

HULL TEACHING PRIMARY CARE TRUST

DISCLOSURE POLICY

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1 INTRODUCTION

- 1.1 This policy sets out the requirements for obtaining disclosure information from the Criminal Records Bureau (CRB). The aim of the policy is to assist the PCT to make safe recruitment decisions and to identify candidates who may be unsuitable to work with children or other vulnerable members of society. The policy also aims to ensure that volunteers, contractors and agency staff (where applicable) are also subject to disclosure in order to safeguard patients.
- 1.2 Part V of the Police Act 1997 includes measures that enable all organisations in England and Wales, irrespective of whether they are likely to ask exempted questions under the terms of the Rehabilitation of Offenders Act, to obtain criminal record information about prospective employees and volunteers from a centralised source. Criminal record checks (known as Disclosures) are carried out by an executive agency of the Home Office called the Criminal Records Bureau (CRB). The Criminal Records Bureau provides access to information about criminal convictions and other police records to help employers make informed decisions when recruiting staff.

2 SCOPE

- 2.1 This procedure applies to all PCT employees irrespective of age, race, colour, religion, disability, nationality, ethnic origin, gender, sexual orientation or marital status, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or trade union membership. All employees will be treated in a fair and equitable manner and reasonable adjustments will be made where appropriate (e.g. interpreter or signing provision, access arrangements, induction loop, etc.). This Policy also applies to contractors/observers/those with honorary contracts etc. as stated within the Policy.
- 2.2 As an employer the PCT is responsible for identifying the level of Disclosure that is required for the position, balancing the need to prevent unsuitable people from working in sensitive positions against the threat of discrimination against ex-offenders who are rehabilitated.
- 2.3 For positions in the NHS disclosures can be obtained for 'any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties'.
- 2.4 NHS Employers advise that anyone employed by a NHS care provider (directly or under contract) is concerned with the provision of health service(s). Most staff, but not all, have access to patients in the course of their normal duties. In addition to directly employed staff, the PCT must consider vetting for contract staff.
- 2.5 This policy applies to directly employed staff, volunteers (including students and trainees on work experience placement), contractors and agency staff.

2.6 The policy also applies to other people accessing the PCT in an official capacity, for example those subject to an honorary contract.

3 TYPE AND USE OF DISCLOSURES

3.1 The Primary Care Trust is exempt from the Rehabilitation of Offenders Act and is, therefore, able to request information regarding the criminal record of applicants for posts. It is, therefore, the policy of the PCT to obtain either a Standard or Enhanced Disclosure for applicants for posts and for other categories of people accessing patients in an official capacity, for example, as a volunteer.

3.1.1 The **Standard Disclosure** is a criminal record certificate as defined under Section 113 (3) of the Police Act 1997.

- i) Lists all convictions (spent and unspent), cautions, reprimands or warnings, and in relevant cases reveals if an individual is on any lists held by the Department of Health or the Department for Education and Skills and is unsuitable to work with children or vulnerable adults.

A Standard Disclosure will be appropriate in relation to a position reflected in the list of category codes kept within the Human Resources Directorate which is not otherwise listed below as qualifying for an Enhanced Disclosure.

3.1.2 The **Enhanced Disclosure** is an enhanced criminal record certificate as defined under Section 115 (6) of the Police Act 1997.

- i) Includes all the information revealed on a Standard Disclosure as well as any relevant additional non-conviction information held locally by the police.

An Enhanced Disclosure will be appropriate in the following circumstances:

- Where the position relates to any of the category codes 01 to 09 inclusive (working with children) and the position involves regularly caring for, training, supervising or being in sole charge of those aged under 18.
- Where the position relates to category code 10 (working with vulnerable adults), 11, 14, 17, 18, 28, 39, 52, 56, 57

3.2 The CRB also check the Protection of Children Act List, which provides information about people deemed unsuitable to work with children.

3.3 Disclosures are an important tool in helping safer recruitment practices and patient safety. Although a criminal conviction in itself does not prevent anyone from working in the NHS, some types of offences, for example involving violence or sexual abuse, may not be employed. The Disclosure is just one element of the pre and post employment checks that are required by Safer Recruitment – A Guide For NHS Employers. It should be considered in the light 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
- Whether the applicant's circumstances have changed since the offending behaviour
- The circumstances surrounding the offence and the explanation(s) offered by the convicted individual.

If a CRB check comes back with information this must be discussed with a member of the Human Resources Directorate prior to a decision being made.

