assessing risk for employees, the main areas for consideration are:

- manual handling
- control of substances hazardous to health (COSHH)
- patient violence and aggression
- slips, trips and falls
- needle sticks
- winter safety (i.e. slipping on ice)

### 18.3 The risk assessment process

The key components for the process are:

- Understanding the problem
- Identifying the key features of the problem and prioritising them in terms of the nature and size of their possible effects, or the number of people who may be exposed.

### 18.4 Risk assessment outcomes

The outcomes from the risk assessment process can then be used to help develop an action plan to address any problems or issues that have been identified. This will include who the problem affects, the resources required to resolve it and evaluating whether the activity has worked.

### 18.5 Recording of risk assessment

Under the Management of Health and Safety at Work Regulations (1992), where there are five or more employees, it is a legal requirement to:

- record the significant findings of the risk assessment
- record the arrangements for planning, organisation, control monitoring and review of the measures taken
- establish procedures for serious and imminent danger and for danger areas.

### 18.6 The records kept must fulfil four separate functions:

- Legal compliance
- A guide to safe working practices within the organisation
- A pointer for staff
- A baseline – benchmark for future performance.

The records for each risk assessment should include the date of the next review and should be held securely, in compliance with the Data Protection Act (1998) available at [www.hmsa.gov.uk](http://www.hmsa.gov.uk).

# 19. DISCRIMINATION

19.1 The NHSScotland workforce needs to reflect the community it serves and that all our staff:

- Are valued, as individuals and for the experience knowledge and skills they can bring to the workplace
- Are given equal opportunities for career progression, training and personal development
- Do not suffer from harassment, bullying or victimisation

19.2 Health Boards must implement all pre-appointment checks in compliance with all relevant employment legislation, including:

- Sex Discrimination Act 1975
- Sex Discrimination (Gender Reassignment) Regulations 2000
- Part time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Equal Pay Act 1970
- Disability Discrimination Act 1995
- Disability Discrimination Act 2005
- Race Relations (Amendment) Act 2000
- Human Rights Act 1998
- Employment Equality (Sexual Orientation) Regulations 2003
- Civil Partnership Act 2004
- Gender Recognition Act 2004
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Health and Safety legislation

19.3 NHSScotland standard application form includes the facility for applicants with disabilities who are short-listed for interview to indicate whether they have any specific requirements for the interview or selection process, or require any adjustments in connection with the position. Further information can be found at the Equality and Human Rights Commission websites [www.equalityhumanrights.com](http://www.equalityhumanrights.com) and [www.nhsemployers.org](http://www.nhsemployers.org). See also Equal Opportunities PIN for further guidance.

## 20. DATA PROTECTION ACT

- 20.1 Health Boards must carry out all pre-appointment checks in compliance with the Data Protection Act 1998. Information should only be obtained where it is essential to the recruitment decision.
- 20.2 Ideally, pre appointment checks should only be made after a provisional decision has been made on the successful applicant. Where information is requested at an earlier stage (e.g. at short-listing or interview), employers must be prepared to justify why this is required, e.g. to protect patients or staff. Checks should not be made routinely on every applicant. Pre appointment checks should not be used as a tool for short-listing candidates. For further information please see [www.hmsso.gov.uk](http://www.hmsso.gov.uk).

## 21. REHABILITATION OF OFFENDERS ACT 1974

21.1 The Rehabilitation of Offenders Act 1974 sets out to improve the rehabilitation prospects of people who have been convicted of a criminal offence and served their sentence. The Act provides that anyone who has been convicted of a criminal offence, and sentenced to less than 2½ years in prison, can be regarded as rehabilitated after a specified period with no further convictions. After this period the original conviction is considered to be spent. The general rule is that, once a conviction is spent, the convicted person does not have to reveal it and cannot be prejudiced by it. This means that if they are asked on a job application form or at a job interview whether they have a criminal record, they do not have to reveal it or admit its existence. In addition, an employer cannot refuse to employ someone or dismiss someone because of a spent conviction.

There are, however, some categories of employment to which the Act does not apply and for the purposes of which convictions otherwise defined as spent have still to be disclosed. These include work in the financial sector, in child care positions, care services, and health professions.

21.2 Within NHSScotland there are a number of posts where the Rehabilitation of Offenders Act 1974 does not apply and as such will be subject to disclosure checks through Disclosure Scotland. Therefore, for those posts this means that **'unless stated in the job pack'** the candidate must declare any previous convictions either classed as 'spent' or 'unspent'.

21.3 *Posts not included in the (Exclusions and Exceptions) (Scotland) Order*

In the case of any post not exempt from the Act, i.e. a post not involving access to patients in the course of normal duties, the applicant may be asked only about 'unspent' (current) convictions. Model Declaration C which can be found at Annex E should be used in connection with all applications for these posts.

21.4 *Posts included in the (Exclusions and Exceptions) (Scotland) Order*

For any eligible post, any offer of employment should be made subject to the sole discretion of the employer as to the satisfactory completion and assessment of the applicant's declaration and required references. The declarations to be used are attached at **Annexes F, G & H**.

- Model declaration A is for use with posts where an Enhanced disclosure is appropriate.
- Model declaration B is for use with posts where a Standard disclosure is appropriate.
- Model declaration C is for use with posts that are not exempt from the Rehabilitation of Offenders Act 1974.

21.5 For an Enhanced disclosure, as well as having access to patients in the course of normal duties, the position must involve *'regularly caring for, training, supervising or being in sole charge of persons aged under 18 or vulnerable adults'*. For guidance on identifying posts requiring an enhanced disclosure, see [www.nhsemployers.org](http://www.nhsemployers.org).

21.6 Any relevant information declared by an applicant, or revealed through a Disclosure Scotland check, should be explored with the applicant before final selection. The Board decides whether to offer an applicant a position based on a full and fair assessment of the applicant's circumstances and the risks associated with the position.

