



## SCOTTISH CRIMINAL RECORD OFFICE CHECKS POLICY

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**NOTE:**

As NHS Grampian includes Grampian NHS Board, Grampian University Hospitals NHS Trust and Grampian Primary Care NHS Trust, all references to NHS Grampian within this policy apply equally to each of these organisations.

**NHS GRAMPIAN**  
**Scottish Criminal Record Office Checks Policy**

**This policy is also available in large print and on computer disk. Other formats can be supplied on request.**

**Please call our <Contact – Name/Position> on <Contact – Telephone number> for a copy.**

# **NHS GRAMPIAN**

## **Scottish Criminal Record Office Checks Policy**

### **1. Introduction:**

Part V of the Police Act 1997 introduces a new system of disclosing criminal history information to individuals & organisations for employment purposes.

A new Disclosure Scotland Bureau has been established within the Scottish Criminal Record Office (SCRO) for the purpose of issuing certificates (Disclosures) under the Act. The aim of the new Disclosure Scotland service is to enhance public safety and to help employers and voluntary organisations in Scotland to make safer recruitment decisions.

The new arrangements come into force from 29 April 2002.

### **2. Code of Practice:**

NHS Grampian requires to comply with a Code of Practice published by Scottish Ministers, which is intended:

- To ensure that criminal record & any other disclosure information is used properly and fairly
- To provide assurance to those applying for Disclosures that the disclosure information will be used properly and fairly.
- To ensure that Disclosure information is handled & stored appropriately and is kept for as long as necessary and thereafter disposed of securely.

This policy together with associated procedures is designed to comply with the Code of Practice.

### **3. Types Of Disclosure:**

There are two types of Disclosure relevant to certain categories of NHS Staff & to staff who have been made conditional offers of employment subject to outcome of Disclosure. This includes staff already employed but who are moving to a post where a Disclosure is required.

### **3.1 Standard Disclosure:**

SD's will contain details of both spent & unspent convictions.

The main categories of positions where a SD is applicable is as follows:

- Those whose duties involve regular contact with:
  - children & young people under the age of 18,
  - elderly,
  - sick and handicapped people
- Professional Groups in health & pharmacy.

All staff groups detailed in Appendix SD will be subject to automatic screening.

### **3.2 Enhanced Disclosure:**

ED's will, in addition to spent and unspent convictions, show any information from local police records considered by the Chief Constable to be relevant to the position being sought. Exceptionally the Chief Constable may also disclose information to NHS Grampian only i.e. information which will not form part of the actual Disclosure. In the event of this type of information being received specific instructions will be issued at the time by a member of the Personnel Team.

ED's are reserved for those:

- People who regularly train, supervise, care or have sole charge of children and young persons under 18
- People (in positions to be specified in regulations) who regularly train, supervise, care for or have sole charge of vulnerable adults.

All staff groups detailed in Appendix ED will be subject to automatic screening.

### **3.3 Other Staff Who May Require a Disclosure**

In addition a Disclosure must be obtained for all other staff seeking appointment to posts not specified in appendix SD or ED, and therefore not subject to automatic, but whose duties are such that a SD or ED is appropriate. Where the checking is not automatic a SD or ED must be requested by appointing officers via the results from interview form. It is envisaged that this type of request would normally be for a SD.

In most cases it should be clear from the duties of the post and whether a Disclosure is required and if so what type. In cases of doubt however a SD or ED (if appropriate) should be requested.

## **4. Administrative Procedures – Overview**

### **4.1 SD / ED Application**

When a person has been successful in obtaining a position with a NHS Grampian for which a SD or ED is deemed necessary the individual will be asked to complete the appropriate application.

Where an individual has a SD but is moving to an area where an ED is required a further Disclosure (ED) is required.

Recruitment / Medical Personnel Staff will undertake all necessary paperwork in relation to paid positions with NHS Grampian Employers including SD and ED Applications.

### **4.2 Fee**

A fee of £13.60 is payable for each Disclosure

NHS Grampian Employers will meet these costs on behalf of the individual. Where requested on the results from interview paperwork the relevant cost centre code should be recorded.