4 POSTS UNLIKELY TO REQUIRE A DISCLOSURE

4.1 Posts that may not be eligible include:

- Administrative staff who normally work in a separate administrative block (away from patients)
- Maintenance staff whose normal duties do not take them into health centres or into other situations where they have access to patients
- Scientific and technical staff (such as laboratory technicians)
- Catering staff who do not deliver food to patients

5 ELIGIBILITY FOR ENHANCED DISCLOSURES

5.1 To qualify for the highest level of Disclosure the post must also meet one of the criteria set out in Section 115 of the Police Act 1997, or in regulations made under Section 115. There is an additional requirement that the 'care' position must regularly involve caring for, training, supervising or being in sole charge of:

- A person aged under 18
- Or a person aged 18 or over who is a vulnerable adult as outlined by the Police Act 1997 (Enhanced Criminal Record Certificates; Protection of Vulnerable Adults) Regulations 2002.

5.2 In these regulations a vulnerable adult means a person aged 18 or over who is receiving one of the following services:

- Accommodation and nursing or personal care in a care home
- Personal care or nursing or support to live independently in his own home
- Any services provided by an independent hospital, independent clinic, independent medical agency or NHS body
- Social care services
- Any services provided in an establishment catering for a person with learning difficulties

As a result of one of the following conditions:

- A learning or physical disability
- A physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs
- A reduction in physical or mental capacity

Has one of the following disabilities:

- A dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions
- Severe impairment in the ability to communicate with others
- Impairment in a person's ability to protect himself from assault, abuse or neglect

6 MANDATORY CHECKS FOR NHS STAFF & STUDENTS

- 6.1 From 14th February, 2005, CRB checks became mandatory for every new recruit who has access to patients as part of their normal duties.
- 6.2 CRB Disclosures may be requested by higher educational institutions as part of their admissions procedures for healthcare students where a training placement has been arranged. A disclosure should only be requested for applicants who have been provisionally accepted.
- 6.3 The level of disclosure must be agreed with the PCT and as students are normally supervised a standard disclosure will normally be appropriate. The exceptions to this are posts whose normal duties include regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. The Human Resources Directorate can provide further advice for specific cases.
- 6.4 It is recommended that healthcare trainees are CRB checked at the start of their training course and then again when they start working in the NHS.
- 6.5 Where there is a delay in processing a disclosure students can start their placement if they are supervised and patients are not exposed to unacceptable risks. The exception is where a student is working in a post covered by the Protection of Children Act. In such cases a CRB Disclosure is legally required prior to the student commencing their placement.
- 6.6 When recruiting Employed Doctors/Dentists it is the PCT's responsibility to ensure that all Performer's List Requirements are met before an offer of employment is confirmed.

7 PROTECTION OF CHILDREN ACT (PoCA)

- 7.1 PoCA is a statutory scheme and where the criteria of the Act are satisfied the employer is legally required to carry out a PoCA check before a person can be appointed. This is carried out via a Standard of Enhanced CRB Disclosure. To require a PoCA check the post must fit one of the criteria for a regulated position – 'a position whose normal duties include caring for, training, supervising or being in sole charge of children (Section 36 1 c Criminal Justice Court Services Act).
- 7.2 The Criminal Justice and Court Services Act 2000 makes it a criminal offence for anyone to seek or accept work in a regulated position knowing they are on the PoCA list and for an employer to offer work or to employ a person in a regulated position knowing that a person is included on the PoCA list.

7.3 Employed Doctors/Dentists and other primary care practitioners do not generally fall within the provisions of the PoCA scheme.

8 PROTECTION OF VULNERABLE ADULTS

8.1 The Care Standards Act 2000 provides for a scheme for the protection of vulnerable adults (PoVA) which is similar to the PoCA scheme. Although it hasn't been implemented in the NHS care should be taken when recruiting staff to sensitive positions which involve the care of the most vulnerable adult patients.

8.2 A PoVA check is obtained through a CRB Disclosure section Y. **However, this box applies to those in social care and not to staff in the NHS and by marking this box you would be indirectly requesting a PoVA check illegally.**

9 PORTABILITY

9.1 A Disclosure carries no period of validity because they are for use immediately after issue. Standard and Enhanced Disclosures are designed to be used at the point of recruitment for a particular position and will be of most use close to the date of issue.

