Guidance for staff on Disclosure Checks for lay members (patient, carer and public representatives) involved in the work of NHS Grampian

1. Introduction

Disclosure Scotland is an Executive Agency of the Scottish Government and was established in 2002. It provides a service to employers in Scotland by giving them access to information and criminal records. Voluntary organisations and public organisations such as the National Health Service (NHS) and Local Authorities also use this service to screen volunteers where appropriate and depending on their planned area of work.

The service was established so that recruiters, charitable organisations and volunteer co-ordinators can make more informed decisions about people seeking positions involving contact with children under 18 years old or other vulnerable members of society such as older people, the sick, and people with disabilities or special needs.

A Disclosure is a document containing impartial and confidential criminal history information held by the Police and Government departments which can be used to make safer recruitment decisions.

In February 2011, The Scottish Government introduced the Protecting Vulnerable Groups Scheme (PVG Scheme) and this is managed and delivered by Disclosure Scotland.

The term “lay members” is used throughout this guidance to describe patient, carer and public representatives who become involved in the work of NHS Grampian.

The aim of this paper is to provide guidance to staff working in the Patient Focus and Public Involvement Team and to staff involving patients and the public in redesign and other projects requiring public involvement.

2. Types of Disclosure

Disclosure Scotland provides different levels of check:

- Basic Disclosure contains only convictions considered unspent.
- Standard Disclosure contains all conviction information, spent and unspent, including cautions.

- The PVG Scheme is now the most appropriate type of check for regulated work with children or protected adults. Regulated work is the term used by the Protection of Vulnerable Groups (Scotland) Act 2007 to define the types of work which barred individuals must not do, and for which PVG Scheme membership is available.

The current fee for a Basic or Standard Disclosure is £25. Joining the PVG Scheme costs £59. A Scheme Record also costs £59 but is free of charge when requested at the same time as an application to join. A Scheme Record Update costs £18 for individuals who are already a PVG Scheme member.

The estimated turnaround time for correctly completed applications with no further enquiries can be up to 6 weeks.

3. Lay members who may require a Disclosure

As a general guide, Disclosure Checks should only be requested for a lay member if there is going to be direct and unsupervised contact with patients, carers and the public. This will normally be for a Standard Disclosure. A request for PVG Scheme Membership should only be made in particular circumstances (see section 3.2 on page 3).

3.1. Standard Disclosure

A Standard Disclosure Check for a lay member will only need to be made in particular circumstances.

A Standard Disclosure is appropriate when:

- lay members are helping NHS Grampian carry out surveys with patients either in clinics or with the public, but are in direct contact with and receiving guidance from, a member of staff at the same time

These lay members must also be issued with a volunteer ID badge in line with current ID badge policy. This will be organised by staff in the PFPI Team within Corporate Communications at NHS Grampian.

If ever a situation arises where a lay member is participating in regular training events with little or no supervision, or regularly supervising other lay, or prospective lay members, please seek advice about Disclosure from Sarah Dalgarno (Recruitment Team Leader) 01224 556125 (internal extension 56125).
3.2. PVG Scheme Membership

A request for PVG Scheme Membership will be rare as the vast majority of lay members will not be working unsupervised and without a member of staff. However if the following circumstances are going to occur, PVG Scheme Membership should be reserved for:

- when a lay member is carrying out regulated work and who will be completely on their own, and in direct hands-on contact with children and young people under 18 years old and/or protected adults for any period of time

A protected adult is defined as someone who is aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service.

An example where PVG Scheme Membership is appropriate include:

- lay members working completely on their own carrying out patient surveys or interviews in clinics or with the public

These lay members must also be issued with a volunteer ID badge in line with current ID badge policy. This will be organised by staff in the PFPI Team within Corporate Communications at NHS Grampian.

It is recognised that there may be a very small number of lay members currently involved in various projects within NHS Grampian who may require a retrospective Disclosure Check if carrying out one of the roles outlined in sections 3.1 and 3.2. The Patient Focus & Public Involvement (PFPI) Team will be able to identify these lay members and contact them to discuss why this is required. If a lay member does not wish to go through the Disclosure process, he or she may request a different role within a particular project, or request that the PFPI Team finds an alternative role for them which does not require a Disclosure Check.

Lay members must not become involved before the outcome of Disclosure is notified.