#### 21.7 *Ex-offenders*

Health Boards should take into account all relevant factors before reaching a recruitment decision. A criminal conviction should not automatically bar an applicant from an appointment. Some offences, e.g. those involving violence, might raise serious questions about a person's suitability. In general, a criminal conviction should be viewed in the context of all relevant circumstances, including:

- the nature of the offence
- the age at which it was committed
- its relevance to the post in question
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

## 22. PROTECTION OF CHILDREN ACT (PoCA) SCOTLAND

- 22.1 The Protection of Children (Scotland) Act 2003 established the Disqualified from Working with Children List (DWCL) and was commenced on 10 January 2005. The Act makes it an offence for an organisation to employ an individual in a childcare position if they are included on this list.
- 22.2 Employers can satisfy themselves that an individual is not included on the list by requesting that the individual apply for an enhanced disclosure check. As well as providing details of all spent and unspent convictions along with any non-conviction information held by the police, this check will inform the employer if an individual has been included on the DWCL or similar lists held in England and Wales. Further guidance on the Protection of Children (Scotland) Act 2003 can be found at:  
[http://www.scotland.gov.uk/Topics/People/Young-People/children\\_families/17834/10258](http://www.scotland.gov.uk/Topics/People/Young-People/children_families/17834/10258).

## 23. PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007 (PoVG)

23.1 For the future, the Protection of Vulnerable Groups (Scotland) Act 2007 will provide the legislative framework for a new vetting and barring scheme aimed at those working with children and protected adults. The scheme will build on the existing Disqualified from Working with Children List as well as introducing a new list of individuals disqualified from working with protected adults.

As well as improving the safeguards offered to vulnerable groups, the new scheme will streamline and improve the existing disclosure process. People who work or volunteer with children and/or protected adults will apply for scheme membership just once. Their scheme records will then be kept up to date which means that they will no longer need to undergo a time-consuming disclosure procedure each time they change posts.

The PVG Act applies only to Scotland but it dovetails with the system being developed for other parts of the UK. Systems are being developed so that irrespective of the jurisdiction in which an individual works, once they are a scheme member, they can move easily to work in another jurisdiction without unnecessary duplication of procedure.

Further information on the Protection of Vulnerable Groups (Scotland) Act 2007 can be found at: [www.scotland.gov.uk/pvglegislation](http://www.scotland.gov.uk/pvglegislation).

## 24. NHSSCOTLAND STANDARD APPLICATION FORM

24.1 Health Boards must ensure that candidates sign the declaration on the application form to ensure that:

- all details have been provided to the best of the candidate's knowledge and are true and complete
- unless stated in the application pack or person specification, candidates must provide details of all 'spent' and 'unspent' previous convictions.

24.2 The declaration will provide Health Boards with the authority to:

- retain the information on the form as part of the successful candidate's personal file record
- retain details confidentially and use for specific lawful purposes as specified in the Data Protection Act 1998
- obtain references and verify referee reports
- verify educational qualifications, membership of professional bodies
- obtain criminal record check from Disclosure Scotland unless otherwise stated on application pack or person specification.

## 25. POST APPOINTMENT (IN SERVICE) CHECKS

25.1 Health Boards should record the outcome of all pre and post appointment checks in a consistent manner, using electronic technology where available and making sure that relevant, accurate and up-to-date information can be shared (subject to Data Protection Act requirements) within NHSScotland, when employees move for training or career development purposes.

## 26. DISCLOSURE SCOTLAND CHECKS

- 26.1 It should not normally be necessary to carry out repeat Disclosure Scotland checks on staff already in post. All contracts for staff in exempt posts should include a requirement for staff to disclose to employers any criminal conviction or caution incurred since their appointment. A check on an existing employee may be required if he/she moves from a non-exempt post to one that requires a check, or to a position requiring a higher level of check.
- 26.2 Those employees or people on honorary contracts who are seconded to other Boards will have had the necessary pre employment checks carried out by the Board who employs them. However, if the post or placement seconded to differs from their original post or placement then it is the responsibility of the receiving Board to contact the employer to ensure the necessary checks have been carried out and consider if further higher level checks apply.

## 27. RECORDING THE OUTCOME OF CHECKS

27.1 Health Boards should record the outcome of any pre and post appointment checks in a secure and consistent way, either on paper or electronically. This will:

- help to provide an internal audit trail where necessary
- allow Health Boards to share or transfer relevant employee information to a new NHS employer, subject to the requirements or constraints of the Data Protection Act [www.hmso.gov.uk/acts/acts1998](http://www.hmso.gov.uk/acts/acts1998).

There are special considerations to be taken into account when retaining Information about a Disclosure Scotland check. Further information can be found at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).

## 28. REFERENCES

28.1 Health Boards should provide written references to other NHS employers on request.

All references must be:

- written by a person with management responsibility
- honest
- accurate
- fair
- made with reasonable care
- include an assessment of job-related competency.

Subjective comments about personal qualities should be made with great caution. However, the duty of care to patients must prevail.

The Chartered Institute of Personnel and Development (CIPD) website [www.cipd.co.uk](http://www.cipd.co.uk) provides further guidance in this area including the legal risks associated with the giving of references.

## 29. DISCIPLINARY PROCEDURES

- 29.1 Where disciplinary procedures have been instigated against an employee, you should conduct a reasonable investigation and form a genuinely held judgement based on reasonable grounds to determine whether the allegations have foundation. The investigation should be completed, even when the employee resigns before it is finished.

Completing the investigation will allow the employer to make a judgement on whether further action is required, e.g. a referral to the regulatory body.

## 30. REFERENCE TO REGULATORY BODIES

30.1 If a Health Board judges that the fitness to practise of a health professional is called into question, the Board must:

- inform the appropriate regulatory body
- provide notice in writing to the person who is the subject of the referral, of the decision to refer.

Health Boards should have policies in place to ensure that they regularly check the registration of a health professional whose registration is subject to periodic renewal remains effective and must have policies for dealing with lapsed registrants. Any health professional who does not have current registration relevant to the post must not be employed in that capacity. For example, where a nurse's registration has lapsed she cannot be employed as a registered nurse.