9.2 Information may only be shared between the recruiting panel and the HR Directorate with the consent of the applicant.

9.3 If a previously issued Disclosure does not contain a PoVA or PoCA check and the post in question comes under either scheme you must apply for a new Disclosure.

9.4 In some cases an employer's copy of an Enhanced Disclosure may contain confidential information not disclosed to the applicant.

9.5 If an employee is moving to a new post from another NHS Trust and has been issued with a CRB Disclosure within the last 6 months the PCT (with the consent of the applicant) can write to the Trust for confirmation of a CRB clearance (unless the post comes under either the PoCA or PoVA scheme). Consideration must also be given to the similarities and differences between the posts (e.g. working with children).

9.6 Junior doctors should not be required to provide a new Disclosure each time s/he moves to a new training post. Normally, if a check has been carried out within the last 3 years no further check should be required. The date of the last check should be shown on the doctor's Smart Card.

9.7 Agency workers, locums and other temporary highly mobile staff should be checked at least once a year. If the organisation that previously undertook a Disclosure cannot confirm the satisfactory clearance details a new check should be undertaken when staff are appointed.

9.8 When staff transfer to another post within the PCT they are not required to undergo another CRB check unless their previous post was significantly different to their new post (e.g. if an administrator moved from a HQ post with minimal patient contact to working in a health centre with daily access to patients). Criteria set for disclosures must be considered, alongside the employee's previous check (e.g. their previous post may have met the criteria for a standard CRB check whereas their new post may meet the criteria for an enhanced check).

10 STAFF RECRUITED FROM ABROAD

10.1 NHS employers who recruit staff from abroad should carry out the necessary police checks in line with that country's justice system and UK requirements. Whether staff recruited from within or outside the UK, under PoCA there is a legal requirement in the NHS to carry out a check against the PoCA list before anyone is appointed to a childcare position.

10.2 Where the criteria are met for a Disclosure a CRB check should be obtained as a matter of course, even if the applicant claims never to have lived in the UK before.

10.3 If the PCT recruits from any of the following countries the CRB offer a fax back service (0906 55 550 followed by the number of the country).

Country	Code	Country	Code
Denmark	00	Canada	09
France	01	Jamaica	10
Germany	02	South Africa	11
Irish Republic	03	Malaysia	12
Italy (exc Vatican City)	04	Phillipines	13
Netherlands	05	Australia	14
Spain	06	New Zealand	15
Sweden	07	Finland	16
Poland	08		

10.4 Where it is impossible to obtain reliable criminal record information from the country of origin the PCT will have to make a recruitment decision based on all other information available.

11 APPOINTMENT TO POSTS

11.1 Individual managers may request an Enhanced Disclosure for posts not identified if it is felt a postholder may have substantial access to children and/or vulnerable adults.

11.2 Managers are responsible for ensuring that all posts which fall into the above mentioned criteria are subject to a CRB Disclosure (advice can be sought from the HR Directorate).

- 11.3 If a candidate is moving from one post to another within the PCT and the posts are different posts a check must be undertaken.
- 11.4 Existing staff will not be subject to a request to obtain a Disclosure except where:
- An employee moves to a new post or changes duties which provide the opportunity for enhanced/standard access.
 - Serious allegations are made against a person already working with children / vulnerable adults or previously unrevealed information comes to light.
- 11.5 All staff working within the PCT have a duty to report any criminal charges brought against them whether or not they result in Court Action, to the appropriate Director via their line manager. It is imperative that any such information is treated with the utmost confidentiality. The Director, in consultation with the line manager and Human Resources, will decide what action, if any, should be taken, dependant upon the relevance of the charges and upon the duties of the post held by the member of staff concerned.

12 CLINICAL ATTACHMENTS/OBSERVORS

- 12.1 If a manager receives a request for either a clinical attachment or observer they must consider whether or not that individual will be practising and the level of supervision they will be receiving, with advice from the Human Resource Directorate.
- 12.2 If the individual will purely observe and be supervised at all times by an appropriately experienced member of staff the manager may decide that a CRB check is not required.
- 12.3 If the individual will be clinically practising the manager must check whether or not the individual has had an enhanced CRB check in the last 6 months. They may require the Human Resource Directorate to contact the organisation that undertook the previous check to seek confirmation of receipt of a satisfactory clearance and similarities in terms of criteria (e.g. access to children/vulnerable adults). If confirmation is received the individual will not require another CRB check to be undertaken automatically, although the manager can request that a new CRB disclosure be undertaken.
- 12.4 If the individual has not had an CRB check in the last 6 months, or this cannot be adequately confirmed, the manager must either ensure that the individual will not be clinically practising and will have supervision at all times by an appropriately experienced member of staff, or that they will not practice until a CRB check has been undertaken and the result received and considered.
- 12.5 See paragraph 9.6 for junior doctors.

