



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Office of the National Director of Human Resources
Health Service Executive
Dr. Steevens' Hospital
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HSE HR Circular 004/2010

29th January 2010.

**To: Each Member of Management Team, HSE;
Each Regional Director of Operations, HSE;
Each Assistant National Director, Integrated Services Directorate, HSE;
Each Assistant National Director, Human Resources, HSE;
Each Employee Relations Manager, HSE.**

Re: Policy on the Management of Professional Registers and Amendments to such Registers.

Dear Colleagues

Following a review of existing provisions and having regard to the onus on recruitment units and hiring managers to establish the professional qualifications and good character of candidates for appointment to the HSE and for continued employment through reference / background checks, I am pleased to attach the Policy on the Management of Professional Registers and Amendments to such Registers.

The following arrangements should be implemented with immediate effect.

1. Professional register checks must be undertaken for new employees and on promotion of existing employees.
2. A national database of Professional Registers including detail of erasures from professional registers and sanctions imposed on member of professional bodies will be maintained by the Garda Vetting Liaison Office, Manorhamilton.
3. All employees (where relevant) will be required to produce the specified evidence to confirm their status on the appropriate professional register on an annual basis.
4. On receipt of a notification from a professional body regarding the erasure from a professional body, the HSE will assess if the individual is employed in that profession. Employment will be cease immediately if they are found to be working in that profession. If the individual is employed in a non professional capacity, the HSE will carry out a risk assessment to assess if their continued employment poses a risk to clients, service users and employees.
5. On receipt of a notification from a professional body regarding the imposition of restriction on practices, the HSE will assess if the individual is employed in that profession. Where it is found that the individual is working in their profession, the HSE will verify that the terms of the professional sanction are being complied with. A risk assessment will also be initiated to determine if their continued employment poses a risk to clients, service users and employees.

6. Compliance with this policy will be audited by Performance Management on an annual basis.

These Professional Register checks are in addition to the normal clearances and reference checks.

Please bring this policy to the attention of all relevant staff in your area of responsibility. The policy will be available on the HSE Intranet

http://hsenet.hse.ie/Working_in_the_HSE/HR_Documents/Policies_Procedures/

Any queries in respect of this Circular should be directed to Mr. Paddy Duggan, Performance Management & Management Information, HSE, Oak House, Millennium Park, Naas, Co. Kildare. Tel: 045 880400 or by e-mail to paddy.duggan2@hse.ie

Yours sincerely,



Séan McGrath,
National Director of Human Resources.

Enc.

Policy on the Management of Professional Registers and Amendments to such Registers

1.0 Policy Statement

1.1 The HSE will verify that prospective employees, both permanent and fixed term, engaged in regulated professions (see Appendix 1) are appropriately registered with the relevant professional body. New employees or promoted employees will not take up duty until the relevant Professional Register, (see Appendix 3) check has been completed and the HSE is satisfied that such an appointment does not pose a risk to clients, service users and employees.

For new employees the HSE will also check candidates' status on the relevant professional register where an applicant's work history shows that they have previously worked as a registered health care professional.

1.2 The HSE will not employ individuals who are removed from the relevant professional register in that specific profession, Appendix 1. The employment of such persons in other positions will be subject to a risk assessment being carried out, Appendix 2.

1.3 The HSE, on receipt of notification of erasure or of restrictions on the practice of member from a professional registration body, will carry out an organisational search and a risk assessment as per appendix 2. The purpose of these checks is to determine if the named individual is currently employed in their profession or in any other capacity in the HSE or funded agency and to determine if the continued employment of such a person poses a risk to the HSE, its clients, service users or its staff.

1.4 The HSE will maintain a national database, by profession, of individuals removed from professional registers. This database will be maintained by the Garda Vetting Liaison Office in Manorhamilton. The HSE will also maintain in each of those registers details of sanctions issued in respect of individuals listed in the professional registers.

1.5 The HSE will, on an annual basis, require all employees to confirm their current registration with the relevant Registration Body.

2.0 Policy Implementation

2.1 Professional Registers checks for new employees and on promotion of existing employees

The hiring Recruitment Unit / HR unit / line manager will check the relevant Professional Register using the candidate's professional registration number and full name. The manager of the unit will formally assess the information available on the professional register in respect of the candidate as follows:

2.1.1 Individuals who are not listed on the Professional Registrar

Where the professional register does not contain the name of the candidate or when it is confirmed with the Garda Vetting liaison Office, Manorhamilton, (GVLO) that their name has been erased from the register they will be advised that they are being removed from the selection process.