# 31. OCCUPATIONAL HEALTH

31.1 NHSScotland employees should have regular health checks and monitoring where the risk assessment process, legislation or best practice indicates that will reduce the risk of health effects associated with their occupation, particularly if their job has changed significantly. The aim of the Occupational Health Service is to:

- identify risks
- prevent ill health
- offer support and advice.

It is a pro-active and preventative service rather than a treatment service.

Staff who have concerns about their own health can self refer to their occupational health service. Managers may also refer staff to occupational health if they have concerns about the health or a risk to the health of one of their staff.

Managerial referrals to an occupational health service must be in writing. It is essential that both the employee and the occupational health service know the reason for the referral.

More detailed information can be found in chapter 3, *Health Assessments, The management of health, safety and welfare issues for NHS staff* available at [www.nhsemployers.org](http://www.nhsemployers.org).

# ANNEX A

## Scottish Government Guidance

Title	Reference/Issue Date
Checks on Doctors' and Dentists' Registration, Identity and References	NHS Circular 1977 (PCS)23 29th April 1977
Appointment Procedures for Hospital and Community Medical and Dental Staff	NHS Circular: PCS (DD) 2001/1 4th January 2001
Code Of Practice in the Appointment and Employment of Locum Doctors	NHS Circular: PCS (DD) 1998/1 23rd January 1998
Equal Opportunities Policies (PIN Guideline)	2001
Secondment (PIN Guideline)	May 2003
Fixed Term Contracts (PIN Guideline)	March 2005
Supporting Work-Life Balance (PIN Guideline)	October 2005
Recruitment and Retention of Internationally Qualified Nurses in NHSScotland	NHS HDL (2006)53 13th September 2006
Code Of Practice for the International Recruitment of Healthcare Professionals in Scotland	2006
Changes to the Immigration Provisions for Post Graduate Doctors and Dentists	NHS HDL (2006)20 28th April 2006

# ANNEX B

## Valid identity documents and checking of documents

- Marriage certificate
- UK birth certificate (full)
- UK P45/P60 statement<sup>1</sup>
- Bank or building society statement<sup>2</sup>
- Utility bill (electricity, gas, water, telephone (inc. mobile phone contract/bill))<sup>2</sup>
- TV licence
- Driving licence (paper version)
- Credit card statement<sup>2</sup>
- Store card statement<sup>2</sup>
- Mortgage statement<sup>1</sup>
- Valid insurance certificate
- A document from UK Central/Local Government/Government Agency/Local Authority giving entitlement: examples include documents from the Department for Work and Pensions, Jobcentre Plus or the Inland Revenue
- Financial statement (e.g. pension, endowment, ISA)<sup>1</sup>
- Valid vehicle registration document
- Mail order catalogue statement<sup>2</sup>
- Court claim form (Documentation issued by Court Services)<sup>1</sup>
- UK NHS card
- Addressed payslip<sup>2</sup>
- National Insurance Number card
- Exam certificate (e.g. GCSE, NVQ)
- Child Benefit book – child allowance or pension<sup>1</sup>
- Connexions card
- Certificate of British nationality
- Work permit/visa<sup>1</sup>

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<sup>1</sup> Issued within the past 12 months

<sup>2</sup> Documentation should be less than 3 months old

## Guidance on checking documentation

### Checking the documentation for authenticity

Always:

- check for signs of interference
- query any document if it looks as though it has been tampered with
- take special notice of the name and photo area.

### Passport (UK or overseas)

- Check the general quality and condition of the passport
- Accidental damage is often used to hide signs of tampering
- Closely examine the photograph for signs of damage to the laminate or for excessive glue or slitting of the laminate. This may indicate that the photo has been swapped
- Check to see if the photo is excessively large, this may indicate that the photo has been used to hide another
- Ensure that there is no damage to the embossed strip embedded into the laminate; this should also catch a portion of the photograph.

### Photo driving licence

- Examine the licence carefully looking for any adjustments
- Ensure that there has not been any amendment to the printed details.

### Birth certificate

- It is recommended that you request only the **original** birth certificate, as copies can be easily obtained
- Genuine birth certificates use high grade paper, check the quality of the paper
- When held to the light there should be a visible watermark
- Any signs of smoothness may indicate that original text may have been washed away
- Ensure there are no signs of tampering, changes using correction fluid, overwriting or spelling mistakes.

# ANNEX C

## Overseas criminal records checks

The Disclosure Scotland and the Criminal Records Bureau (CRB) cannot currently access overseas criminal records or other relevant information as part of its Disclosure service. If you are to recruit people from overseas and wish to check their overseas criminal record, a CRB Check may not provide a complete picture of their criminal record that may or may not exist. To help you get a fuller picture of their background, the CRB provides guidance on how you can get further information from the countries listed below.

**Click on the links below to access information on the CRB website relating to overseas criminal records. Alternatively refer to the link at para 5.3 of this document.**

If the country that you are looking for is not listed you may wish to contact the country's representative in the United Kingdom. **For further guidance on countries that have a UK representative please refer to para 5.4 of this document.**

- Australia
- Canada
- Cyprus
- Czech Republic
- Denmark
- Finland
- France
- Germany
- Hungary
- Irish Republic
- Italy (excluding Vatican City)
- Jamaica
- Latvia
- Malaysia
- Malta
- Netherlands
- New Zealand
- Philippines
- Poland
- South Africa
- Spain
- Sweden

# ANNEX D

## Documents confirming right to work in the UK

When checking if an applicant has the legal right to work in the UK, you should ideally use one document from the list below.

