***Human Resources Directorate***

***Private & Confidential***



### FORM 1

### HR Medical & Dental Services

**Law House**

**Airdrie Road**

**Law**

**CARLUKE**

**ML8 5EP**

[**www.nhslanarkshire.org.uk**](http://www.nhslanarkshire.org.uk)

**Date:**

**Our Ref:** MF/DA

**Enquiries to:** Marlene Fraser

**Direct Line:** 01698 377752

**E-mail** marlene.fraser@lanarkshire.scot.nhs.uk

Dear Doctor,

Before you can be considered for appointment in a position of trust with NHS Lanarkshire, we need to be satisfied about your character and suitability.

Please read the following notes carefully before completing this Declaration Form. If you require further information, please contact Marlene Fraser, Head of Medical and Dental Staffing, at the above address. All enquiries will be treated in confidence.

NHS Lanarkshire aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of race, gender, gender reassignment, marital status, pregnancy/maternity, religion or belief, disability, sexual orientation and/or age. We undertake not to discriminate unfairly against applicants on the basis of any information declared relating to any such protected characteristic.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe has a bearing on your suitability for the position. If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event, you remain free to discuss any of that information or any other matter that you wish to raise. As part of assessing your application, we will only take into account relevant criminal record and other information declared.

The General Data Protection Regulation 2016 and the Data Protection Act 2018 require us to advise you that we will be collecting and processing your personal data (including any special category data and information in relation to criminal convictions and offences) in line with NHS Lanarkshire’s privacy policy. NHS Lanarkshire take care to ensure your personal information is only accessible to authorised people.  Our staff have a legal and contractual duty to keep personal information secure, and confidential.  In order to find out more about current data protection legislation and how we process your information, please visit the Staff Data Protection Notice on our website at <http://www.nhslanarkshire.scot.nhs.uk/data-protection-notice-staff/>

The information that you provide in this Declaration Form will be processed in line with our privacy policy, in accordance with the General Data Protection Regulation 2016 and the Data Protection Act 2018, and may also be used for the purpose of determining your application for this position and for the purpose of enquiries in relation to the prevention and detection of fraud.

Once a decision has been made concerning the appointment, for successful applicants the declaration will be retained in their personal file. If unsuccessful, the declaration will be destroyed after 12 months. The declaration will be kept securely and in confidence, and access to it will be restricted to designated persons within NHS Lanarkshire who are authorised to view it as a necessary part of their work.

Please answer **all** of the questions on the Declaration Form. If you answer **‘Yes’** to any of the questions, please provide full details in the space indicated. Please also use the space below to provide any other information that may have a bearing on your suitability for the position for which you are applying. You may continue on a separate sheet if necessary, and you may attach supplementary comments should you wish to do so.

The Rehabilitation of Offenders Act 1974 allows people who have been convicted of certain criminal offences to regard their convictions as “spent” after the lapse of a specified period of time.  The period of time depends upon the sentence imposed.  However, some criminal convictions can never be regarded as spent.  These convictions are for very serious crimes.  These crimes must always be disclosed.  This is a link to those crimes:-

<https://www.mygov.scot/offences-always-disclosed/>

**Due to the nature of work for which you are applying, this post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.  This means an applicant is required to disclose information about all spent and unspent convictions.  Not only convictions for very serious crimes need be disclosed, but also any other conviction(s).**

However, there is an exception for “protected convictions”. A conviction will only be “protected” if it is:

* Spent; and
* On a list of offences which are to be disclosed unless one of the 3 criteria set out below is met; and
* One of the 3 criteria is met.

The list of offences is called “Offences which are to be disclosed subject to rules”. This can be accessed at:-

<https://www.mygov.scot/offences-disclosed-rules/>

The three criteria, of which one must be met in order for you to be able to regard an offence on the list as a “protected conviction”, are as follows:-

1. The sentence imposed was admonition or absolute discharge, or the discharge of the referral of a child’s case to a children’s hearing,
2. The person was under 18 years of age at the time the offence was committed and at least 7 years 6 months have passed since the date of that conviction,
3. The person was over 18 years of age at the time the offence was committed and at least 15 years have passed since the date of that conviction.

