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## Service Check Register for NSW Health Services

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**Summary** All full-time, part-time, temporary and casual staff of the NSW Health Services and all visiting practitioners must be checked against the state Service Check Register as part of a recruitment process or finalising a disciplinary process.

The Service Check Register (SCR) is an electronic database. The role of the SCR is to alert staff involved in recruitment or in disciplinary processes to the existence of previous matters that may be relevant when making an offer of employment or appointment or in determining actions to take at the conclusion of or during a disciplinary process.

This policy applies to all Area Health Services, The Children's Hospital at Westmead, Justice Health, the Ambulance Service of NSW, Health Support Services, Health Infrastructure, Clinical Excellence Commission and the Institute of Medical Education and Training.

**This policy is mandatory for all Health Services in New South Wales**

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## 1 Policy Statement

### 1.1 Purpose of the Policy

All full-time, part-time, temporary and casual staff of the NSW Health Services and all visiting practitioners must be checked against the state Service Check Register as part of a recruitment process or finalising a disciplinary process.

The Service Check Register (SCR) is an electronic database. It contains records of certain critical actions taken as part of an investigation of a disciplinary matter, those being restrictions (as defined under this policy): suspension; dismissal; termination; or non-renewal of an appointment of a staff member or visiting practitioner.

The role of the SCR is to alert staff involved in recruitment or in disciplinary processes to the existence of previous matters that may be relevant when making an offer of employment or appointment or in determining actions to take at the conclusion of or during a disciplinary process.

The Service Check Register is fully audited. Access is restricted to authorised staff in each Health Service Workforce Branch.

This policy directive provides:

- Guidance on when a record must be created, removed and when the SCR must be checked
- Information on who can access the Service Check Register
- Guidance on how the information held in the SCR should be used as part of the checks conducted prior to an offer of employment or an appointment
- Guidance on how the information held in the SCR should be used to check for existing disciplinary matters
- Rights of the person who may be the subject of an SCR record

### 1.2 Roles and Responsibilities

#### Chief Executives

- Ensuring that the principles and requirements of this policy are applied, achieved and sustained;
- Ensuring that relevant health personnel are made aware of and understand the importance of the requirements and obligations created by this policy and are accountable for the ongoing adherence to the policy;
- Approving the creation, editing and removal of records in the SCR;
- Approving user access to the SCR.

#### Directors of Workforce / Directors Corporate Services (or other Chief Executive nominees)

- Responsible for implementing a process to act on notifications (made in accordance with this policy) from another Health Service where an employee or visiting practitioner has secondary employment or more than one appointment;
- Establishing local procedures within their Health Service to ensure the intent of the SCR is used in accordance with this policy directive;
- Ensuring that local quality assurance is undertaken on the Service Check Register.

#### Corporate Governance and Risk Management Branch, Department of Health

- Administer the SCR database application;
- Provide advice to Health Services on when and how to enter, edit or remove a record in the SCR;
- Review SCR decisions about the creation of records in the SCR if requested
- Conduct regular auditing of the SCR.

## 2 Overview

### 2.1 Introduction

All staff members of NSW public health services, whether employed or contracted must be checked against the state Service Check Register as part of a recruitment process or when conducting or finalising a disciplinary process.

The role of the SCR is to alert staff involved in recruitment or in disciplinary processes to the existence of previous matters that may be relevant when making an offer of employment or appointment or in determining actions to take at the conclusion of or during a disciplinary process. To ensure this occurs, and to provide the users and those responsible for managing the health system with confidence that this is the case, Health Services must implement this policy directive.

The Service Check Register (SCR) is an electronic database. A Service Check Record is created where a Health Service places restrictions on a staff member or visiting practitioner's duties or clinical privileges either:

- (a) as a risk management strategy (arising out of a documented risk assessment) pending the completion of a disciplinary process or investigation;
- (b) or as the result of a recommendation made at the completion of a disciplinary process;

The Service Check Register contains records of certain critical actions taken as part of an investigation of a disciplinary matter, those being restrictions (as defined under this policy): suspension; dismissal; termination; or non-renewal of an appointment of a staff member or visiting practitioner.

The information supplied by the employing Health Service to create a Service Check Record is already contained in hardcopy on the staff member's human resource personnel file.

The Service Check Register is fully audited. Access is restricted to authorised staff in Health Service Workforce Branch.

