

General Statement of Policy

General Statement of Policy regarding fitness to practice proceedings by a licensing/regulatory body and relating to criminal records.

Registration with the professional body (Paramedics Board at the Health Care Professions Council) imposes a duty on Ambulance Paramedics to provide a good standard of medical care for, and behave appropriately towards, patients. NHS employers also have a duty to ensure that patients receive a good standard of medical care and to take all practicable steps to ensure the safety of patients and staff.

In order to assess job related risks the London Ambulance Service NHS Trust (LAS) need to establish if applicants who may be offered certain positions have a criminal record in the UK or another country that they can lawfully be required to disclose. There are various positions across the LAS that will be required to fill out a Disclosure & Barring Service Disclosure.

When recruiting, the LAS inform applicants if criminal record information will be requested from them as part of the recruitment and selection process. This will enable applicants to decide whether they wish to apply for the position.

At the application stage, candidates will be asked to answer a number of questions which are shown below.

If such information is requested, applicants will be informed whether the nature of the position for which they intend to apply means that they will be asked to disclose convictions that would otherwise be “spent” under the provisions of the Rehabilitation of Offenders Act 1974 (ROA). This will also help applicants to decide whether or not they wish to apply for the position.

Applicants for certain positions concerned with the provisions of health services are exempted from the ROA and can therefore be asked to disclose the following convictions and cautions (including those which may be otherwise considered spent)

- Cautions relating to an offence on the published list
- Cautions given less than 6 years ago (where the individual was over 18 at the time of the caution);
- Cautions given less than 2 years ago (where the individual was under 18 at the time of the caution);
- Convictions relating to an offence on the published list (see link above);
- All convictions if the individual has more than one conviction;
- Convictions which resulted in a custodial sentence (regardless of whether served);
- Convictions given less than 11 years ago (where the individual was over 18 at the time of the conviction);
- Convictions given less than 5.5 years ago (where the individual was under 18 at the time of the conviction).

Applicants for such positions will also be asked if they are “bound over”, have received a police caution, warning or reprimand and whether they have been charged with a criminal offence not yet disposed of.

The amendments to the Exception Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring service website <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

<http://hub.unlock.org.uk/wp-content/uploads/What-will-be-filtered-by-the-DBS.pdf>

There are specified offences which will never be filtered from a Disclosure and Barring Certificate. A list of these is available to view at <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Prior to making such an appointment, London Ambulance Service also needs to establish if applicants for such positions:

- Are or have ever been disqualified from the practice of a profession or;
- Are required to practice subject to specified limitations following fitness to practice proceedings by a regulatory body in the UK or in another country or;
- Are under any investigation or proceedings by any body having regulatory functions in relation to health/social care professionals, including such a regulatory body in another country. This is also reflected in the declaration.

If a Disclosure is to be sought from the Disclosure & Barring Service, prospective applicants will be informed from the outset. London Ambulance Service has a separate more detailed Code of Practice that meets the standards specified by the Disclosure & Barring Service relating to the fair use of criminal record information and the appointment of persons having a criminal record. A copy of this Code can be obtained from the Recruitment Centre.

Applicants will be required to declare criminal conviction information and any other matters that are, or that might be, relevant to the position for which they are applying at an early stage in the appointment process.

In cases where criminal record information is deemed necessary to assess a person's suitability for the position, all applicants are also expected to inform London Ambulance Service if, before taking any position offered to them, they are charged with a criminal offence in the UK or other country.

The London Ambulance Service is an equal opportunities employer, and all applications will be decided fairly on merit. Information supplied will be treated in confidence and will not be used as the sole criteria to decide an applicant's fitness for the position.

Unless an appointment is prohibited by law, a criminal conviction will not automatically debar the applicant from appointment. Applicants will be given an opportunity to discuss any information supplied before a final decision is taken regarding their appointment.