2.1.2 Individuals who have been removed from a Professional Registrar

Where the GVLO confirms that a candidate for a post other than in that profession has been removed from a professional register then the individual's candidature will be subject to a risk assessment, Appendix 2.

2.1.3 Individuals who remain on the Professional Register but with conditions attached

Where the professional register confirms that the candidate for a post in that profession is on the live register but that sanctions/restrictions have been applied to their practice the HSE will carry out a risk assessment to determine if a) the candidate has complied with the terms of the sanction/restrictions and b) to determine the implications of the sanctions/restrictions on the possible employment of that candidate. This risk assessment will be carried out as per Appendix 2.

2.2 The National Database of Professional Registers

The Garda Vetting Liaison Office in Manorhamilton will maintain the HSE's Central Database of erasures from professional registers and sanctions imposed on members of professional bodies.

2.2.1 This database will be searched as requested by Recruitment Units / HR units / Line Managers as part of required checks on the membership status on current or prospective employees.

2.2.2 The process for constructing and maintaining this database is described in Appendix 3.

2.3 Annual verification of registration status

2.3.1 The heads of the relevant professional disciplines or designated managers will require the relevant employees to produce the specified evidence to confirm their status on the appropriate professional registers on an annual basis.

The relevant heads of discipline or designated service managers will by the 31st March annually certify to their Regional Director of Operations that all relevant employees hold a current live registration with their professional body.

In cases where registration renewal is carried out on a personal 12 month anniversary basis as opposed to a general annual renewal the head of discipline or designated service manager will verify that such registration has taken place.

The Regional Directors of Operations are required to forward the certificates of registration to the GVLO, Manorhamilton by the 14th of April annually. Details of outstanding certificates should be notified to the National Director Integrated Services, Performance and Financial Management by the 20th of April annually by the GVLO.

2.3.2 The relevant heads of discipline or designated service managers will maintain the evidence to support this certification. This evidence will consist of the registration number, date of registration and expiry date of such registration.

2.3.3 Employees who do not maintain their up to date registration with their professional body will be deemed to be operating without licence and will be suspended from employment until such time as their name has been re-entered into the relevant live register.

2.4 Action by the HSE on receipt of notifications of erasure or restriction on practice of individuals registered with professional bodies

The professional bodies notify the CEO of the HSE directly of both erasures and imposition of restrictions on practice. These notifications are then sent to the Office of the National Director of Integrated Services, Performance and Financial Management, the Assistant National Director of HRSS and the GVLO for action, see Appendix 4. The action required following receipt of these notifications are listed below.

2.4.1 Action on receipt of erasure from a professional register

On receipt of the notification of erasure from a professional body the HSE will assess if the named individual is employed in that profession or in any category by the HSE or by HSE funded agencies.

On receipt of the notification from a professional body, the Office of the National Director of Integrated Services, Performance and Financial Management will forward the correspondence to the Regional Directors of Operations. The Regional Director of Operations will:

- have the HR department/s carry out an Area personnel records search for a possible match with the named individual
- send the information to the relevant head of the relevant profession in the HSE Area, including non HSE agencies and request that the named individual is checked against the names of employees of that location.

Where it is found that the named individual is working in their profession in the HSE or HSE funded agency the Regional Director of Operations will immediately cease the employment and advise the professional body accordingly.

Where it is found that a named individual who has been erased from a professional register is working in a non professional capacity the HSE will carry out a risk assessment as per appendix 2 to assess if their continued employment in that role poses a risk to clients, service users and employees.

2.4.2 Action on receipt of notification of sanctions / restriction on the practice of an individual registered with professional bodies

On receipt of the amendments from a professional body the HSE will assess if the named individual is employed in that profession or in any category by the HSE or by HSE funded agencies.

On receipt of the notification from a professional body, the Office of the National Director of Integrated Services, Performance and Financial Management will forward the correspondence to the Regional Directors of Operations. The Regional Director of Operations will:

- have the HR department/s carry out an Area personnel records search for a possible match with the named individual
- send the information to the relevant head of function of the relevant profession in the HSE Area, including non HSE agencies and request that

the named individual is checked against the names of employees of that location.