### **4.3 Disclosure Outcomes**

Recruitment / Medical Personnel Staff will advise Appointing Officers of Disclosure outcomes by telephone. This will normally be that no criminal record information is held.

Where conviction or other disclosure information is held the appropriate member of the Personnel Team will be advised. This may include any guidance or instruction received from Disclosure Scotland. They will in turn contact the Appointing Officer to discuss.

## **5. Fair Use of Disclosure Information.**

The existence of a criminal record should not automatically be taken to mean that a person is unsuitable for appointment.

Recipients of disclosure information must:

- Not use Disclosure information for purposes other than which it has been provided
- Have regard to any guidance issued by Disclosure Scotland on the information provided.
- Not unfairly discriminate against the subject of the Disclosure information on the basis of any conviction or other details revealed.

### **5.1 Consideration of Disclosure Information.**

Appointing Officers, in conjunction with the appropriate Personnel Team member, should take the following factors into account when considering Disclosure information:

- Whether the conviction or other matter revealed is relevant to the position in question
- The seriousness of any offence revealed
- The length of time since the offence or other matter occurred
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant's circumstances have changed since the offending behaviour.

Ultimately it is the responsibility of the Appointing Officer in conjunction with the appropriate member of the Personnel Team to decide whether to offer the applicant the position.

## **6. Handling of Disclosure Information**

Information contained within SDs and EDs may be particularly sensitive.

Disclosure information must therefore be handled only by those persons within NHS Grampian entitled to process it in accordance with their duties. A written policy exists on the handling, holding and destruction of Disclosure information.

Recipients of Disclosure information should note that unauthorised disclosure is a criminal offence.

The SD or ED will be retained by the Recruitment or Medical Staffing Team until the recruitment decision is taken or until any dispute about the accuracy of the Disclosure information is resolved. In any event the maximum retention period may not exceed six months from the date of receipt following which destruction will be by shredding.

## **7. Volunteers & Other Categories**

This section of the Policy sets out the position for other categories of staff working on a paid or unpaid basis within NHS Grampian

### **7.1 Volunteers**

Volunteers who work under the auspices of a Voluntary Organisation will require a SD or ED, as appropriate, if their volunteer duties indicate that this should be the case. This should be undertaken by the Voluntary Organisation. Free checks are available for volunteer workers whose organisations are registered with Volunteer Development Scotland. The Manager with responsibility for volunteering in the particular area must ensure that the Voluntary Organisation carries out screenings where appropriate before volunteers begin work.

### **7.2 NHS Grampian Volunteers**

Volunteers who are engaged by NHS Grampian Employers require a SD or ED, as appropriate, if their volunteer work indicates that this should be the case. The HR Service Centre, Recruitment Manager will arrange this on receipt of a written request from an Appointing Officer stating the name and address of the volunteer and the type of disclosure required. The volunteer must not begin work before the outcome of Disclosure is notified.

### **7.3 Students Nurses**

All students are screened by The RGU on commencement of training. No further action requires to be taken.

### **7.4 PAMS Students**

All students are screened by The RGU on commencement of training. No further action requires to be taken.

## 7.5 Medical Students

Aberdeen University indicate that no blanket cover is currently in place but that it is likely to be in place for the September 2002 intake.

## 7.6 Nursing Agency Staff

Agencies will be required to carry out screenings at an enhanced level for nursing staff.

**This list cannot be exhaustive nor does it cover all types of agencies. It may therefore be necessary for Appointing Officers to approach a particular Agency or University to establish that where appropriate the relevant SD or ED has been obtained.**

## 7.7 Overseas Applicants

Applicants falling into this category include UK residents, whether British nationals or not, with recent periods of overseas residence or with little or no previous UK residence.

It may be of limited value to ask for a criminal record check in the above type of cases.

Guidance is available from the Recruitment Manager about the availability of criminal record checks in a variety of foreign countries. If available the applicant should be asked to apply for the equivalent of a Disclosure.

## 8. Summary

Access to criminal record information is intended to provide those making recruitment & appointment decisions with additional information to enable them to determine whether the past behaviour of a person suggests that they are unsuitable for a particular position. The availability of Disclosure information should not, however, be regarded as a substitute for any of the full range of existing pre-employment checks including taking up references and enquiring into the person's previous employment history including unexplained gaps being satisfactorily accounted for.