The Service Check Register will:

- Provide contact details of an Health Service Workforce staff member should further information be required as part of an employment reference check
- Allow only authorised staff to access the Service Check Record Register. Each authorised user will be required to sign a confidentiality agreement and their usage will be audited.
- Allow a person who may appear on the Service Check Register the right to view their details in the SCR.
- Allow a SCR record to be created or removed only when approved by the Health Service Chief Executive (or their delegate).
- Once a disciplinary matter has been completed and if the matter is not proven the record will be removed and cannot be viewed by any authorised staff.
- Not automatically exclude the employment or appointment of a preferred applicant, or mean that disciplinary or remedial action must be taken against the person.

The Service Check Register is a reference database. Records held in the Service Check Register are not part of the investigation process into any performance or conduct matter.

Adherence to this policy will support the achievement of the organisational goal of providing safe, high quality health services, and minimise corporate and clinical governance risks that arise through non-compliance.

## 2.2 Key Definitions

For the purposes of this policy directive the following definitions will apply:

<b>Actions</b>	Restrictions or disciplinary actions taken against a staff member or visiting practitioner over the course of an investigation.
<b>Disciplinary Actions</b>	The imposition of a penalty on a staff member or visiting practitioner against whom a finding of misconduct has been made.
<b>Disciplinary Process</b>	Is the broad term used in this policy to describe the investigation and management of allegations of misconduct against a staff member or visiting practitioner. Further advice is available in NSW Health policies covering misconduct, criminal and child related allegations and a concern or complaint against a clinician.
<b>Health Service</b>	For the purpose of this policy Health Service is taken to include all Area Health Services, The Children's Hospital at Westmead, Justice Health, the Ambulance Service of NSW, Health Support Services, Health Infrastructure and the IMET.
<b>Preferred Applicant</b>	An individual who is the recommended person for a vacant position, but who has not yet been formally offered appointment to that position.
<b>Restrictions</b>	An action taken to restrict the duties (including clinical privileges) of a staff member or a visiting practitioner during, or at the conclusion of an investigation into an allegation of misconduct.
<b>Serious Disciplinary Matter</b>	A disciplinary matter involving serious sex or violence offences (carrying a possible penalty of 12 months or more imprisonment) or unsatisfactory or professional misconduct as defined under NSW Health policies or Part 3 of the Health Services Act.
<b>Staff</b>	Any person working full-time or part-time in a permanent, temporary, casual or fixed term appointment within the NSW public health system, including members of the Health Service Executive.
<b>Suspension</b>	The temporary barring of a staff member or visiting practitioner from undertaking the duties for which they were appointed.
<b>Visiting Practitioner</b>	Medical practitioners or dentist who is appointed to practice (otherwise than as an employee) at a public health organisation, as defined under section 76 of the Health Services Act 1997.

### Must

Indicates a mandatory action required by law, industrial instrument or NSW Health policy directive.

**Should**

Indicates recommended actions that should be followed unless there are sound reasons for taking a different course of action.

**2.3 Mandatory Requirements****Creating, editing or deleting records in the SCR**

All NSW Health Services must create a record in the SCR when:

1. A staff member or visiting practitioner is suspended.
2. Restrictions (including to clinical privileges) are placed on a staff member or visiting practitioner during the course of, or at the conclusion of an investigation of a serious disciplinary matter.
3. A full time or part time staff member is dismissed.
4. The appointment of a visiting practitioner is terminated.
5. A disciplinary investigation results in a decision not to renew the appointment of a visiting practitioner.
6. A staff member or visiting practitioner resigns during an investigation where the matters are serious enough that, if proven it would have led to dismissal, termination or non-renewal of an appointment or the imposition of restrictions.

The Chief Executive of the Health Service must approve the creation of a record in the SCR.

When a record is created in the SCR, the person that it relates to must be advised of the record and the circumstances by which it may be removed.

The approval of the Chief Executive of the Health Service (or their delegate) that generated the record must be obtained before a record can be edited or removed.

**Checking the SCR**

In accordance with the procedures set out in Section 4 of this directive, Health Services must check the SCR before:

1. An offer of employment in the NSW Health Service is made to an applicant.
2. An offer of appointment as a visiting practitioner is made to an applicant.
3. Determining disciplinary or remedial action to be taken against a staff member or visiting practitioner against whom a finding of misconduct has been made.

