**FOI Ref: 6556**

**Category(ies): Trust - Claims/Legal/Inquests**

**Subject: Police Investigations into Staff Members**

**Date Received: 11/08/2022**

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| **Your request:** | **Our response:** |
| We are looking into the understanding of policies and procedures in place within NHS Trusts surrounding staff employees of any staffing group whilst under or following police convictions, cautions or prosecutions | |
| 1. How many active police investigations are being conducted into staff members employed at present within your Trust?   Due to staff confidentiality, we do not ask what the investigations are, just the number of active at the time of submission of this FOI. | 3 |
| 1. Whilst a Police investigation is being conducted, what is the stance of the Trust? Is it to suspend the employee or allow them to work with terms and conditions in place or to follow your local Trust policy?   If the case is to follow a local Trust policy what is that policies name and please could you disclose this policy with your reply? | Usually to suspend; however, if circumstances allow then restrictions of duty may be appropriate. |
| 1. Who would handle the information about a police investigation into an NHS staff member within the Trust whilst an active investigation is being undertaken (name, positions), as the Trust would be required to keep any police investigation confidential to protect the employee? | Generally there would be HR team involvement, and potentially IG team, Safeguarding and/or relevant senior manager |
| 1. What employment support is provided by the NHS Trust to support the NHS employee within a period of allegations by the police, due to the legal position being one of innocence until proven guilty which would indicate no bias can be applied by the Trust against an employee or following legal outcomes being completed. | An identified support person would be made available for colleagues, they would also be signposted and offered wellbeing support (OH referral, access to our confidential Employee assistance programme which is a 24/7 365 days per year service). |
| 1. We are aware that Trusts will be aware of employees with ongoing or spent police outcomes, we would like to know how many staff have received police cautions, convictions or prosecutions within the last 2 years broken down into months and what the conviction outcomes were for against staffing group, with two examples highlighted below.   We do not hold this data.   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | 2021 | Date | Staff Group | Reason | Legal Outcome | Penalty | Trust outcome (examples) | | (Example) | Jan  2021 | Doctor | Drunk and disorderly | Caution | Caution | Continues to be employed | | (Example) | Feb  2021 | Allied Healthcare | Arson | Prosecution | Suspended Sentence | Condition applied | | Etc | We do not hold this data. | | | | | | | Etc |  |  |  |  |  |  | | 2022 | Date | Staff Group | Reason | Legal Outcome | Penalty | Trust outcome (examples) | | (Example) | Jan  2022 | Nurse | Speeding | Prosecution | 24-month Ban | Continues to be employed | | (Example) | Feb  2022 | Allied Healthcare | ABH | Prosecution | Restraining order & 4 months prison | Employment  terminated | | Etc | We do not hold this data. | | | | | | | Etc |  |  |  |  |  |  | | |
| 1. Following staff receiving a form of police prosecution including cautions. How does the trust deal with this information and under what policies internally and externally? | The impact of any such prosecution on the person’s ability or restriction to fulfil their employment contract would be reviewed by the relevant senior managers/HR. |
| 1. We are aware from national NHS and changes in policies following the CQC review in 2018, that trusts are not to intervene or conduct internal investigations until police enquiries have been concluded by a local or national policing force. We have noted this though open-source Trust policies we have reviewed already, is this something that is upheld by the Trust? | Yes, the Trust does not run parallel investigations we would always get police confirmation before commencing any internal investigation. |
| 1. What action if any would the Trust take if it came to light that an employee had a caution, conviction or prosecution and had not disclosed this information to the Trust. | This would be dealt with under the Trust’s Disciplinary Policy. |