Where it is found that the named individual is working in their profession in the HSE or a HSE funded agency the Regional Director of Operations will verify that the terms of the professional sanction are being complied with. In cases where the sanctions are not being complied with the Regional Director of Operations will immediately advise the professional body accordingly.

The Regional Director of Operations will also initiate a risk assessment to determine if their continued employment poses a risk to clients, service users and employees.

2.5 Risk Assessment

The risk assessment will be carried out as per appendix 2. This approach must consider the risk in terms of the individual, the restrictions and the role.

This risk assessment will be carried out by the relevant Head of Discipline and the Area Performance and Recruitment Manager. The Area Performance and Recruitment Manager will contact the Garda Vetting Liaison Office, Manorhamilton for any data held by that office on the Professional Register Data Base in respect of the person under review. The Performance and Recruitment Manager will contact the relevant Professional Registration body for any further information or clarification that may be required as part of the risk assessment.

The recommendation of this risk assessment will be considered and adjudicated upon by the relevant Area Assistant National Director of HR in conjunction with the relevant Operational Manager.

The Area Assistant National Director of HR will inform the RDO of the decision and any action required.

On completion of the Risk Assessment the Performance and Recruitment Manager will send the complete file to the Garda Liaison Vetting Office (GVLO) in Manorhamilton where it will be associated with the central register maintained by the GVLO.

3.0 Audit and review procedures

Compliance with this policy will be audited by Performance Management on an annual basis. This policy will be reviewed in light of changes in relevant legislation, the establishment of the professional registers under the Health and Social Care Professionals Act 2005, the outcome of audit and any other events which impact on the operation of this policy.

Appendix 1

Regulated Professions and Regulatory Body

An Bord Altranais

An Bord Altranais is the regulatory body for the nursing profession. Its functions include:

- to establish and maintain a register of nurses;
- to provide for the education and training of nurses and student nurses;
- to inquire into the conduct of a registered nurse on the grounds of alleged professional misconduct or alleged unfitness to engage in such practice by reason of physical or mental disability;
- to give guidance to the profession.

Irish Dental Council

The Irish Dental Council is the regulatory body for the dental profession. Its main functions include:

- To establish, maintain and publish a Register of Dentists and a Register of Dental Specialists and to provide for the registration and the retention of dentists names in these registers.
- To satisfy itself as to the adequacy and suitability of the dental education and training provided in the State's dental schools and to the standards required at examinations for primary qualifications.
- To inquire into the fitness of a registered dentist to practise dentistry on the grounds of his alleged professional misconduct or his alleged unfitness to practise by reason of physical or mental disability and to take appropriate action. The Council has power, subject in some instances to confirmation by the High Court to advise, admonish, censure, suspend, attach conditions to registration or erase a dentist's name from the Register.
- To advise the dental profession and the public on all matters relating to dental ethics and professional behaviour.

Irish Medical Council

The principal roles of the Medical Council include:

- assuring the quality of undergraduate education of doctors;
- assuring the quality of postgraduate training of specialists;
- registration of doctors;
- disciplinary procedures;
- guidance on professional standards / ethical conduct;
- professional competence.

Pharmaceutical Society of Ireland

The Pharmaceutical Society of Ireland (PSI) was established under the Pharmacy Act 2007 as the pharmacy regulator. The PSI acts in the interests of patient safety and public protection to regulate the pharmacy professions.

Appendix 2

Risk Management Assessment

Risk Assessment

Risk will be assessed with regard to rating a particular post regarding its risk and rating the individual candidate/employee in terms of risk. This approach must consider the risk in terms of the individual, the offence and the role.

The initial risk assessment will be carried out by the relevant Head of Discipline and the Performance and Recruitment Manager.

A file containing the candidate's professional registration detail will be requested from the Garda Vetting Liaison Office by the Performance and Recruitment Manager. This file and any other additional information must be returned to the HSE Garda Vetting Liaison Office (GVLO) for secure storage and recording purposes.

The HSE's Risk Assessment Tool will be used to quantify the risk assessment. In carrying out this assessment the factors outlined in page 2 of this policy in addition to any other relevant case specific concerns, should be considered and documented in support of the recommendation.

Assessment of the Risk of the Individual together with their Professional registration status.