Health Services must advise any person who will be checked against the SCR that the check will be undertaken.

**Checking secondary employment**

As outlined in Section 5 of this directive, when a Health Service suspends or places a restriction on a staff member or a visiting practitioner as a result of a disciplinary process, it must ask that staff member or visiting practitioner if they also work or have an appointment in another Health Service.

Where a staff member or visiting practitioner with a restriction on their work, or under suspension, works in or has an appointment in another Health Service, the relevant Director of Workforce (or an equivalent position) must be notified of the restriction or suspension.

Health Services must also ensure if a staff member or visiting practitioner it suspends, or places a restriction on, works at more than one workplace within its Health Service all workplaces are notified.

**Use of SCR information**

When a Health Service creates a record in the SCR, a contact position and officer must be nominated for future inquiries about the record. Health Services must ensure that contact details for SCR records are maintained and are current.

Information provided in response to a check of the SCR must not be used to automatically exclude a person from employment or appointment or to automatically suspend or place restrictions on a staff member or visiting practitioner. Information will be used to assist in an assessment of appropriate action.

**Review of SCR records**

If any person whose name and details appear on the SCR asks to see the information held about them on the SCR they have a right to see their own information as it appears on the SCR and/or receive a print out copy of the information that appears on the SCR.

A person whose name and details appear on the SCR may request that their details be removed under the circumstances and processes outlined in Section 3.6 and Section 7 of this policy directive.

### 3 Creating, editing or removing a SCR record

Health Services must create a record on the SCR when one of the actions described in Section 3.1 of this policy, is taken in regard to a staff member or visiting practitioner.

All authorised users of the SCR must obtain the approval of the Chief Executive or his\her nominated delegate prior to entering an individual's details on the SCR.

A Health Service must place a record of this approval on the individual's official personnel file.

#### 3.1 When a SCR Record must be created

##### 1. When restrictions are placed on a staff member or visiting practitioner.

Where a Health Service places restrictions on a staff member or visiting practitioner's duties or clinical privileges either:

- (a) as a risk management strategy (arising out of a documented risk assessment) pending the completion of a disciplinary process or investigation;
- (b) or as the result of a recommendation made at the completion of a disciplinary process;

their name must be placed on the SCR.

Decisions and actions taken to restrict the duties or place restrictions on the clinical privileges of a staff member or visiting practitioner must comply with NSW Health policy directives for managing workplace misconduct or a concern or complaint against a clinician.

Under NSW Health policies for managing misconduct and a concern or complaint against a clinician, a Health Service must regularly review restrictions placed on a staff member or contractor as part of the ongoing risk assessment process.

While a restriction is current, a visiting practitioner or staff member's name must remain on the SCR.

##### 2. When a staff member or visiting practitioner is suspended.

If a Health Service suspends a staff member or visiting practitioner, it must record their details on the SCR. The information that is entered into the SCR is described in Section 3.2 of this directive.

Decisions and actions taken to suspend a staff member or visiting practitioner must comply with requirements set out in NSW Health policy directives for managing workplace misconduct or a concern or complaint against a clinician.

While a suspension is current, a visiting practitioner or staff member's name must remain on the SCR.

##### 3. When a permanent or part-time staff member is dismissed.

Where a disciplinary process results in the dismissal of a staff member from your Health Service, the Health Service must place their details on the SCR.

Any action taken to dismiss a staff member must comply with the NSW Health policy directive for managing misconduct or a concern or complaint against a clinician.

##### 4. When the appointment of a visiting practitioner is terminated.

If a disciplinary process results in the termination of a visiting practitioner's appointment, the Health Service must place the practitioner's details on the SCR.

Any action taken must comply with relevant NSW Health policy directives and be managed in accordance with any contractual requirements.

5. When the contract of a visiting practitioner is not renewed on disciplinary grounds.

If a disciplinary process results in a decision not to renew a visiting practitioner's appointment for a further period, the Health Service must place the practitioner's details on the SCR.

Any action taken must comply with relevant NSW Health policy directives and be managed in accordance with any contractual requirements.

6. When a staff member or visiting practitioner resigns during a disciplinary investigation.

A Health Service must record the staff member or visiting practitioner on the SCR if they resign prior to the completion of a disciplinary process (including where they have negotiated a deed of release) and the matters are serious enough if proven to lead to one of the following recommended actions:

- dismissal or termination or non-renewal of an appointment
- restrictions on a staff member or visiting practitioner (including their clinical privileges).