13 CONTRACTOR/VOLUNTARY/AGENCY STAFF

- 13.1 The manager must check that the principles of this policy have been adhered to by the contractor/voluntary organisation/agency prior to allowing staff from those organisations to work within or on behalf of the PCT. If the manager is unsure they must contact the Human Resource Directorate for advice.

14 HONORARY CONTRACTS

- 14.1 The manager receiving a request for an individual to work within an honorary contract must ensure that the Human Resource Directorate are consulted prior to any agreement being made. If the work will involve no patient contact or access to patients no CRB check will be required. However, if the work will involve patient contact the manager must check whether or not the individual(s) has had an appropriate disclosure within the last 6 months. If they have, the Human Resource Directorate must be notified to enable them to contact the organisation that undertook that check for confirmation of receipt of a satisfactory clearance and the criteria used for the check. If the individual(s) has not had an enhanced disclosure within the last 6 months and the work fits the criteria for a standard or enhanced disclosure they must have one prior to undertaking the work/research.

15 HUMAN RESOURCES PROCEDURE

- 15.1 The procedure to be followed in processing an application is set out in **Appendix 2**.
- 15.2 Applicants will be sent **Appendix 4** with their application form explaining that the PCT will undertake a Disclosure check if they are successful.
- 15.3 Candidates must be reminded at interview that a Disclosure, and at what level, will be necessary if they are selected and the reasons why. They must be asked if they have any convictions, cautions or bindovers which are current or 'spent' and their answer should be documented.
- 15.4 The level of Disclosure to be requested will depend on the post. Please see **Appendix 1** for further guidance for areas, posts and Disclosure levels applicable.
- 15.5 The Human Resources Directorate will send a Disclosure Application Form to the candidate to be pursued. The candidate must then contact the appropriate person within Human Resources to arrange to meet and complete the form. The appropriate person within Human Resources will check the relevant documentation, countersign the Disclosure application and the completed application will then be sent to the CRB for processing.
- 15.6 Once processed a copy of the Disclosure will be sent, by the CRB, to the applicant and the Human Resources Directorate.
- 15.7 The information received from the CRB will either indicate that they have no record for the person concerned or, if they have, they will give full details depending on the level of Disclosure requested. It will then be for Human Resources to make contact with the recruiting manager to make a judgement,

based on the PCT's Policy on Employment of Offenders at **Appendix 3**, as to the applicant's suitability for the post.

- 15.8 The fact that a person has a criminal record does not automatically render them unsuitable for work with children/vulnerable adults. On the other hand, it is not only sexual offences which may make a person unsuitable for such work. A person's suitability needs to be looked at as a whole in light of all the information available.
- 15.9 All internal correspondence relating to the conduct of Disclosures should be marked **CONFIDENTIAL – ADDRESSEE ONLY**.

16 DISCREPANCIES AND DISAGREEMENTS

- 16.1 Where the information provided by the CRB does not agree with that provided by the applicant, the Manager concerned, before reaching a decision regarding an appointment, must discuss the discrepancy with the person and Human Resources. A person who believes the information to be incorrect and wishes to make a representation to the CRB should do so in the first place through the Human Resources Directorate.

17 HANDLING OF DISCLOSURE INFORMATION

- 17.1 The procedure for secure storage, handling, use, retention and disposal of Disclosures and Disclosure information is set out in **Appendix 5**. Countersignatories must ensure that Disclosure information is not passed to persons not authorised to receive it under section 124 of the Act. Under section 124, unauthorised disclosure is an offence. Disclosure information should only be available to those who need to have access in the course of their duties.
- 17.2 Disclosure information will be kept in locked, non-portable storage containers in the Human Resource Office and will be destroyed by suitable secure means, ie shredding, after six months. This is to allow for any dispute about the accuracy of a Disclosure or a recruitment decision to be made and considered. Computerised records will only indicate that a Disclosure has been made.

18 REVIEW

- 18.1 This Policy will be reviewed with the PCT's recognised Trade Union Representatives within 2 years of the date of implementation.

