

GUIDANCE NOTES FOR APPLICANTS

PROTECTION OF CHILDREN AND VULNERABLE PERSONS PRE AND POST APPOINTMENTS CHECKS FOR ALL PERSONS WORKING IN THE NHS

1.0 Introduction

HSC 2002-008 sets out the requirements for checking with the Care Standards Agency and Police forces the possible criminal background of staff, volunteers and others who apply to work in a post which involves, or may involve, regular contact or greater contact with children and vulnerable adults. As part of the appointment process, applicants will be asked to complete a declaration for this purpose. Certain professions and positions concerned with the provision of healthcare are exempted from the Rehabilitation of Offenders Act 1974 and can therefore be asked to disclose spent convictions that they would otherwise not have to declare. The purpose of this paper is to explain how the Trust will operate this procedure as the post for which you have applied for is considered to be in accordance with the following.

2.0 Definition

- 2.1 Vulnerable adult/person – a person may be considered vulnerable if they are in receipt of some form of care, has a physical or mental disability or is of such an advanced age that they would be incapable of protecting themselves from assault or physical abuse.
- 2.2 In general, a child is taken to mean someone under the age of 16, but this may be interpreted flexibly, e.g. in relation to children with learning difficulties.
- 2.3 Disclosure information is information:-
 - contained in criminal record certificates under Section 113 of the Police Act 1997 (which are referred to as Standard Disclosure or
 - contained in enhanced criminal record certificates under section 115 of the Police Act 1997 (referred to as Enhanced Disclosure) or
 - provided by the police under Section 115(8) of the Police Act 1997

3.0 Level of Disclosure

Level 1 - Standard Disclosure (to be processed within 1 week of receipt)

Primarily for posts that involve working with children or includes regular contact with vulnerable adults. May also be used for certain people entering positions of trust. Disclosure includes convictions held on Police National Computer (PNC) including spent/current cautions/convictions/reprimands or final warnings. For those working with children will also include information held by Department of Health and Department for Education.

Level 2 - Enhanced Disclosure (to be processed within 3 weeks of receipt)

For posts which involve greater degree of contact with children or vulnerable adults e.g. supervising, caring, training or being in sole charge. Examples cover nurses. Disclosure will also include check on PNC, local Police records and may be sent confidential to the employer only.

The information received from the Criminal Records Bureau will be returned to the Human Resources Department/Medical Personnel Department and will either indicate that they have no record for the person concerned or, if they have, they will give full details, including cautions and bind-over orders. Having received the notification, the Assistant Director of Human Resources or nominated officer will appropriately advise the appointing officer.

In the event of the Disclosure indicating details of a record, it will then be for the Manager to make a judgement as to the suitability of the person, taking into account only those issues which may be relevant to the particular job or situation in question. The fact that a person has a criminal record does not automatically render them unsuitable to work with children/vulnerable adults.

In conclusion, a person's suitability as a whole needs to be considered in the light of the information available.

The Disclosure process will include the following being considered. For a Standard Disclosure:

- give the prescribed details of every conviction (including a spent conviction), caution, warning and reprimand which is recorded in central records or it will
- state that there is no such matter and where appropriate
- details of whether the applicant is banned from working with children.

For an Enhanced Disclosure:

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- give any information which, in the opinion of a chief officer of a relevant police force, might be relevant for the purpose and ought to be included in the certificate or it will
- state that there is no such matter or information and where appropriate
- give details of whether the applicant is banned from working with children.

There is a need to prevent health professionals from working or practising without an NHS body's prior knowledge or approval where they:

- are currently the subject of a fitness to practice investigation or proceedings by a licensing or regulatory body in the UK or in any other country and/or;
- have been removed from the register or conditions made on their registration by the fitness to practice committee of a licensing or regulatory body in the UK or in any other country.

The information received from the Criminal Records Bureau will be returned to the Human Resources Department/Medical Personnel Department and will either indicate that they have no record for the person concerned or, if they have, they will give full details, including cautions and bind-over orders. Having received the notification, the Assistant Director of Human Resources or nominated officer will appropriately advise the appointing officer.

4.0 Discrepancies and Disagreements

Where information provided by the Criminal Records Bureau does not agree with that provided by the applicant, the Manager concerned, before reaching a decision whether or not to make a formal offer of appointment, must discuss the discrepancy with the individual. Where there is disagreement, the person should have an opportunity to see the information provided by the Police.

5.0

Failure by an employee to provide accurate and truthful information at the time of applying for a position will be considered a disciplinary matter. Where it is found that an employee intentionally or recklessly provided inaccurate information or withheld information that is relevant to their appointment, the employee will be subject to disciplinary proceedings which may result in dismissal.

You must be aware of the above prior to applying for this post.

Director of Human Resources
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