7. When completing a disciplinary investigation.

Any investigation associated with the disciplinary proceedings must be completed or sufficient information placed on file to enable an informed decision to be made about any future employment of the person.

If that person later seeks an appointment or employment in a Health Service, the Health Service must conduct a risk assessment based on the final investigation report or information held on file. The risk assessment should consider both the nature of the original allegations, the reason the applicant resigned before the investigation was completed and the outcome of the final investigation.

### **3.2 Information to be entered into the register**

A full description of the information a Health Service must enter into the SCR is set out in the SCR User Manual. The SCR User Guide is available [www.xxxxxxxx](http://www.xxxxxxxx). There are fields in the SCR software system requiring a Health Service to enter set information. Mandatory information in the SCR includes the following:

- Name and date of birth
- Registration number (where the person is required to hold registration with a health related professional registration board)
- The date the action was taken by a Health Service to dismiss, terminate, suspend or impose restrictions
- The name of the Health Service that took the action and the position holder in that Health Service with access to more detailed information about the matter.

A Health Service will also have to select, from a list of categories, the reason why a person is on the SCR, for example:

- Currently under suspension
- Has been dismissed
- Appointment was terminated
- Appointment was not renewed
- Resigned prior to completion of an investigation

- Has current restrictions placed on their clinical privileges or restrictions by a Health Service

### 3.3 Register of approved SCR users

#### NSW Health Register of approved SCR users

The system administrator for the NSW Department of Health maintains a register of all authorised users including their logon details.

The NSW Department will audit use of the SCR against the NSW Register and review records maintained by individual Health Services.

### 3.4 Rights to view, enter or amend a record on the SCR

The SCR contains sensitive information about individuals. Only position holder(s) in your Health Service with responsibility for managing centralised recruitment checks (such as criminal record checks) and/or those involved in approving risk assessment or disciplinary actions; should have access to the SCR.

Each user requires a username and password to log on and access the SCR. The NSW Department of Health's, Corporate Governance and Risk Management Branch (CGRM), is the system administrator for the SCR system. The system administrator controls the level of access granted to each.

A Chief Executive must approve the position holder (s) that are authorised in your Health Service to access the SCR and provide notice of this approval to CGRM in order to obtain access. All registered users must sign a confidentiality agreement relating to information held in the SCR as shown in **Appendix 2**.

The level of access an authorised user has to view, amend, create or remove a specific SCR record depends whether the Health Service conducting the check is the same organisation that has employed or appointed the person.

#### Access to view information on the SCR

An authorised user in a Health Service has access rights to view all records on the SCR.

#### Access to create a new record to the SCR

A Health Service must only create a new record for a person currently employed or appointed to work in their Health Service or for a staff member or visiting practitioner they dismiss (See Section 3.5 for exceptions to this).

#### Access to amend or remove an existing record on the SCR

A Health Service can only amend or remove a record it creates.

See Section 3.5 of this policy for information about how an individual obtains a review of their record if they move to another Health Service.

#### Access to all functions

The system administrator (CGRM) can create, amend or remove a record from the SCR with the approval of the Director of CGRM - on advice from the relevant Chief Executive.

### 3.5 When a SCR record must be amended or removed

#### Restrictions removed

An individual's record on the SCR must be removed if – as the result of a completed investigation or further risk assessment – all restrictions are removed.

#### Suspension lifted

An individual's name must be removed from the SCR where:

- following a risk assessment the suspension is lifted and the Health Service has not placed any other restrictions on an individual or on their clinical privileges
- an investigation has been completed, the matter has been found not to be proven and the Health Service has not placed any other restriction on an individual or on their clinical privileges.

If a Health Service places, restrictions on a staff member or a visiting practitioner after lifting a suspension, those restrictions must be recorded on the SCR.

*Dismissal or termination or non-renewal of contract over turned*

If a decision to either dismiss a staff member or terminate a visiting practitioner or not renew a contract, is overturned, the individual's record must be removed from the Register.

## 4 Checking the Register

This section explains when to use the SCR and the requirements to inform an applicant that they will be checked against the SCR.

### 4.1 When to check the SCR

#### As part of the recruitment or appointment process

Prior to making an offer of employment or an appointment, a Health Service must check the SCR to see if the preferred applicant(s) is on the register.