- A passport showing that the holder is a British citizen, or has a right to live in the UK
- A document showing that the holder is a national of a European Economic Area country or Switzerland. This must be a national passport or national identity card
- A residence permit issued by the Home Office to a national from a European Economic Area country or Switzerland
- A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from European Economic area country, or Switzerland, who is resident in the UK
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the UK, or has no time limit on their stay
- A passport or other travel documents endorsed to show that the holder can stay in the UK; and that the holder can do the type of work you are offering if they do have a work permit
- An Application Registration Card issued by the Home Office to an asylum seeker confirming that the holder is permitted to take employment

If the applicant is unable to produce one of the above documents, they can produce either of the two combinations below. However, you cannot mix the two combinations together.

### First combination

- A document giving the person's permanent National Insurance Number and name. This could be a P45, P60, National Insurance Number card, or a letter from a Government agency.

Along with checking and copying a document giving the person's National Insurance Number, you must also check and copy only one of the following documents:

- an original full birth certificate issued in the UK, which includes the names of the holder's parents; OR
- an original birth certificate issued in the Channel Islands, the Isle of Man or Ireland; OR
- a certificate of registration or naturalisation stating that the holder is a British citizen; OR
- a letter issued by the Home Office to the holder which indicates that the person named in it can stay indefinitely in the UK, or has no time limit on their stay; OR
- an Immigration Status Document issued by the Home Office to the holder with an endorsement stating that the person named in it can stay indefinitely in the UK, or has no time limit on their stay; OR
- a letter issued by the Home Office to the holder which indicates that the person named in it can stay in the UK, and this allows them to do the type of work you are offering; OR
- an Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and this allows them to do the type of work you are offering.

### **Second combination**

- A work permit or other approval to take employment that has been issued by Work Permits UK.

Together with a document issued by Work Permits UK, you should also check and copy one of the following documents.

- a passport or other travel document endorsed to show that the holder is able to stay in the UK and can take the work permit employment in question; OR
- a letter issued by the Home Office to the holder confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment in question.

None of the document descriptions reflect the precise wording contained in the legislation. If you would like to obtain a full account of the legal changes, this will be available in the booklet the Home Office will be producing alongside this guidance. Further guidance on preventing illegal working can be found at [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk).

# ANNEX E

## Regulatory bodies and contact details

### General Medical Council (GMC)

There are three ways to check a doctor's registration status prior to employment:

- Phone – by using their dedicated helpline number for employers – 0845 357 0020
- Email – by sending an email to their dedicate email address for employers – [regchecks@gmc-uk.org](mailto:regchecks@gmc-uk.org). The email should include the doctor's name and GMC reference number, the employer's name, Health Board and contact number.
- Occupational Health Smart Card (OSHC) for those Boards who have access to the system in England – work is currently ongoing to introduce a similar smart card process for Scotland.

On 31 March 2006, the GMC introduced a register of doctors who are eligible to work in general practice in the UK.

The GP register is a register of general practitioners. It can be accessed via <http://www.gmc-uk.org>.

Information relating to a doctor's registered address, date of birth, photograph and whether or not a doctor is subject to investigation under fitness to practise procedures will no longer be available to enquirers, but a restricted group, such as employers.

Please visit [www.gmc-uk.org](http://www.gmc-uk.org) for further information.

### General Chiropractic Council (GCC)

A chiropractor's registration can be confirmed via:

- the GCC website at [www.gcc-uk.org](http://www.gcc-uk.org), which has a searchable database that is updated regularly.

Alternatively, the GCC will confirm registration by:

- telephone, fax, email or in writing.
- by emailing [registrations@gcc-uk.org](mailto:registrations@gcc-uk.org).

The GCC has published its disclosure policy: Regulatory Committees and Appeal Tribunals, which can be found on their website. In the interest of patient safety, the GCC takes a transparent approach to providing information on proceedings and findings in relation to fitness to practise.

The website also provides:

- notices about current Professional Conduct Committee and Health Committee hearings
- a list of chiropractors who have been subject to proceedings in the past.

### **General Dental Council (GDC)**

A dentist's or dental care professional's registration can be checked online at [www.gdc-uk.org](http://www.gdc-uk.org).

In all cases, the GDC can provide a faster more efficient service if the request contains the necessary information and the dentist's/dental care professional's consent. Some of the information required is not publicly available in the Dentist's Register and the Dental Care Professionals Register. In particular, the GDC will need to see a copy of the dentist's/dental care professional's consent before they can disclose any information that is not publicly available.

### **Application Process**

The GDC can process applications more quickly if the consent includes at least the following, or words to the same effect:

*'I consent to a request being made by NHS.... to ... [the GDC or any ... regulatory ... body in the United Kingdom or elsewhere,] for information relating to a current investigation or an investigation where the outcome was adverse, by them into my professional conduct and to the disclosure of such information to the Health Board by [the body in question OR the GDC].'*

The consent form must also include:

- A signature, which should be an original or be validated by the requesting authority
- Full name
- GDC registration number
- Date

### **General Optical Council (GOC)**

Employers can check a registrant's status on the General Optical Council's online register at [www.optical.org](http://www.optical.org) by entering the GOC number and individual's surname. The GOC publishes details of recent and future fitness to practise hearings.

Employers can also:

- ring the Council directly on 0207 580 3898
- write to The General Optical Council, 41 Harley Street, London W1G 8DJ.

## General Osteopathic Council (GOSC)

An osteopath's registration status can be verified on the GOSC's website at [www.osteopathy.org.uk](http://www.osteopathy.org.uk). For further information concerning Fitness to Practise proceedings, employers can ring the Council directly on 0207 357 6655. They can also write to the GOSC at: General Osteopathic Council, 176 Tower Bridge Road, London SE1 3LU.

## Scottish Social Services Council (SSCC)

A Social Worker's registration can be checked on the SSCC website at [www.sssc.uk.com](http://www.sssc.uk.com). Scottish Social Services Council, Compass House, 11 Riverside Drive, Dundee DD1 4NY. Tel: 0845 60 30 891.

## Health Professions Council (HPC)

The following health professionals are regulated by the HPC: arts therapists, biomedical scientists, chiropodists, podiatrists, clinical scientists, dieticians, occupational therapists, operating department practitioners, orthoptists, paramedics, physiotherapists, prosthetists, orthotists, radiographers and speech and language therapists.

