



Employing Locums and Other Staff

Department Title

How often do you breach Paragraphs 53 to 60 of Schedule 6 of the regulations?

Paragraphs 53 to 60, Part 4, of Schedule 6 of the GMS regulations set out what you must do *before* employing any clinical staff, especially doctors, in your practice – and this includes locums. Paragraphs 57 (2), 58 (2) and 59 (2) make contingencies should you have to employ a locum in an emergency, but these paragraphs only give you 7 days to fulfil the requirements set out for other clinical staff. The regulations are clear: they specify that you **must not** employ ‘a *health care professional*’ unless you have taken *reasonable steps to ensure* that the healthcare professionals working in your practice are:

- Who they say they are! (all staff)
- Included on the medical performers list (GPs only) – para’s 53 (1) (a) and 57
- Not suspended from the medical performers list or from the GMC Medical Register (or subject to interim [‘Interim Orders’]suspension from the GMC register) – para 53 (1) (b) (c)
- Registered with his/her relevant professional body (all clinical staff) – para 54 and 58 (1) (a)
- Have the appropriate clinical training and experience (all clinical staff) – para’s 56 and 58 (1) (b)
- Have two clinical referees, relating to two recent posts (which may include any current post), *which must be checked* (all clinical staff) – para 59

Under the [NHS \(Performers Lists\) \(England\) Regulations 2013](#) (as amended) medical practitioners *must* have adequate medical indemnity. Practices should check that this is fully up to date. ‘Reasonable steps’ to check the validity of what the practitioners are telling you includes *at the very least* phoning NHS England to check MPL registration, checking the GMC, NMC or other regulators’ websites to check professional body registration.

Under the [Safeguarding and Vulnerable Groups Act 2006](#), you have a duty to check new employees’ Disclosure and Barring Service (DBS) status (formerly a CRB check), and ask for an enhanced check on those working with children and the vulnerable – this is considered ‘Regulated Activity’.

Under regulation 4(2) (m) of the [NHS \(Performers Lists\) \(England\) Regulations 2013](#) (as amended), on application, performers are required to provide what was an enhanced CRB, now a DBS check. Regulation 4(3) requires every performer to notify NHSE of any material changes to the application within 7 days. Regulation 9 details undertakings with which performers must comply including notifying of various types of conviction. So, in theory therefore, NHSE should have a good picture as to their suitability and thus it is important that Practices undertake the due diligence in terms of *contacting NHSE* to ensure that they have taken reasonable steps to ensure that the healthcare professionals meet the regulatory requirements (Paragraphs 53 – 60 as above) and you might be deemed in breach if you don’t. There is a vast amount of information about who should have an enhanced DBS check before starting work in your practice on both the [NHS Employers](#) the [DBS websites](#). The [NHS Employers](#) website also has information about all the [checks and standards](#) you should apply before employing staff. This is a very complex area and we would recommend

you check these websites or ask for further help if you are unsure.

One final check!

Did you know that there is something called a [Healthcare Professionals Alert Notice System \(HPAN system\)](#)? All practices are supposed to [check](#) that new clinical staff have not been notified to the National Health Service Litigation Authority (NHSLA). You need to have a single person who is allowed to carry out checks and act as the administrator you can obtain more information by contacting going onto the NHSLA website or contacting fhsau@nhsla.com.

Make sure your policies and procedures are robust, *they may well be checked by CQC*. By not checking, not only are you breaching your contract and the regulations, but you could be breaking the law also.

A loud message to all GPs (partners, employed and locums)!

Make sure you are you understand your obligations under the [NHS \(Performers Lists\)\(England\) Regulations 2013](#) (as amended), particularly with regard to notifying NHS England within 7 days of any changes in your circumstances – for example, change of address or conviction of a criminal offence. There is extensive practical advice on your duties under the Performers List regulations on the LMC website.

A loud message for Locums!

Make your life and that of the practices you work in easier, by registering with the [Disclosure and Barring Service \(DBS\) Update Service](#)

How to apply:

- You can [register online](#) as soon as you have your application form reference number. You can ask for the number when you apply for your DBS check.
- Or you can wait and [register](#) with your certificate number when you receive your DBS certificate. If so, you must do so within 19 days of the certificate being issued.
- You can [view your details online](#) once you've registered.
- To check the progress of your DBS certificate use the [DBS tracking service](#).
- Registration lasts for 1 year and costs £13 per year (payable by debit or credit card only). There's no charge if you're a volunteer.
- You'll get an ID number with your registration that you need to log on to the service.

When you join, you'll get an online account that lets you:

- take your certificate from one job to the next
- give employers permission to check your certificate online, and see who has checked it; and

- add or remove a certificate

Get this right – don't be found in breach

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<http://www.capsticks.com/expertise/health-and-social-care/gps> for further information.

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