A Health Service must inform applicants at interview that the preferred applicant(s) will be checked against the SCR before an offer of appointment is made.

Inclusion on the SCR does not automatically preclude a person from employment or appointment.

Section 6.4 of this policy explains how to use the information obtained from the SCR.

#### During a disciplinary process

Prior to determining a disciplinary action or remedial action against a staff member or visiting practitioner about whom a finding of misconduct has been made, a Health Service must check if the staff member or visiting practitioner is on the SCR.

Section 4.2 of this policy outlines the type of information available on the SCR and section 6.1 how to obtain further details.

A Health Service should assess if the information from the SCR is relevant to the current disciplinary process or any actions arising.

Use of the information obtained through the SCR and the conduct of the investigation or disciplinary process, must be applied in accordance with existing NSW Health policies for managing misconduct or a concern of complaints against a clinician.

### 4.2 Information available to view

When a Health Service checks the SCR, the information will be the same as the information described in Section 3.2.

The SCR does not hold details about the allegations that led to the inclusion of a person on the Register.

The SCR also does not include details about:

- the specific type of restrictions a Health Service has placed on a staff member or a visiting practitioner, or
- details about professional registration status or practice conditions imposed by a health professional registration board.

However, the SCR holds sufficient information to alert a Health Service that there are matters which the Health Service must consider prior to making an offer of employment or an appointment to an applicant(s) or before the Health Service makes a decision in relation to a disciplinary action where a finding of misconduct has been made.

The SCR record includes a contact position and name. This contact position is from the Health Service responsible for creating the record. If the person being checked is on the SCR the Health Service must contact this officer to obtain further information to assist the Health Service in its recruitment, appointment or disciplinary decision.

Sections 6 of this policy explain who is authorised to provide additional information and the processes involved.

Section 4.4 below explains the link created between the SCR and relevant health professional registers to obtain information about practice conditions imposed by a health professional registration board.

#### **4.3 Related employment and referee checking**

Checking a preferred applicant(s) against the SCR does not replace the requirement to conduct all other checks that are a mandatory part of the recruitment or appointment process including referee checks or checks with professional registration bodies, National Criminal Record Checks, Working with Children Checks, the Health Care Complaints Commission or other bodies.

For full information about mandatory pre-employment checks, please see NSW Health policies for recruitment and appointment of staff members and visiting practitioners.

#### **4.4 Registration Board information linked to the SCR**

Checking the Health Professional Registration status of preferred applicant(s) prior to making a clinical appointment is mandatory. To assist this process, there is a website link to the databases of the NSW Medical Board, the NSW Pharmacy Board, the NSW Dental Board and the Health Professional Registration Board (and related sites) from the SCR. **Appendix 1** provides a list of the Health Professional Registration Boards electronically linked to the SCR.

When a search using a health registration number and professional category is done the SCR will search the relevant registration board's database and provide basic details regard that person's registration status. Information (such as the existence of registration practice conditions or changes to their registration status) will be displayed and alert the Health Service to contact the Registration agency directly to obtain further information. The SCR does not provide details of any registration practice conditions or reasons for changes to registration status. Therefore it is necessary to contact the registration agency directly to obtain further information

If the registration status search indicates no practice conditions or standard registration status, the Health Service is not required to contact the registration agency directly unless there are other matters of concern.

A printed copy of registration status search return should be placed on the Health Service's relevant recruitment file. This information search report will be time and date stamped including the user's account name.

Health Services must have procedures in place to monitor registration and compliance with registration board conditions.

For further information about monitoring compliance with NSW Medical Board practice conditions please see the NSW Health policies for PD2008\_xxx Identification and Management of Medical Practitioners in Compliance with Registration Conditions.

## **5 Checking secondary employment**

The capacity to manage a particular risk may vary between Health Services.

The suspension, termination, dismissal and change in duties of a staff member or visiting practitioner is usually a risk management strategy used to manage the person during the investigation of an allegation. There will be instances where one Health Service is able to mitigate a potential risk by formally supervising a staff member or visiting practitioner, however another Health Service may be unable to provide adequate levels of supervision and is therefore unable to mitigate the same risk.

Because one Health Service has suspended, terminated, dismissed or changed in duties a staff member or a visiting practitioner, and that person's name is on the SCR, it does not mean another Health Service should automatically suspend, terminate, dismiss or change in duties the contractor or staff member. However, all Health Services where that individual is working need to be aware of the action taken and must conduct a risk assessment to determine what mitigation strategies are appropriate.