However, an applicant may not be selected if the selection panel considers that the information declared renders that person unsuitable for the position for which they have applied. In reaching such a decision the London Ambulance Service will consider the nature of the record/action, its relevance to the position applied for, and any other information the applicant wished to provide. This would include the date of offence and number of offences.

The information declared will be treated in compliance with the Data Protection Act 1998.

NOTE: Failure by an applicant to provide accurate and truthful information is considered to be a serious matter.

Where it is found that a person has intentionally or recklessly provided inaccurate information or withheld information relevant to their position, this may disqualify them from appointment. It may also result in dismissal or disciplinary action and referral to the appropriate professional regulatory body.

If you would like to discuss what effect any criminal record or fitness to practice proceedings might have on your application, you may telephone, in confidence, the Recruitment Managers' on 020 3069 0251 / 0257 for advice.

DECLARATION FORM – DISCLOSURE

CONFIDENTIAL

The questions below are listed on NHS jobs electronic form – this is for information.

The position for which you have applied is exempt from the Rehabilitation of Offenders Act 1974. This means that the Trust is entitled to disclosure of:

- **Cautions relating to an offence on the published list**
<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>
- **Cautions given less than 6 years ago (where the individual was over 18 at the time of the caution);**
- **Cautions given less than 2 years ago (where the individual was under 18 at the time of the caution);**
- **Convictions relating to an offence on the published list (see link above);**
- **All convictions if the individual has more than one conviction;**
- **Convictions which resulted in a custodial sentence (regardless of whether served);**
- **Convictions given less than 11 years ago (where the individual was over 18 at the time of the conviction);**
- **Convictions given less than 5.5 years ago (where the individual was under 18 at the time of the conviction).**

If the individual has been cautioned or convicted for an offence on the prescribed list (or a similar offence in Scotland or Northern Ireland), that should be disclosed (by the individual or on a DBS check), regardless of whether or not it is 'spent.'

. With the exception of question 10* answering 'Yes' to any of the questions below will not necessarily bar you from employment. This will depend on the nature of the position for which you are applying and the particular circumstances.

1. Have you been convicted of an offence in the last 11 years if you were over the age of 18 at the time or in the last 5.5 years if you were under 18 years old at the time of the offence? **YES / NO**

Note: You do not need to tell us about parking offences.

If **YES**, please include details of the order binding you over and/or the nature of the offence, the penalty, sentence or order of the Court, and the date and place of the Court hearing.

2. Have you ever received a police caution, reprimand or final warning in the last 6 years if you were over 18 years old at the time or in the last 2 years if you were under 18 years old at the time of the offence? **YES / NO**

If **YES**, please include details of the caution, reprimand or final warning, including the date and reason.

3. Have you ever received a caution relating to an offence contained in this list?
<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>.

YES/ NO

If YES, please provide details.

4. Have you ever been convicted of any offence contained in this list?
<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>.

YES/ NO

If YES, please provide details

5. Have you ever been charged with more than one offence? **YES/ NO**

If YES, please give details of all offences, including the date and the reason.

6. Have you ever received a conviction which resulted in a custodial sentence (regardless of whether served)? **YES/ NO**

If YES please provide details.

7. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of? **YES / NO**

If **YES**, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.

8. Have you ever been disqualified from the practice of a profession or required to practice subject to specified limitations following fitness to practice proceedings by a regulatory or licensing body in the United Kingdom or in any other country? **YES / NO**

If **YES**, please include details of the nature of the disqualification, limitation or restriction, the date, and the name and address of the licensing or regulatory body concerned.

9. Are you currently the subject of any investigation or fitness to practice proceedings by any licensing or regulatory body in the United Kingdom or any in other country? **YES / NO**

If **YES**, please include details of the reason given for the investigation and/or proceedings undertaken, the date, details of any limitation or restriction to which you are currently subject, and the name and address of the licensing or regulatory body concerned.

10. Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying*? **YES / NO**

Kindly note that there are specified offences which will never be filtered from a disclosure and barring certificate. Please ensure that you check here

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check> for further information if you are unsure.