The assessment should consider among other relevant case specific considerations;

- The seriousness of the recorded findings of the professional body and its relevance to the safety of other employees, customers and clients,
- The length of time since the **incident occurred** and the age of the individual at the time of the incident,
- Whether **the incident was a one-off**, or part of a history of incidents,
- Whether the individual's circumstances have changed **since the incident** occurred, making re-occurrence less likely,
- The degree of remorse, or otherwise, expressed by the individual and their motivation to change,
- The individuals compliance with the findings of the professional bodies report
- Work history since the sanction.

Assessment of the Risk/Relevance of the Offence to the Post Form

The assessment should consider among other relevant case specific considerations;

- Does the post involve one-to-one contact with children or other vulnerable groups of clients, service users or employees?
- **Does the post involve access to restricted medication?**
- What level of supervision will the post holder receive?
- Does the post involve any direct responsibility for finance or items of value?
- Will the nature of the post present any realistic opportunity for the applicant to re-offend at work?
- What could happen at work and how serious would that be?
- Does the job involve direct contact with members of the public?
- To what extent is the HSE bound by other legal constraints which impact on the post?
- Is the post such that employing the person with the findings of the professional body would seriously undermine public confidence in the HSE?

Recommendation following risk assessment

Following this assessment the Head of Discipline and the Performance and Recruitment Manager will submit a written report on their risk assessment together with their recommendation to the relevant Area Assistant Director of HR for consideration.

The recommendation will be considered by the relevant Area Assistant National Director of HR and the Operational Manager as appropriate. The Area Assistant National Director of HR will inform the RDO of the final recommendation and any action required

Form PR1-New employee

Risk Management Assessment Report on Candidate's Professional Registration Status

Candidate Name:

Candidate Number:

Post Applied For:

HSE Area:

Report: (In line with Appendix 2 of the HSE **Policy on use of Professional Registers** please list here any relevant information which has been taken into account in the Candidate's Assessment)

Context and findings

Comments:

Recommendation:

Proceed with Employment:

Proceed with Employment with Conditions:

Conditions:

Do Not Proceed with Employment:



(page 2) Form PR1-New employee

Signed: _____ **Date:** _____
HSE Head of Discipline

Signed: _____ **Date:** _____
HSE Performance and Recruitment Manager

Signed: _____ **Date:** _____
HSE Area Asst. National Director of HR

This report and material reviewed during this assessment should be submitted to the Area Assistant National Director of HR for review. No further action can be taken until the Area Assistant National Director of HR has issued the final decision.

All relevant information including the recommendation to proceed or not to proceed must be returned to the HSE Garda Vetting Liaison Office (GVLO) for secure storage and recording purposes.

Form PR2-Existing Employee

Risk Management Assessment Report on Existing employee's Professional Registration Status

Candidate Name _____ Candidate No. _____

Post _____ HSE Area: _____

Report

Recommendation

Signed: _____ Date: _____
HSE Head of Discipline

Signed: _____ Date: _____
HSE Performance and Recruitment Manager

Signed: _____ Date: _____
HSE Area Asst. National Director of HR

This report and material reviewed during this assessment should be submitted to the Area Assistant National Director of HR for review. No further action can be taken until the Area Assistant National Director of HR has issued the final decision.

All relevant information including the recommendation to proceed or not to proceed must be returned to the HSE Garda Vetting Liaison Office (GVLO) for secure storage and recording purposes.