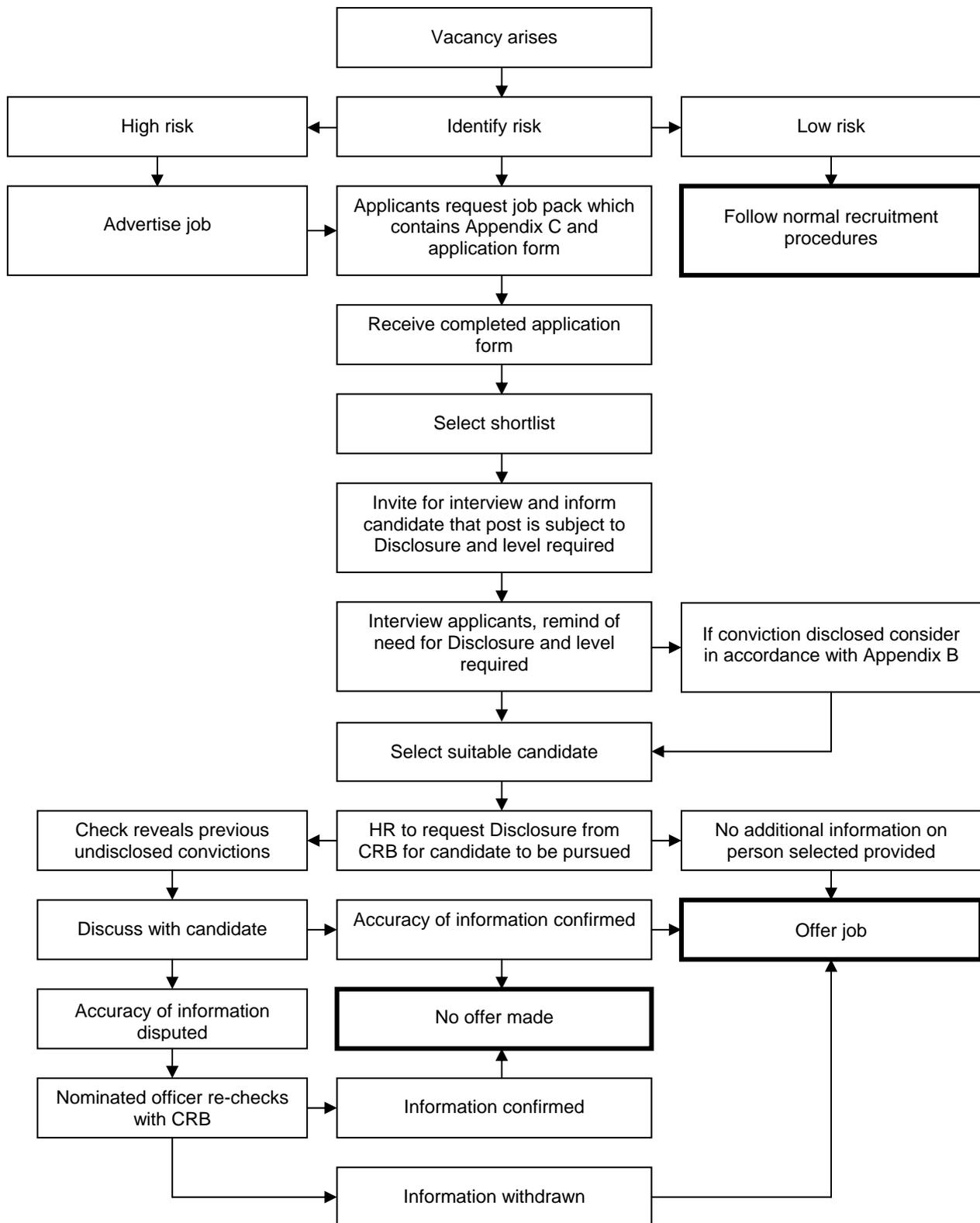
Author: Acting Head of HR
Title
Date: 16/8/06

Approved By: Trade Unions Date: 16/08/06
Chief Executive

Table of Posts to Be Covered on Appointment

Job Title	Type of Disclosure
District Nurses	Enhanced
Specialist Nurses	Enhanced
School Nurses	Enhanced
Health Visitors	Enhanced
Health Care Assistants	Enhanced
Doctors	Enhanced
Practice Nurses	Enhanced
Dental Staff	Enhanced
Medical Staff	Enhanced
Nursery Nurses	Enhanced
Security Staff at Health Centres	Enhanced
Sexual Health medical practitioners	Enhanced
Voluntary staff with direct patient contact	Enhanced
Honorary Contractors with direct patient contact	Enhanced
Clinical Attachment/Observor if clinically practising	Enhanced