**All offers of employment to those who require a Disclosure must be provisional subject to a satisfactory outcome. No individual must be allowed to take up post until the Disclosure outcome is notified.**

## **AUTOMATIC STANDARD DISCLOSURE**

### **Grampian Primary Care NHS Trust**

- All Nurses trained & untrained, including Bank & TUPE
- All Dental Nurses & Dental Hygienists
- All trust Employed Practice Nurses, including TUPE
- All Dental Officers
- All qualified Paramedical Staff, ie Occupational Therapy, Physiotherapy, Podiatry, Dietetics
- Speech & Language Therapist & Assistants
- All Clinical & Counselling Psychology staff
- All Psychotherapist
- Salaried General Practitioners in Primary Care

### **Grampian University Hospitals NHS Trust**

#### **Clinical Service 'B'**

- Audiologists/Technical staff
- Technical staff within EEG dept (Wd 40)
- Orthoptists RACH
- Technical staff/Dental Nurses within Dental Specialties (Maxfax/Orthodontics)

#### **Clinical Services 'C'**

- Physical Sciences
- Obs & Gynae Admin staff
- Obs & Gynae Lab staff
- Combined Child & Health – all staff not already mentioned under enhanced
- All therapists (Physios & assistants, OT's & assistants, Speech Therapists & Dieticians)
- Pharmacists
- Pharmacy Assistants
- Pharmacy Technicians

## **AUTOMATIC STANDARD DISCLOSURE continued**

- Radiographers
- ATO's, MTO's in ITU.

### **Non-Clinical Services**

- Catering Staff based at RACH and AMH
- Domestic Staff based at AMH & RACH
- Other Support Service posts/departments as appropriate
- Medical Secretaries based at AMH/RACH wards
- Linen Services Staff – distributing linen in AMH / RACH Wards
- Medical Records staff based at RACH/AMH
- Security Guards
- Hairdressers
- Chaplaincy

### **DR Gray's Hospital**

- Housekeeper Ward 1
- Audiologists
- Phlebotomists
- Physical Sciences
- Obs / Gynae & Paeds Admin Staff
- Pharmacists
- Pharmacy Technicians
- Pharmacy Assistants
- Radiographers / Assistants/Helpers & Technicians
- Porters & Domestics (due to rotational nature of posts)

## **AUTOMATIC ENHANCED DISCLOSURE**

### **Grampian Primary Care NHS Trust**

- All Medical Staff in Mental Health Services & (Learning Disabilities)
- Royal Cornhill “Tartan Tots” Nursery
- All staff at Ladysbridge & Woodlands Hospitals

### **Grampian University Hospitals NHS Trust**

- All Medical Staff
- All Nursing and Midwifery Staff

### **Clinical Services ‘A’**

- All staff within Maidencraig, Woodend Hospital
- All staff within AMAU, ARI

### **Clinical Service ‘B’**

- All staff within Trauma Orthopaedics
- All staff within A&E, ARI
- All staff within Theatres ARI excluding Admin staff

### **Clinical Services ‘C’**

- Combined Child Health Therapists
- Combined Child Health Psychologists
- Combined Child Health Nursing
- Combined Child Health School Nursing
- Combined Child Health Play Specialists

### **Non-Clinical Services**

- All Woodend Nursery Staff
- All staff within Trusty Ted Nursery, ARI

## **AUTOMATIC ENHANCED DISCLOSURE continued**

### **Dr Gray's Hospital**

- All Medical Staff
- All Staff Ward 7, Acute long Stay
- All Staff Ward 8, High Dependency / ITU
- All Staff Ward 2, Paediatrics
- All Staff in SCBU, Special Care Baby Unit
- All Staff Ward 3, Obstetrics & Gynaecology
- Combined Child Health, Nursing
- Combined Child Health, School Nursing
- Combined Child Health, Play Specialists
- All Theatre Staff, Nursing & Orderlies
- Nursing Staff & Housekeeper in Ward 6, Orthopaedic & Trauma
- A&E Nursing Staff.