HSE RISK ASSESSMENT TOOL

1. IMPACT TABLE	Negligible	Minor	Moderate	Major	Extreme
Injury	Adverse event leading to minor injury not requiring first aid. No impaired Psychosocial functioning	Minor injury or illness, first aid treatment required <3 days absence < 3 days extended hospital stay Impaired psychosocial functioning greater than 3 days less than one month	Significant injury requiring medical treatment e.g. Fracture and/or counselling. Agency reportable, e.g. HSA, Gardaí (violent and aggressive acts). >3 Days absence 3-8 Days extended hospital Stay Impaired psychosocial functioning greater than one month less than six months	Major injuries/long term incapacity or disability (loss of limb) requiring medical treatment and/or counselling Impaired psychosocial functioning greater than six months	Incident leading to death or permanent incapacity. Event which impacts on large number of patients or member of the public Permanent psychosocial functional incapacity.
Service User Experience	Reduced quality of service user experience related to inadequate provision of information	Unsatisfactory service user experience related to less than optimal treatment and/or inadequate information, not being talked to & treated as an equal; or not being treated with honesty, dignity & respect - readily resolvable	Unsatisfactory service user experience related to less than optimal treatment resulting in short term effects (less than 1 week)	Unsatisfactory service user experience related to poor treatment resulting in long term effects	Totally unsatisfactory service user experience resulting in long term effects Extremely poor experience of service provision
Compliance with Standards (Statutory, Clinical, Professional & Management)	Minor non compliance with internal standards. Small number of minor issues requiring improvement	Single failure to meet internal standards or follow protocol. Minor recommendations which can be easily addressed by local management	Repeated failure to meet internal standards or follow protocols. Important recommendations that can be addressed with an appropriate management action plan.	Repeated failure to meet external standards. Failure to meet national norms and standards / Regulations (e.g. Mental Health, Child Care Act etc). Critical report or substantial number of significant findings and/or lack of adherence to regulations.	Gross failure to meet external standards and standards / regulations. Repeated failure to meet national norms and standards / regulations. Severely critical report with major reputational or financial implications.
Objectives/Projects	Barely noticeable reduction in scope, quality or schedule.	Minor reduction in scope, quality or schedule.	Reduction in scope or quality of project; project objectives or schedule.	Significant project over – run.	Inability to meet project objectives Reputation of the organisation damaged.
Business Continuity	Interruption in a service which does not impact on the delivery of service user care or the ability to continue to provide service.	Short term disruption to service with minor impact on service user care.	Some disruption in service with unacceptable impact on service user care. Temporary loss of ability to provide service	Sustained loss of service which has serious impact on delivery of service user care or service resulting in major contingency plans being involved	Permanent loss of core service or disruption to facility leading to significant 'knock on' effect
Adverse publicity/ Reputation	Rumours, no media coverage. No public concerns voiced. Little effect on staff morale. No review/investigation necessary.	Local media coverage – short term. Some public concern. Minor effect on staff morale / public attitudes. Internal review necessary.	Local media – adverse publicity. Significant effect on staff morale & public perception of the organisation. Public calls (at local level) for specific remedial actions. Comprehensive review/investigation necessary.	National media/ adverse publicity, less than 3 days. News stories & features in national papers. Local media – long term adverse publicity. Public confidence in the organisation undermined. HSE use of resources questioned. Minister may make comment. Possible questions in the Dáil. Public calls (at national level) for specific remedial actions to be taken possible HSE review/investigation	National/International media/ publicity, > than 3 days. Editorials, days of news stories & features in national papers. Public confidence in the organisation undermined. HSE use of resources questioned. Minister may make comment. Possible questions in the Dáil. Public calls (at national level) for specific remedial actions to be taken possible HSE review/investigation
Financial Loss (per local Contact)	<€1k	€1k – €10k	€10k – €100k	€100k – €1m	>€1m
Environment	Nuisance Release.	On site release contained by organisation.	On site release contained by organisation.	Release affecting minimal off-site area requiring external assistance (fire brigade, radiation, protection service etc.)	Toxic release affecting off-site area requiring external assistance (fire brigade, radiation, protection service etc.)

