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**Status:** Direction

*The Secretary of State has powers under a number of provisions in the primary legislation relating to the NHS to give directions to Health Authorities, Special Health Authorities and NHS Trusts. These are legally binding and must be complied with by the recipient. They may be addressed to only one body, or a number of bodies, or all bodies falling within a particular category (such as all Health Authorities).*

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## APPOINTMENT PROCEDURES FOR HOSPITAL AND COMMUNITY MEDICAL AND DENTAL STAFF

**For action by:** Health Authorities (England) - Chief Executive  
NHS Trusts - Chief Executives  
The High Security Psychiatric Service Commissioning Board  
Prescription Pricing Authority  
Public Health Laboratory Service  
National Blood Authority  
Dental Practice Board  
Dental Vocational Training Authority  
Health Education Authority

**For information to:** Regional Directors of Public Health  
NHS Trusts - Directors of Personnel  
NHS Trusts - Medical Directors  
NHS Trusts - Clinical Directors  
Community Health Council - Chief Officers

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*Additional copies of this document can be obtained from:*

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It is also available on the Department of Health web site at  
<http://www.doh.gov.uk/coinh.htm>

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# APPOINTMENT PROCEDURES FOR HOSPITAL AND COMMUNITY MEDICAL AND DENTAL STAFF

## Summary

Recent cases have highlighted the need to strengthen the current recruitment and selection procedures to prevent doctors who have been subject to criminal investigation or conviction by the police, or fitness to practice proceedings by a licensing or regulatory body, in the UK or overseas, practising in the UK without an employer's prior knowledge and consideration.

The General Medical Council (GMC) and the General Dental Council (GDC), in their roles as the independent statutory bodies responsible for the registration of all doctors and dentists respectively in the UK, can confirm whether or not a doctor or dentist coming from overseas who wishes to practise in the UK is registered to do so. It should be noted however that there is the potential for doctors who continue to hold UK registration whilst working abroad to return to this country without notifying the GMC. There is a similar risk with dentists returning to the UK from overseas.

Information about any pending proceedings or action by a regulatory body or the police needs to be available to potential NHS employers as part of the recruitment process. Whilst NHS employers should not prejudge the outcome of any such action it may be legitimately explored as part of the appointments process.

## Action

NHS employers are required to include in their application forms for doctors and dentists posts, as soon as possible and not later than **31<sup>st</sup> July 2000**, a declaration to be completed by the applicant stating whether or not they have been or are the subject of fitness to practise proceedings by a UK or an overseas licensing or regulatory body. The applicant should also be required to make a declaration stating whether they have been or are currently the subject of any police investigation or conviction in this or any other country.

A model declaration and supporting policy statement can be found on the NHS Web at [www.doh.gov.uk/nhsexec/declaration.htm](http://www.doh.gov.uk/nhsexec/declaration.htm). The principles embodied in these examples must be incorporated into NHS Employer's procedures if they do not already form part of their recruitment practices.

It is important that those staff who may not be directly employed by the NHS employer, eg locum appointments or staff holding honorary contracts, and who

have access to patients have checks on them which are no less rigorous than those for substantive staff. It will be for the NHS employer in partnership with others to ensure either that the NHS employer carries out this check themselves or takes action to assure themselves that the check is being carried out by the other party.

Those with responsibility for recruiting medical and dental staff are also required to make proper checks on a doctor's or dentist's registration, qualifications and references, as part of the recruitment process. In particular, references must be taken up with previous employers and account should be taken of any gaps in employment.

*This Circular has been issued by:*

*Hugh Taylor*

**Director of Human Resources**

**NATIONAL HEALTH SERVICE ACT 1977**

Directions to

Health Authorities in England  
National Health Service Trusts in England  
Primary Care Trusts in England

**Employment Procedures in Relation to Medical and Dental**

The Secretary of State for Health, in exercise of the powers conferred by section 17 of the National Health Service Act 1977, and of all other powers enabling him in that behalf, hereby gives the following Directions:

**Application, commencement and interpretation**

1. (a) These Directions are given to Health Authorities, National Health Service Trusts and Primary Care Trusts established in England. .
- (b). These Directions shall come into force on 31 July 2000 and shall apply in relation to applications for employment or approval received on or after that date.
- (c). In these Directions:  
  
"relevant NHS body" means any of the bodies to which these Directions apply.

**Employment etc of doctors and dentists**

2. A relevant NHS body shall not employ or hire the services of any person to act as a doctor or dentist unless it has first complied with the requirements described in the Schedule to these Directions.

Date: 25 May 2000 .

Signed on behalf of the Secretary  
of State for Health

*Robert C. Heron.*

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Robert C Heron  
Member of the Senior Civil Service

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**SCHEDULE**

**Requirements to be complied with before appointment may be made.**

1. A declaration must be obtained from the applicant as to whether the applicant:
  - has ever been or is currently the subject of any police investigation, including in any other country;
  - has ever been convicted of any criminal offence or bound over or cautioned in respect of any such offence, including in any other country;
  - has ever been or is currently the subject of fitness to practise proceedings by any body having regulatory functions in relation to doctors or dentists including such a regulatory body in another country;
  - has ever been the subject of fitness to practise proceedings by such a body, including in another country.
2. The relevant regulatory body in relation to the profession in respect of which the appointment is sought must be asked to confirm whether the applicant is appropriately registered.
3. References must be sought from previous employers and explanations sought in relation to any gaps in employment.