A health professional's registration status can be checked on the HPC's website at [www.hpc-uk.org](http://www.hpc-uk.org). If a health professional's registration status has changed this is immediately entered onto the register.

Fitness to Practise cases are listed on HPC's website and after a hearing, the decision is posted online.

Employers are strongly encouraged to use the HPC's online register, but if this is not possible, registration can also be checked via:

- telephone (0845 3004 472)
- email [registration@hpc-uk.org](mailto:registration@hpc-uk.org)
- fax 020 7840 9801

Alternatively, they can write to the HPC at the Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU.

If employers wish to make an allegation that a health professional's fitness to practise is impaired, they can contact the HPC Fitness to Practise team. Allegations or complaints should be put in writing. For further information on fitness to practise contact the Fitness to Practise team on:

- 0207 840 9814, Monday to Friday 9.00am to 5.00pm.
- Email the FTP department at [ftp@hpc-uk.org](mailto:ftp@hpc-uk.org).

## **Nursing & Midwifery Council (NMC)**

The NMC offers three ways to confirm registration status:

- online at [www.nmc-uk.org](http://www.nmc-uk.org) where a written report will be issued by post
- an automated registration confirmations hotline 24 hours a day, 7 days a week. Following registration, a written report is generated with this service
- written confirmation system and further information on this service is available on the NMC website.

The service will inform an employer if a practitioner has the following status:

- removed
- restored
- conditions of practice
- cautioned
- suspended
- lapsed
- effective.

It will not show if someone is under investigation. For further information on the status of a practitioner an employer would need to write to the NMC's Fitness to Practise Department.

The NMC website also contains an NMC Circulars page which includes details of practitioners who have been struck off, suspended or cautioned during the previous month. The NMC keeps this information online for three months. Previous circulars can be obtained on request.

## **Royal Pharmaceutical Society of Great Britain (RPSGB)**

The RPSGB website [www.rpsgb.org.uk](http://www.rpsgb.org.uk) allows employers to check a pharmacist's registration. The register provides details of pharmacists who hold full-time, part-time, retired or overseas registration. Registration can be confirmed by:

- entering the pharmacist's registration number or by using their surname. There is also the option of entering the forename but this is not compulsory.
- Employers can also write to the RPSGB if you need them to make further checks on your behalf at Royal Pharmaceutical Society of Great Britain, 1 Lambeth High Street, London SE1 7JN. You will need the member's registration number, full surname and forename, date of registration and postal town of their registered address.

A pharmacist's eligibility to practise in Great Britain depends on their type of registration, which is shown in their entry on the register. Pharmacists who have paid the 2005 retention fee will have either P or NP in their entry:

- P means they are practising
- NP means that they are non-practising.

Pharmacists who have not yet paid the 2005 retention fee will have either f, p, r, I or o in their entry. Only pharmacists holding full-time (f) or part-time (p) registration are eligible to practise; pharmacists holding retired (r), ill health (i) or overseas (o) registration are not eligible to practise.

Details of current and recent fitness to practise inquiries can also be obtained from the website.

<b>Regulatory body</b>	<b>Website address</b>	<b>Telephone</b>	<b>Address</b>	<b>Ways to check registration</b>
<b>General Medical Council</b>	www.gmc-uk.org	0845 357 8001 (Mon-Fri) 9.00am-17.00pm (Helpline)	Regent's Place, 350 Euston Road, London NW1 3JN	<ul style="list-style-type: none"> <li>• Helpline</li> <li>• Automated enquiry service</li> <li>• Website</li> <li>• Smartcards</li> </ul>
<b>General Chiropractic Council</b>	www.gcc-uk.org	0207 713 5155	44 Wicklow Street, London WC1X 9HL	<ul style="list-style-type: none"> <li>• Telephone</li> <li>• e-mail</li> <li>• Fax</li> <li>• In writing</li> <li>• Online register</li> </ul>
<b>General Dental Council</b>	www.gdc-uk.org	0207 887 3800	37 Wimpole Street, London W1G 8DQ	<ul style="list-style-type: none"> <li>• Online register</li> <li>• Telephone</li> <li>• e-mail</li> </ul>
<b>General Optical Council</b>	www.optical.org	0207 580 3898	41 Harley Street, London W1G 8DJ	<ul style="list-style-type: none"> <li>• Online register</li> <li>• Telephone</li> <li>• In writing</li> </ul>
<b>General Osteopathic Council</b>	www.osteopathy.org	0207 357 6655	176 Tower Bridge Road, London SE1 3LU	<ul style="list-style-type: none"> <li>• Online register</li> <li>• Telephone</li> <li>• In writing</li> </ul>
<b>Scottish Social Care Council</b>	www.sssc.uk.com	0845 60 30 891	Compass House, 11 Riverside Drive, Dundee DD1 4NY	<ul style="list-style-type: none"> <li>• Telephone</li> <li>• In writing</li> </ul>
<b>Health Professions Council</b>	www.hpc-uk.org	0845 3004 472	Park House, 184 Kennington Park Road, London SE1 4BU	<ul style="list-style-type: none"> <li>• Online register</li> <li>• Telephone</li> <li>• e-mail</li> <li>• Fax</li> <li>• In writing</li> </ul>
<b>Nursing and Midwifery Council</b>	www.nmc-uk.org	020 7333 9333	23 Portland Place, London W1B 1PZ	<ul style="list-style-type: none"> <li>• Online register</li> <li>• Telephone</li> <li>• In writing</li> </ul>
<b>Royal Pharmaceutical Society Great Britain</b>	www.rpsgb.org.uk	020 7735 9141	1 Lambeth High Street, London SE1 7JN	<ul style="list-style-type: none"> <li>• Online register</li> <li>• Telephone</li> <li>• In writing</li> </ul>

# ANNEX F

## Model Declaration Form A

### *Employer Notes*

*This Model Declaration is intended for use **only** in connection with positions that are exempted from the Rehabilitation of Offenders Act 1974 **and** for which an Enhanced Disclosure may be sought under the provisions of Section 115 of the Police Act 1997. Use of this model declaration form is mandatory.*

