

RISK ASSESSMENT PROCEDURE FOR DISCLOSURE PURPOSES

To ensure consistency in decisions made, where a previous offence / criminal conviction is confirmed by Disclosure Scotland and following initial assessment by the HR Directorate, NHS Fife will constitute a panel of core senior officers, as outlined in the undernoted procedure. This panel will make decisions on employment status where an individual has a previous offence/criminal conviction. When identified as a result of Disclosure Scotland confirmation, the panel must arrange to take a decision as a matter of urgency. This will be conducted using secure electronic communication.

This panel is also responsible for compiling any referrals of employees to the Disqualified from Working with Children or Adult Lists, for countersigning by the Director of Workforce. This panel will comprise of the Senior HR Manager, the Executive Director with Responsibility for Child Protection and the member of EDG with responsibility for the area concerned.

NHS Fife has continually striven to agree and implement a safe, consistent, fair and auditable decision making process when a candidate has a criminal conviction confirmed. The purpose of the Risk Assessment Procedure is to give an indication of Low, Medium, Medium to High or High Risk, in order to make a justifiable decision about whether or not to appoint a candidate. The specific issues taken into account are:

- the nature of the offence
- when the offence occurred
- the age of the applicant when the offence occurred
- multiple offences

Where an applicant scores:

- a low risk - the applicant is appointed
- a medium risk or medium to high risk - the risk scoring form would be sent to the panel for a decision
- a high risk - no appointment would be made.

Procedure

- 1, The Human Resources Directorate receives a Disclosure Scotland PVG certificate containing conviction information.
2. The Human Resources Directorate will gather information surrounding the conviction from the candidate to complete each section of the risk assessment scoring exercise:

N.B. The minimum Score will always be 4.

Section A– Nature of the Offence

Section B – When the offence occurred

Section C – The age of the applicant when the offence occurred

Section D – Multiple Offences (number of previous convictions).

If a Disclosure Scotland certificate contains multiple offences, the most serious offence should be considered for Risk Assessment purposes.

3. Each Section A, B, C and D is scored separately (1 – 10) and totalled.
4. The total score will indicate **Low Risk, Medium Risk, Medium to High Risk or High Risk.**

This total score will then be the basis for authorising appointment or passing to the panel for further consideration or non-appointment. The NHS Fife panel will operate virtually to consider Disclosure Information consists of the Director of Workforce, the Executive Director with Responsibility for Child Protection and the member of SMT with responsibility for the area concerned.

5. **If Low Risk**, the applicant will be appointed.

If Medium Risk, the manager initiating the Disclosure check will gather further information and consider the severity, before taking a decision or forwarding to the panel.

If Scoring is Medium – High Risk, the application must be passed to the agreed panel for consideration.

If High Risk, the applicant will not be appointed.

6. If it is necessary to forward the completed Risk Assessment documentation to the panel, this will be done electronically.
7. Once all three panel members have considered the completed Risk Assessment scoring exercise, each panel member will e-mail their appointment decision directly to the recruiting manager who initiated the request.

8. Deputies may be used if any member of the panel is on annual leave or out of the office for a pro-longed period. This should be in line with the recognised deputising arrangements for those on the Panel. At least one Executive Director must be on the panel.
9. The Human Resources Directorate will collate the Disclosure Risk Assessment documentation and maintain relevant copies.

If a current NHS Fife member of staff applies for another post within NHS Fife and a Disclosure Scotland check is carried out and returned with conviction(s), the Director of Workforce will act as a link from the Panel to the Human Resources Directorate.

10. Authorised applications will progress to employment. Unauthorised applications will not be progressed any further and a letter will be sent to the preferred candidate withdrawing the offer of employment.
11. If the previous conviction is drug / alcohol related then health screening for current drug/alcohol abuse must be sought via Staff Wellbeing & Safety.
12. As a result of new legislation, NHS Fife is now required to carry out Disclosure checks for contractor staff, which includes Optician's, (GPs, GDPs and Pharmacists will follow suit at later dates). Primary Care Services will be responsible for initiating these Disclosure checks. If a Disclosure is returned with a conviction, the normal Risk Assessment procedure will apply and this will be done via the Human Resources Directorate.
13. Any external organisation undertaking Disclosure Scotland checks as agreed in paragraphs 6 to 8, i.e. for Students, Agency staff, Honorary / Research contracts, volunteers etc, will be required to notify NHS Fife, should Disclosure Scotland information be returned with a conviction prior to a placement. In these cases, the normal Risk Assessment process will apply and this will also be actioned by the Human Resources Directorate.