### **5.1 Notifying other health services**

If your Health Service suspends, terminates, dismisses or change in duties a staff member or a visiting practitioner, the Health Service must ask that staff member or visiting practitioner if they also work or have an appointment in another Health Service. If they do the Health Service needs to determine which Health Service(s) and notify the relevant Director of Workforce (or an equivalent position) of the suspension, termination, dismissal and change in duties.

Similarly, Health Services must ensure if a staff member or visiting practitioner it suspends, terminates, dismisses and change in duties works at more than one workplace within its Health Service all workplaces are notified.

### **5.2 Action notified health service must take**

Any Health Service\workplace notified must conduct a risk assessment to determine whether the staff member or visiting practitioner poses an ongoing risk.

The risk assessment should be conducted consistent with processes set out in NSW Health policies for managing misconduct or a concern or complaint against a clinician and consider matters such as the following:

- the safety of patients
- the safety of other staff
- his\her own wellbeing
- property or resources
- the integrity of an investigation
- the reputation of the organisation.

The Health Service should document and use the outcomes of the risk assessment to determine any actions it needs to take.

## **6 Providing information from or in response to a SCR check**

There is limited information on the SCR about why a staff member or visiting practitioner is on the Register. Your Health Service is therefore required to include a contact position and person in any new record created on the SCR. This contact officer must be able to provide detailed information in response to an inquiry.

### **6.1 Contact position nominated for further information**

When a Health Service makes a new record in the SCR, the Health Service must nominate a contact position for future inquires about this record. (This is a mandatory field in the software.)

The contact position must be able to provide detailed information in response to an inquiry arising from a check against the SCR.

To provide this information the contact position will need access to confidential records. The contact position must therefore be a person with the authority to access personnel records and any relevant investigation files.

### **6.2 The type of information exchanged**

Staff members and visiting practitioners have a right to expect where Health Services exchange information about their employment, appointment or work history this will be done in a professional manner and that the information exchanged will be factual and objectively presented.

The Health Service should draw the information provided to another Health Service/s from official records as they relate to the person that is the subject of the inquiry, for example:

- the nature of the allegations
- the scope of the investigation
- the findings
- the recommendations
- the actions taken by the Health Service, including notifications to a registration board, NSW Police, HCCC, Ombudsman, ICAC or other external body and,
- known actions taken by these external agencies.

### **6.3 Who can check the SCR**

The SCR is for the use of the NSW Health system. An external agency cannot make an inquiry of the SCR. A Health Service must only exchange information directly sourced from the SCR with another Health Service covered by this policy or the NSW Department of Health.

### **6.4 How to use information obtained**

A Health Service must not use the information on the SCR to exclude a person automatically from employment or appointment.

A Health Service must not use the information from the SCR to automatically suspend or place restrictions on a staff member or visiting practitioner.

The SCR has been set up to provide a Health Service with a tool to alert that there are matters which a Health Service must consider prior to making an offer of employment

or an appointment to an applicant(s) or before a Health Service make a decision in relation to an investigation or the management of misconduct or concern or complaint against a clinician.

A Health Service must not base its decision solely on information sourced from the SCR.

A Health Service must base its decisions and actions on other detailed inquiries, including the relevance of the matters identified and the capacity in the workplace to manage any risk the staff member or visiting practitioner may pose.

Any decision or action a Health Service takes:

- not to appoint or employ an applicant
- to dismiss a staff member or terminate, or not renew a visiting practitioner's appointment
- to suspend a current staff member or visiting practitioner, or
- to place restrictions on a current staff member or practitioner

must comply with requirements and risk assessment processes set out in NSW Health policies covering recruitment, the appointment of visiting practitioners, the management of misconduct and a complaint or a concern about a clinician.

## 7 Rights of individuals to review or request a review of a SCR entry

### 7.1 Rights to review own record

If a current or former staff member or visiting practitioner whose name and details appear on the SCR ask to see the information held about them on the SCR they have a right to:

- see the information as it appears on the SCR and/or
- receive a print out copy of the information that appears on the SCR.

### 7.2 Right to view another parties record

A third party, not covered by this policy, cannot request a copy of a SCR record.

Information held in the SCR must only be used for the purposes described in this policy. Authority to access the SCR database is restricted to approved users in a Health Service or the NSW Department of Health.