OPERATION OF SYSTEM TO PROVIDE POLICE CHECKS



EMPLOYMENT OF PEOPLE WITH A CRIMINAL BACKGROUND

1 INTRODUCTION

- 1.1 This policy seeks to ensure that recruitment decisions are fair, responsible and effective, and that people with a criminal record are not unfairly disadvantaged during the recruitment process. It is the aim of the policy to ensure criminal records are only taken into account for recruitment purposes when the conviction is relevant.

2 DISCLOSURE

- 2.1 The introduction of the CRB has enabled the PCT to obtain either Standard or Enhanced Disclosure information. The Standard Disclosure contains information about both spent and unspent convictions, cautions, warnings and reprimands. In addition to information from central police records, the Standard Disclosure contains any relevant information held by the Department of Education and Skills and Department of Health.
- 2.2 The Enhanced Disclosure relates to particularly sensitive areas of work, for example, work involving unsupervised contact with children and young people. It contains the same information as the Standard Disclosure plus it may contain any non-conviction information from local police records which is considered relevant.

3 PROCEDURE

- 3.1 In order that people with a criminal record are treated fairly and not disadvantaged during the recruitment process, the following procedure has been adopted.

4 JOB INFORMATION

- 4.1 As part of the recruitment process an applicant for the post may be required to apply for a disclosure from the CRB. This will be undertaken prior to confirmation of appointment and will provide the PCT with information about any previous or current convictions, warnings, reprimands, bindovers or cautions. Applicants for posts should, therefore, be prepared to discuss any criminal convictions which relate to them. Having a conviction will not necessarily bar an applicant from employment as the circumstances and the background to the offence will be taken into account.

5 INTERVIEW

- 5.1 Candidates invited to interview will be advised in writing that criminal convictions and other associated information will be discussed at interview in order to assess job-related risks. They will be asked to provide appropriate written details and dates in confidence to the Appointing Manager who, in

association with the Human Resources Directorate, is responsible for the security of the information. The candidate will also be asked to include any other information to improve understanding and fairness.

- 5.2 Issues concerning offences should be discussed at the end of the interview in an open and honest manner and must not form part of the scoring process for assessment. The candidate should be assessed on the relevance of their skills, experience, qualifications and ability to do the job.

6 DISCLOSURE OF INFORMATION

- 6.1 If the disclosure information obtained after the interview contradicts that provided by the applicant, this should be discussed with the applicant by the Appointing Manager before a final selection decision is made. A record of the discussion will be kept with the disclosure.

7 THE DECISION – ASSESSING THE RISK

- 7.1 The suitability of a person with a criminal record will vary depending on the nature of the job and the details and circumstances of the conviction. The Appointing Manager, in consultation with the Human Resources Directorate, will assess the applicant's criminal record in relation to the jobs he or she will be expected to perform, and the circumstances in which the work will be carried out. The following will need to be considered:

- Does the post involve one to one contact with children and/or vulnerable adults?
- What level of supervision will be received?
- Does the post involve any responsibility for finance or items of value?
- Does the post involve direct contact with the public?
- Will the nature of the job present any opportunities for the postholder to re-offend in the workplace?
- The relevance of the offence to the work
- The seriousness of the offence and its relevance to the safety of other employees, patients, visitors and property
- The length of time since the offence occurred
- Relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties
- Whether the offence was a one-off or part of a history of offending
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa.

- 7.2 Following the assessment of the candidate's criminal record in relation to the above, the individual concerned will then be informed of the decision. Relevant feedback related to the convictions will be provided to the candidate

either by the Appointing Manager or the Human Resources Directorate if the decision is that the candidate is unsuitable for the post.

- 7.3 The only exception under the Criminal Justice and Court Services Act 2000 is that it is an offence, punishable by imprisonment, for anyone convicted of a schedule 4 offence who is on the Department for Education and Skills (DFES) list 99, the Department of Health (DOH) or National Assembly of Wales lists to apply for work with young people. It is also an offence for anyone knowingly to employ such a person in such a capacity, either voluntary or paid.