*The use of this Model Declaration should be seen as complementing existing good recruitment practice, and as one part of the overall selection process. The Model Declaration is not a substitute for the full range of pre-appointment checks that are required by law or that are available to health bodies. It should be remembered that appointing persons on the basis of information that applicants have themselves provided can never be risk free.*

*NHS Employers has published guidance concerning the Criminal Records Bureau on the NHS Employers website at [www.nhsemployers.org](http://www.nhsemployers.org).*

*Boards are expected to comply with the Data Protection Act 1998 when processing applications. For the purpose of this Model, it is presumed that Boards provide applicants with separate information [referred to for the purpose of this Model Declaration as 'Guidance Notes for Applicants'] that reflects local procedures, to ensure that they deliver compliance.*

### **Confidential**

Before you can be considered for appointment in a position of trust with **[organisation]** we need to be satisfied about your character and suitability.

Please read the following notes carefully before completing this Declaration Form. If you require further information, please contact **[insert details]**. All enquiries will be treated in confidence.

**[organisation]** aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of race, gender, marital status, religion, disability, sexual orientation, age. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other information declared.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe has a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event, you remain free to discuss any of that information or any other matter that you wish to raise. As part of assessing your application, we will only take into account relevant criminal record and other information declared.

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data and, generally, to obtain your consent before processing personal data about you. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Data Protection Act 1998 defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, commission or alleged commission of offences and any proceedings for any offence committed or alleged to have been committed.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998, and may also be used for the purpose of determining your application for this position and may also be used for the purpose of enquires in relation to the prevention and detection of fraud. Once a decision has been made concerning your appointment, for successful applicants the declaration will be retained on their personal file, if unsuccessful, the declaration will be destroyed after 6 months. This declaration will be kept securely and in confidence, and access to it will be restricted to designated persons within the Health Board who are authorised to view it as a necessary part of their work.

Please ensure that you read the 'Guidance Notes for Applicants' that accompanied your application form carefully before completing this Declaration Form. They provide you with further and more detailed information about how your application will be processed, the persons to whom it will be disclosed and the checks that will be done to verify the information provided.

Please answer **all** of the following questions. If you answer '**Yes**' to any of the questions, please provide full details in the space indicated. Please also use the space below to provide any other information that may have a bearing on your suitability for the position for which you are applying. You may continue on a separate sheet if necessary, and you may attach supplementary comments should you wish to do so.

**The position for which you have applied is exempted from the Rehabilitation of Offenders Act 1974. This means that you must declare all criminal convictions, including those that would otherwise be considered 'spent'.**

**Answering 'Yes' to any of the questions below will not necessarily bar you from appointment. This will depend on the nature of the position for which you are applying and the particular circumstances.**

1. Are you currently bound over or have you ever been convicted of any offence by a Court or Court-Martial in the United Kingdom or in any other country?

Note: You do not need to tell us about parking offences.

NO

YES

If **YES**, please include details of the order binding you over and/or the nature of the offence, the penalty, sentence or order of the Court, and the date and place of the Court hearing.

2. Have you ever received a police caution, reprimand or final warning?

NO

YES

If **YES**, please include details of the caution, reprimand or final warning, including the date and reason administered.

3. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?

Please note: you must inform us immediately if you are charged with any offence in the United Kingdom or in any other country after you complete this form and before taking up any position offered to you. You do not need to tell us if you are charged with a parking offence.

NO

YES

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.

4. Are you aware of any current police investigation in the United Kingdom or in any other country following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the police.

5. Are you aware of any current NHSScotland Counter Fraud Services investigation following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the NHSScotland Counter Fraud Services.

6. Have you ever been investigated by the police, NHSScotland Counter Fraud Services or any other investigatory body resulting in a caution, conviction or dismissal from your employment? (Investigatory bodies include Local Authorities, Customs and Excise, Immigration, Passport Agency, Inland Revenue, Department of Trade and Industry, Department of Work and Pensions, Security Agencies, Financial Service Authority, Banks and Building Societies, General, Life Insurance Companies – this list is not exhaustive, and you must declare any Investigation conducted by an Investigatory Body).

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the Investigatory Body.

7. Have you ever been dismissed by reason of misconduct from any employment, office or other position previously held by you?

NO

YES

If **YES**, please include details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you.

8. Have you ever been disqualified from the practice of a profession, or required to practise subject to specified limitations following fitness to practise proceedings, by a regulatory or licensing body in the United Kingdom or in any other country?

NO

YES

If **YES**, please include details of the nature of the disqualification, limitation or restriction, the date, and the name and address of the licensing or regulatory body concerned.

9. Are you currently the subject of any investigation or fitness to practise proceedings by any licensing or regulatory body in the United Kingdom or in any other country?

NO

YES

If **YES**, please include details of the reason given for the investigation and/or proceedings undertaken, the date, details of any limitation or restriction to which you are currently subject, and the name and address of the licensing or regulatory body concerned.

10. Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying\*?

NO

YES

If **YES**, please include details of the nature of the prohibition, restriction, or limitation, when and by whom it was made.

\* include this question where the position involves regular contact with children in the normal course of the postholder's duties or is a 'regulated position' under the provisions of the Protection of Children Act 1999 (as amended).