You need not disclose any protected conviction on your application.  However, if information concerning any such conviction appears on a Disclosure Certificate, then you may be asked about this information.

Any information you do disclose will be treated confidentially and only shared with those who need to know. Having a conviction will not automatically debar you from obtaining employment with NHS Lanarkshire.  Careful consideration will be given to the relevance of the offence to the particular post in question. If you are appointed and it is found you did not disclose previous conviction(s), which you were legally obliged to disclose, then disciplinary action up to and including dismissal may be taken.

Answering ‘**Yes**’ to any of the questions on the Declaration Form will not necessarily bar you from appointment. This will depend on the nature of the position for which you are applying and the particular circumstances.

Yours sincerely

**Marlene Fraser**

***Mrs Marlene Fraser***

**Head of Medical and Dental Staffing**

**Declaration Form**

1. Are you currently bound over or have you ever been convicted of any offence by a Court / Court-Martial or outwith a Court setting in the United Kingdom or in any other country? **This must also include any fixed penalties and disqualifications.**

Note: **this must also include any driving offences.**

However, you do not need to tell us about parking offences.

NO

YES

 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.

1. Have you ever received a police caution, reprimand or final warning?

NO

YES

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

1. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?

Please note: you must inform us immediately if you are charged with any offence in the United Kingdom or in any other country after you complete this form and before taking up any position offered to you. You do not need to tell us if you are charged with a parking offence.

NO

YES

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.

1. Are you aware of any current police investigation in the United Kingdom or in any other country following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the police.

1. Are you aware of any current NHS Scotland Counter Fraud Services investigation following allegations made against you?

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the NHS Scotland Counter Fraud Services.

1. Have you ever been investigated by the police, NHS Scotland Counter Fraud Services or any other investigatory body resulting in a caution, conviction or dismissal from your employment? (Investigatory bodies include Local Authorities, Customs and Excise, Immigration, Passport Agency, HM Revenue & Customs, Department of Trade and Industry, Department of Work and Pensions, Security Agencies, Financial Conduct Authority, Prudential Regulation Authority, Banks and Building Societies, General, Life Insurance Companies – this is not exhaustive, and you must declare any investigation conducted by an Investigatory Body).

NO

YES

If **YES**, please include details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the Investigatory Body.

1. Have you ever been dismissed by reason of misconduct from any employment, office or other position held by you?

NO

YES

If **YES**, please include details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you.

1. Have you ever been disqualified from the practice of a profession, or required to practise subject to specified limitations following fitness to practice proceedings, by a regulatory or licensing body in the United Kingdom or in any other country?

NO

YES

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.

1. Are you currently the subject of any investigation or fitness to practise proceedings by any licensing or regulatory body in the United Kingdom or in any other country?

NO

YES

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.

1. 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\*

NO

YES

If **YES**, please include details of the nature of the prohibition, restriction, or limitation, when and by whom it was made.

\*include this question where the position involves regular contact with children in the normal course of the postholder’s duties or is a ‘regulated position’ under the provisions of the Protection of Children Act 1999 (as amended).

If you have answered **‘yes’** to **any** of the questions above, please use this space to provide details. Please indicate **clearly** the number(s) of the question that you are answering:

**Declaration**

I confirm that the information that I have provided in this Declaration Form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution;

I understand that if appointed to this post the information on this will be kept as part of my personal file record;

I authorise you to obtain references to support this application;

I understand that details of qualifications; membership of professional bodies and referee reports may be verified through the establishments and individuals I have indicated;

Please sign and date this form.

**SIGNATURE** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NAME** (in block capitals) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DATE** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_