8 TRAINING

- 8.1 All staff involved in recruitment will be provided with guidance on the employment of ex-offenders and the disclosure process as part of the PCT's Recruitment & Selection Training.

9 EXISTING EMPLOYEES

- 9.1 There may also be occasions when an existing employee is convicted of a criminal offence. A manager may be notified of this either by the police or by the individual concerned. Consideration of the points set out in paragraph 7 would need to be given to assess the suitability of the employee to remain in their post. Consideration may also need to be given to the use of the Disciplinary Procedure.
- 9.2 If a manager becomes aware of an employee being convicted, or likely to be convicted, of a criminal offence they should contact the Human Resources Directorate immediately.

10 REVIEW

- 10.1 This policy will be reviewed with the PCT's recognised Trade Union Representatives within 2 years of the date of implementation to ensure it is contributing effectively to the appointment of people in a fair, responsible and objective manner.

IN CONFIDENCE

PRIMARY CARE TRUST
DISCLOSURE OF CRIMINAL BACKGROUND

The post for which you have requested information will give you substantial access to children and/or vulnerable adults. The Primary Care Trust is able to check with the Criminal Records Bureau (CRB) as to the existence and content of a criminal record of any person in such a position. In accordance with the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 1986, the CRB will disclose spent as well as current convictions and cautions, and other relevant information.

When completing your application form you will be asked to sign the Rehabilitation of Offenders declaration and give details of any criminal convictions, cautions or bindovers you may have. You will be asked to provide details of these in a sealed envelope marked for the attention of the chair of the Interview Panel. These details will only be opened if you are invited for interview and will be discussed with you at that time. A criminal record will not necessarily be a bar to obtaining a position within the PCT.

If, after interview and assessment, you are the preferred candidate for the post, you will be asked to complete a disclosure check form. You should be aware that refusal to undertake a disclosure could prevent further consideration of the application. Any information provided by the CRB will be treated in the strictest confidence.

Any information given to the PCT by the CRB will be taken into account when deciding the suitability of the application. If it is subsequently discovered that you have given false information, or withheld information which has affected the disclosure report, then the employment will be liable to immediate termination.

Further to the Rehabilitation of Offenders declaration on the application form and following further information received from the Department of Health and NHS Employers, the PCT now requires the following statement to be signed.

I can confirm that I have no criminal convictions, cautions or bind-overs, spent or otherwise, either in this country or another country.

I can confirm that I have not been dismissed from any employment, office or other position by reason of misconduct in this or another country.

I have read the above statement and understand that it forms part of my application and, therefore, accept that any deliberate omission or falsification will be grounds for rejecting the application.

Signed..... Date.....

NAME (BLOCK CAPITALS).....

ADDRESS.....

POST APPLIED FOR..... REFERENCE NO.....

A copy of the Primary Care Trust's Disclosure Policy and the CRB Code of Practice are available on request. Please contact the Human Resources Directorate on 01482 303556 or visit www.disclosure.gov.uk for the CRB Code of Practice.

POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

1 INTRODUCTION

- 1.1 As an organisation using the Criminal Records Bureau (CRB) Disclosure Service to help assess the suitability of applicants for positions of trust, the Primary Care Trust complies fully with the CRB Code of Practice regarding the correct handling, use, storage retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

2 STORAGE AND ACCESS

- 2.1 Disclosure information will not be kept on the applicant's personnel file and will always be kept separately and securely, in lockable, non-portable storage containers in the Human Resources office. Access to the keys is restricted to members of the Human Resource Directorate with responsibility for recruitment and selection and access strictly controlled and limited to those who are entitled to see it as part of their duties.

3 HANDLING

- 3.1 In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. A record of all those to whom Disclosures or Disclosure information has been revealed is maintained and the PCT recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4 USAGE

- 4.1 Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

5 RETENTION

- 5.1 Once a recruitment (or other relevant) decision has been made, the PCT will not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the PCT will consult the CRB about this and will give full consideration to the Data Protection and Human Rights of the individual

subject before doing so. Through this time the usual conditions regarding safe storage and strictly controlled access will prevail.

6 DISPOSAL

- 6.1 Once the retention period has elapsed the PCT will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The PCT will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, the PCT may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Useful Contacts/Websites/Documents

CRB Disclosures in the NHS by NHS Employers

Safer Recruitment

www.crb.gov.uk

www.disclosure.gov.uk

www.healthcarecommission.org.uk

www.homeoffice.org

www.dh.gov.uk