If you have answered **'yes'** to **any** of the questions above, please use this space to provide details. Please indicate **clearly** the number(s) of the question that you are answering:

## Declaration

I have read the 'Guidance Notes for Applicants' that accompanied my application form, and I consent to the information provided in this Declaration Form being used by **[organisation]** for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this Declaration Form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

SIGNATURE \_\_\_\_\_

NAME (in block capitals) \_\_\_\_\_

DATE \_\_\_\_\_

Note: if you wish to withdraw your consent at any time after completing this Declaration Form, please contact **[insert details]**

# ANNEX G

## Model Declaration Form B

### *Employer Notes*

*This Model Declaration is intended for use **only** in connection with positions that are exempted from the Rehabilitation of Offenders Act 1974 and which require a Standard Disclosure. Use of this model declaration form is mandatory.*

*The use of this Model Declaration should be seen as complementing existing good recruitment practice, and as one part of the overall selection process. The Model Declaration is not a substitute for the full range of pre-appointment checks that are required by law or that are available to health bodies. It should be remembered that appointing persons on the basis of information that applicants have themselves provided can never be risk free.*

*The NHS Employers Organisation has published guidance concerning the Criminal Records Bureau on the NHS Employers website at [www.nhsemployers.org](http://www.nhsemployers.org).*

*Boards are expected to comply with the Data Protection Act 1998 when processing applications. For the purpose of this Model, it is presumed that Boards provide applicants with separate information [referred to for the purpose of this Model Declaration as 'Guidance Notes for Applicants'] that reflects local procedures to ensure that they deliver compliance.*

### **Confidential**

Before you can be considered for appointment in a position of trust with **[organisation]** we need to be satisfied about your character and suitability.

Please read the following notes carefully before completing this Declaration Form. If you require further information, please contact **[insert details]**. All enquiries will be treated in confidence.

**[organisation]** aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of race, gender, marital status, religion, disability, sexual orientation, age. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other information declared.

Prior to making a final decision concerning your application we shall discuss with you any information declared by you that we believe has a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event, you remain free to discuss any of that information or any other matter that you wish to raise. As part of assessing your application, we will only take into account relevant criminal record and other information declared.

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data and, generally, to obtain your consent before processing personal data about you. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Data Protection Act 1998 defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, commission or alleged commission of offences and any proceedings for any offence committed or alleged to have been committed.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998, and may also be used for the purpose of determining your application for this position and may also be used for the purpose of enquires in relation to the prevention and detection of fraud. Once a decision has been made concerning your appointment, for successful applicants the declaration will be retained on their personal file, if unsuccessful, the declaration will be destroyed after 6 months. This declaration will be kept securely and in confidence, and access to it will be restricted to designated persons within the Health Board who are authorised to view it as a necessary part of their work.

Please ensure that you read the 'Guidance Notes for Applicants' that accompanied your application form carefully before completing this Declaration Form. They provide you with further and more detailed information concerning how your application will be processed, they also include details of purposes for which information about you will be processed, the persons to whom it will be disclosed and the checks that will be done to verify the information provided.

Please answer **all** of the following questions. If you answer '**Yes**' to any of the questions, please provide full details in the space indicated. Please also use the space below to provide any other information that may have a bearing on your suitability for the position for which you are applying. You may continue on a separate sheet if necessary, and you may attach supplementary comments should you wish to do so.

**The position for which you have applied is exempted from the Rehabilitation of Offenders Act 1974. This means that you must declare all criminal convictions, including those that would otherwise be considered 'spent'.**

**Answering 'Yes' to any of the questions below will not necessarily bar you from appointment. This will depend on the nature of the position for which you are applying and the particular circumstances.**

1. Are you currently bound over or have you ever been convicted of any offence by a Court or Court-Martial in the United Kingdom or in any other country?

Note: You do not need to tell us about parking offences.

NO

YES

If **YES**, please include details of the order binding you over and/or the nature of the offence, the penalty, sentence or order of the Court, and the date and place of the Court hearing.

2. Have you ever received a police caution, reprimand or final warning?

NO

YES

If **YES**, please include details of the caution, reprimand or final warning, including the date and reason administered.

3. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?

Please note: you must inform us immediately if you are charged with any offence in the United Kingdom or in any other country after you complete this form and before taking up any position offered to you. You do not need to tell us if you are charged with a parking offence.

NO

YES

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.

4. Are you aware of any current police investigation in the United Kingdom or in any other country following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the police.

5. Are you aware of any current NHSScotland Counter Fraud Services investigation following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the NHSScotland Counter Fraud Services.

6. Have you ever been investigated by the Police, NHSScotland Counter Fraud Services or any other Investigatory Body resulting in a caution, conviction or dismissal from your employment? (Investigatory bodies include Local Authorities, Customs and Excise, Immigration, Passport Agency, Inland Revenue, Department of Trade and Industry, Department of Work and Pensions, Security Agencies, Financial Service Authority, Banks and Building Societies, General, Life Insurance Companies – this list is not exhaustive, and you must declare any Investigation conducted by an Investigatory Body).

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the police/ investigatory body.

7. Have you ever been dismissed by reason of misconduct from any employment, office or other position previously held by you?

NO

YES

If **YES**, please include details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you.

8. Have you ever been disqualified from the practice of a profession or required to practise subject to specified limitations following fitness to practise proceedings by a regulatory or licensing body in the United Kingdom or in any other country?

NO

YES

If **YES**, please include details of the nature of the disqualification, limitation or restriction, the date, and the name and address of the licensing or regulatory body concerned.

9. Are you currently the subject of any investigation or fitness to practise proceedings by any licensing or regulatory body in the United Kingdom or any in other country?

NO

YES

If **YES**, please include details of the reason given for the investigation and/or proceedings undertaken, the date, details of any limitation or restriction to which you are currently subject, and the name and address of the licensing or regulatory body concerned.

10. Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying?\*

NO

YES

---

\* include this question where the position involves regular contact with children in the normal course of the postholder's duties or is a 'regulated position' under the provisions of the Protection of Children Act 1999 (as amended).

If **YES**, please include details of the nature of the prohibition, restriction, or limitation, when and by whom it was made.