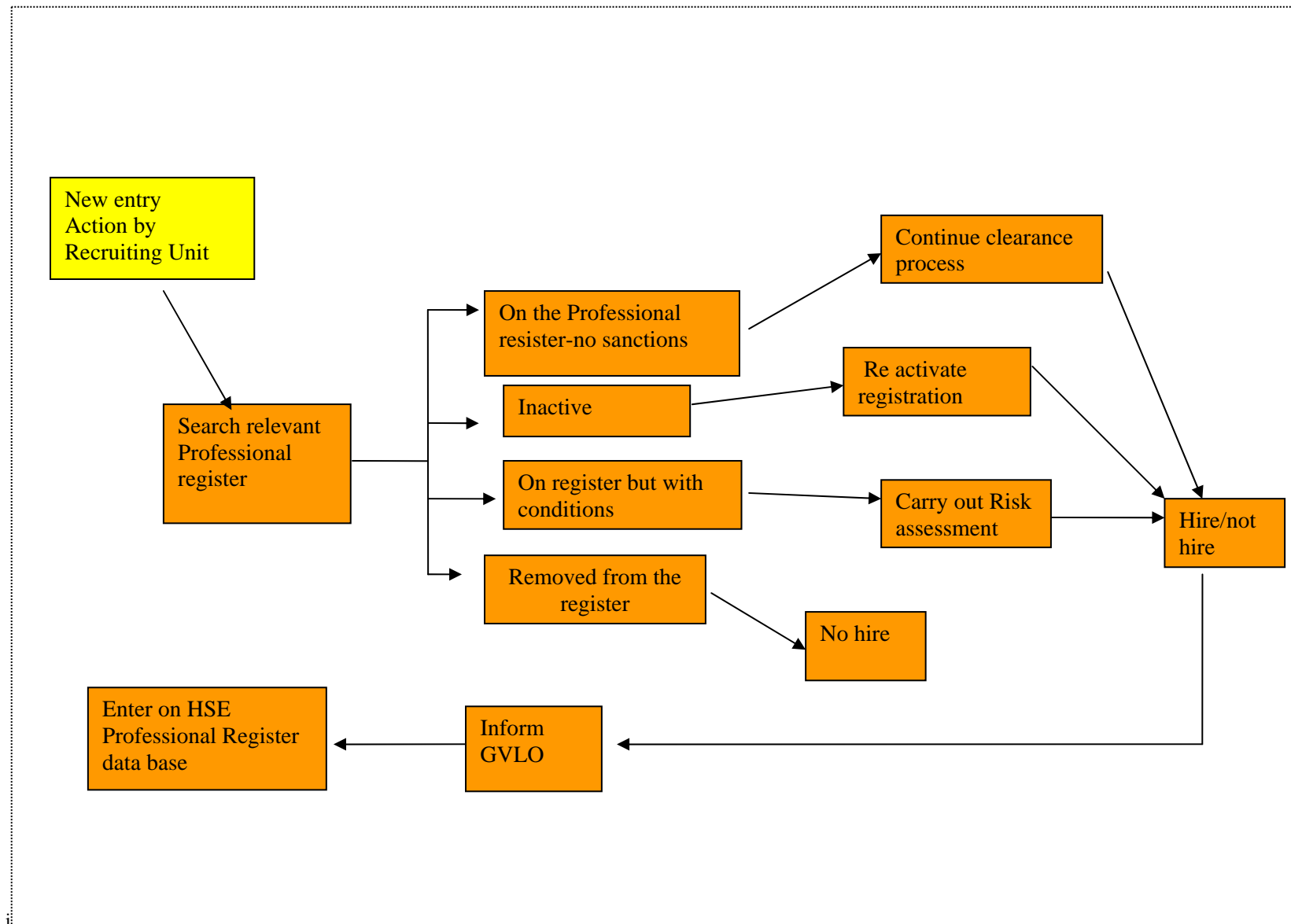
2. LIKELIHOOD SCORING

Rare/Remote (1)		Unlikely (2)		Possible (3)		Likely (4)		Almost Certain (5)	
Actual Frequency	Probability	Actual Frequency	Probability	Actual Frequency	Probability	Actual Frequency	Probability	Actual Frequency	Probability
Occurs every 5 years or more	1%	Occurs every 2-5 years	10%	Occurs every 1-2 years	50%	Bimonthly	75%	At least monthly	99%

<u>3. RISK MATRIX</u>	<u>Negligible (1)</u>	<u>Minor (2)</u>	<u>Moderate (3)</u>	<u>Major (4)</u>	<u>Extreme (5)</u>
<u>Almost Certain (5)</u>	<u>5</u>	<u>10</u>	<u>15</u>	<u>20</u>	<u>25</u>
<u>Likely (4)</u>	<u>4</u>	<u>8</u>	<u>12</u>	<u>16</u>	<u>20</u>
<u>Possible (3)</u>	<u>3</u>	<u>6</u>	<u>9</u>	<u>12</u>	<u>15</u>
<u>Unlikely (2)</u>	<u>2</u>	<u>4</u>	<u>6</u>	<u>8</u>	<u>10</u>
<u>Rare/Remote (1)</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>

Appendix 3

Professional register checks in respect of new starters and for existing employees on promotion within the profession



Appendix 4 Actions on receipt of notifications from Professional Registration Bodies