4. Where Disclosure is not required

The majority of lay members will not require Disclosure Checks unless they are involved in projects which involve the tasks outlined in sections 3.1 and 3.2.
In a change to previous guidance issued by the PFPI Team, Disclosure Checks are no longer applicable to:

- lay reviewers taking part in hand hygiene, cleaning and environmental audits (Healthcare Associated Infection audits)
- lay members taking part in Patient Safety walkrounds
- lay members involved in redesign projects who may be asked to meet with patients/public, but in direct contact with and receiving guidance from, a member of staff at the same time

Disclosure Checks have never been required for lay members who:

- attend open groups and meetings such as the NHS Grampian Public Forum, and meetings solely with staff such as for Managed Clinical Networks and Steering Groups
- attend meetings with other lay members
- attend redesign groups/workshops
- attend one-off annual events such as the Annual Review
- attend open day events

If ever in doubt as to whether a lay member should go through Disclosure, please seek advice from Sarah Dalgarno (Recruitment Team Leader) 01224 556125 (internal extension 56125) or the Public Involvement Manager at Corporate Communications 01224 558815 (internal extension 58815).

5. Recruitment of lay member who has a criminal record

Where a conviction or other information is revealed as part of the Disclosure process, the information must not be used to unfairly discriminate against individuals who are offering their involvement and time to work with NHS Grampian.

NHS Grampian is committed to equality of opportunity, to follow practices and to provide a service which is free from unfair and unlawful discrimination. Disclosure information will only be seen by those involved in the recruitment process. This will include appropriate staff within the Human Resources department who will assess the relevance and circumstances of any offences. Having a criminal record will not necessarily prevent a prospective lay member from being involved in the work of NHS Grampian. However, it is important to note the following information:

‘Listing’ in the context of the PVG Scheme means the inclusion of an individual in the PVG childrens’ list or PVG adults’ list maintained by Disclosure Scotland. Listing is the outcome of a consideration for listing process where it is determined that an individual is unsuitable to work with one, or other vulnerable groups, or the result of an automatic listing.
‘Barring’ is the consequence of being listed. The lists simply provide a means of recording the details of individuals who have been found unsuitable to work with children or protected adults. Individuals included in one of the lists mentioned above (or otherwise barred) must not do the corresponding type of regulated work and cannot participate in the PVG Scheme in respect of that type of regulated work. Not only would any application to the PVG Scheme by such a person be rejected, it would also be treated as evidence in respect of committing the offence of attempting to do regulated work whilst barred.

5.1. Self disclosure

If a prospective lay member declares that there will be a record on a Standard Disclosure or listing on their PVG Scheme Membership or Scheme Record Update, in the first instance please contact the Public Involvement Manager at Corporate Communications on 01224 558815 (internal extension 58815). This must be done before any process of recruitment of the lay member begins.

6. Administrative process

Where a Standard Disclosure or PVG Scheme Membership is deemed necessary by the PFPI Team, or by a particular service, the lay member will be requested to complete the appropriate Disclosure application form.

The PFPI Team, or a specific service, should ensure that all necessary paperwork is completed and supplied in liaison with the Recruitment Team based at Westholme. A fee is payable for each Disclosure. The lay member should not be asked to pay for this.

Standard Disclosure and PVG Scheme Membership application forms are available from Sarah Dalgarno (Recruitment Team Leader) 01224 556125 (internal extension 56125).

Completed paperwork for Standard Disclosure or PVG Scheme Membership should be marked “confidential” and sent in a sealed envelope to Sarah Dalgarno (Recruitment Team Leader) at Human Resources, Westholme, Woodend Hospital with a cover note clearly stating the name of the member of staff requesting the Disclosure, together with their contact details.

Please ensure that the role of “Patient/Public Representative” is entered in the Job Title section on application forms.

The PFPI Team (or relevant service lead) will be advised of the Disclosure outcome by telephone or e-mail. This will normally be that no criminal record information is held.
Where conviction or other Disclosure information is revealed, the appropriate member of the PFPI Team (or relevant service lead) will be contacted by Human Resources to discuss further. The existence of a criminal record should not automatically be taken to mean that a prospective lay member is unsuitable for placement.

7. Handling of Disclosure information

Information contained within a Standard Disclosure or a PVG Scheme Record may be particularly sensitive. Information will be handled only by those persons within NHS Grampian entitled to process it in accordance with their duties.

NHS Grampian complies fully with the Code of Practice issued by Scottish Ministers regarding the correct handling, holding of Standard Disclosure and Scheme Record information. NHS Grampian also complies fully with the Data Protection Act 1998. NHS Grampian uses Disclosure information only for the purpose for which it has been provided and will not use or disclose this information in a manner incompatible with the purpose. Section 68 of the PVG Act makes clear that the record should only be shared for the purposes of enabling NHS Grampian to determine suitability for regulated work.

8. Related resources

Disclosure Scotland: www.disclosurescotland.co.uk

Protecting Vulnerable Groups Scheme: http://www.pvgschemescotland.org

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