If you have answered '**yes**' to **any** of the questions above, please use this space to provide details. Please indicate **clearly** the number(s) of the question that you are answering:

## Declaration

I have read the 'Guidance Notes for Applicants' that accompanied my application form, and I consent to the information provided in this Declaration Form being used by **[organisation]** for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this Declaration Form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

SIGNATURE \_\_\_\_\_

NAME (in block capitals) \_\_\_\_\_

DATE \_\_\_\_\_

Note: if you wish to withdraw your consent at any time after completing this Declaration Form, please contact **[insert details]**

# ANNEX H

## Model Declaration Form C

### *Employer Notes*

*This Model Declaration is intended for use **only** in connection with positions that are non-exempt from the Rehabilitation of Offenders Act 1974. Use of this model declaration form is mandatory.*

*Model Declarations should be seen to complement existing good recruitment practice, and form part of the overall selection process. The Model Declaration is not a substitute for the full range of pre-appointment checks that are required by law or that are available to health bodies. It should be remembered that appointing persons on the basis of information that applicants have themselves provided can never be risk free.*

*NHS Employers has issued guidance concerning the Criminal Records Bureau available at [www.nhsemployers.org](http://www.nhsemployers.org).*

*Boards are expected to comply with the Data Protection Act 1998 when processing applications. For the purpose of this Model, it is presumed that Boards provide applicants with separate information [referred to for the purpose of this Model Declaration as 'Guidance Notes for Applicants'] that reflects local procedures, to ensure that they deliver compliance.*

### **Confidential**

Before you can be considered for appointment in a position of trust with **[organisation]** we need to be satisfied about your character and suitability.

Please read the following notes carefully before completing this Declaration Form. If you require further information, please contact **[insert details]**. All enquiries will be treated in confidence.

**[organisation]** aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of race, gender, marital status, religion, disability, sexual orientation, age. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other information declared.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe has a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account.

In that event, you remain free to discuss any of that information or any other matter that you wish to raise. As part of assessing your application, we will only take into account relevant criminal record and other information declared.

The Data Protection Act 1998 requires us to advise you that we will be processing your personal data and, generally, to obtain your consent before processing personal data about you. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Data Protection Act 1998 defines ‘sensitive personal data’ as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, commission or alleged commission of offences and any proceedings for any offence committed or alleged to have been committed.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998, and may also be used for the purpose of determining your application for this position and may also be used for the purpose of enquires in relation to the prevention and detection of fraud. Once a decision has been made concerning your appointment, for successful applicants the declaration will be retained on their personal file, if unsuccessful, the declaration will be destroyed after 6 months. This declaration will be kept securely and in confidence, and access to it will be restricted to designated persons within the Health Board who are authorised to view it as a necessary part of their work.

Please ensure that you read the ‘Guidance Notes for Applicants’ that accompanied your application form carefully before completing this Declaration Form. They provide you with further and more detailed information about how your application will be processed, the persons to whom it will be disclosed and the checks that will be done to verify the information provided.

Please answer **all** of the following questions. If you answer ‘**Yes**’ to any of the questions, please provide full details in the space indicated.

Please also use the space below to provide any other information that may have a bearing on your suitability for the position for which you are applying. You may continue on a separate sheet if necessary, and you may attach supplementary comments should you wish to do so.

**The position for which you have applied is non-exempt from the Rehabilitation of Offenders Act 1974. This means that you must declare any current, unspent convictions.**

**Answering ‘Yes’ to any of the questions below will not necessarily bar you from appointment. This will depend on the nature of the position for which you are applying and the particular circumstances.**

1. Are you currently bound over or do you have any current 'unspent' convictions?

Note: You do not need to tell us about parking offences.

NO

YES

If **YES**, please include details of the order binding you over and/or the nature of the offence, the penalty, sentence or order of the Court, and the date and place of the Court hearing.

2. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?

Please note: you must inform us immediately if you are charged with any offence in the United Kingdom or in any other country after you complete this form and before taking up any position offered to you. You do not need to tell us if you are charged with a parking offence.

NO

YES

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.

3. Are you aware of any current police investigation in the United Kingdom or in any other country following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the police.

4. Are you aware of any current NHSScotland Counter Fraud Services investigation following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the NHSScotland Counter Fraud Services.

5. Have you been investigated by the police, NHSScotland Counter Fraud Services or any other investigatory body resulting in a current caution, conviction or dismissal from your employment? (Investigatory bodies include Local Authorities, Customs and Excise, Immigration, Passport Agency, Inland Revenue, Department of Trade and Industry, Department of Work and Pensions, Security Agencies, Financial Service Authority, Banks and Building Societies, General, Life Insurance Companies – this list is not exhaustive, and you must declare any Investigation conducted by an Investigatory Body).

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the Investigatory Body.

6. Have you ever been dismissed by reason of misconduct from any employment, office or other position previously held by you?

NO

YES

If **YES**, please include details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you.

7. Have you ever been disqualified from the practice of a profession, or required to practise subject to specified limitations following fitness to practise proceedings, by a regulatory or licensing body in the United Kingdom or in any other country?

NO

YES

If **YES**, please include details of the nature of the disqualification, limitation or restriction, the date, and the name and address of the licensing or regulatory body concerned.

8. Are you currently the subject of any investigation or fitness to practise proceedings by any licensing or regulatory body in the United Kingdom or in any other country?

NO

YES

If **YES**, please include details of the reason given for the investigation and/or proceedings undertaken, the date, details of any limitation or restriction to which you are currently subject, and the name and address of the licensing or regulatory body concerned.

9. Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying\*?

NO

YES

If **YES**, please include details of the nature of the prohibition, restriction, or limitation, when and by whom it was made.

If you have answered **'yes'** to **any** of the questions above, please use this space to provide details. Please indicate **clearly** the number(s) of the question that you are answering:

## Declaration

I have read the 'Guidance Notes for Applicants' that accompanied my application form, and I consent to the information provided in this Declaration Form being used by **[organisation]** for the purpose of assessing my application, and for enquiries in relation to the prevention and detection of fraud.

I confirm that the information that I have provided in this Declaration Form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

SIGNATURE \_\_\_\_\_

NAME (in block capitals) \_\_\_\_\_

DATE \_\_\_\_\_

Note: if you wish to withdraw your consent at any time after completing this Declaration Form, please contact **[insert details]**





Partnership Forum

Performance Through People