### 7.3 Requesting a review by a Health Service

#### Whether a record was created legitimately

A staff member or visiting practitioner has the right to request a review by the Chief Executive of a Health Service or his/her delegate if they believe a record on the SCR relating to them should not have been created.

In conducting this review – as it relates to the SCR – the Chief Executive (or his or her delegate) is required to review the decision to create a record as it relates to the mandatory processes covering the creation, amendment or deletion of a SCR record.

The review mechanism described in this policy means the review will be conducted on the entry of the record in the SCR is correct. This review will not be a review of the disciplinary matter.

#### Records related to restrictions placed on an individual at the end of an investigation or disciplinary process

Where a Health Service places restrictions on a staff member or visiting practitioner at the end of an investigative or disciplinary process the appropriateness and currency of the restrictions should be regularly reviewed to ensure any restrictions are removed from the register as they become obsolete.

If a review (such as a documented risk assessment or performance review process) results in the removal of all restrictions, the Health Service must remove an individual's record from the SCR.

However, a Health Service cannot remove or amend a SCR record created by another Health Service.

Because NSW Health has a mobile workforce, a process to review restrictions (and inclusion on the SCR because of these restrictions) is required where a staff member or visiting practitioner moves to a different Health Service.

Where a staff member or visiting practitioner on the SCR, because they have restrictions on their normal duties, moves to a new Health Service, they may request a review of the currency of these restrictions and their SCR record after a 12 month period.

This review will be conducted by an independent panel appointed by the NSW Department of Health.

If, after completing the risk assessment, the panel agree that the restrictions are no longer applicable the record must be removed from the SCR.

#### **7.4 Review by NSW Department of Health**

If an individual is dissatisfied with a decision taken by an organisation in response to a request to correct, amend or remove a record can seek review of this decision by the Director of Corporate Governance and Risk Management.

Any review undertaken will be restricted to consideration of the requirement of this policy, and will not involve reconsideration of risk management or disciplinary decisions or any other actions under other NSW Health polices for managing misconduct or a concern or complaint against a clinician.

## 8. Implementation checklist

NSW HEALTH – SERICE CHECK REGISTER FOR HEALTH SERVICES  
SELF ASSESSMENT CHECKLIST

<i>Requirement:</i>	<i>Self Assessment:</i>		
	<i>In development</i>	<i>Partial implementation</i>	<i>Compliance</i>
<b>A. STRATEGIC FUNDAMENTALS</b>			
1. <i>The Health Service has included in all recruitment and appointment processes the step to check the Service Check Register</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. <i>There are approved resources in the Health Service Workforce Branch to undertake the procedures for the Service Check Register as outlined in this policy directive</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. INTEGRATION INTO NORMAL BUSINESS SYSTEMS</b>			
3. <i>Responsibility and accountability for the Service Check Register is clearly stated in position descriptions and incorporated into performance review for the AHS Director Workforce and HR Officers</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. <i>The design, approval and implementation of procedures and processes to check the Service Check Register wil regularly monitor the Register to update and complete investigations of misconduct every 30 days.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. ORGANISATIONAL IMPLEMENTATION</b>			
5. <i>The Health Service Chief Executive will:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Approve all registered users of the SCR</i></li> <li>• <i>Approve all records created or removed</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. <i>AHS audits are conducted for compliance with the state policy</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. <i>There is a process for escalation, appeal and management of risks applicable to information being held on the Service Check Register to the Director Workforce and Chief Executive</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. <i>The Department of Health – Corporate Governance and Risk Management Branch will:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Be responsible for the SCR database management, including regular audits</i></li> <li>• <i>Management the user account and security access levels for the state users</i></li> <li>• <i>Arbitrate any requests for appeals</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**9. Appendices****Appendix 1 References****NSW Health Policy Directives**

- PD2005\_497 – Delineation of clinical privileges for visiting practitioners and staff specialists: Policy for Implementation  
[http://www.health.nsw.gov.au/policies/pd/2005/pdf/PD2005\\_497.pdf](http://www.health.nsw.gov.au/policies/pd/2005/pdf/PD2005_497.pdf)
- PD2005\_496 – Visiting Practitioner Appointments  
[http://www.health.nsw.gov.au/policies/pd/2005/pdf/PD2005\\_496.pdf](http://www.health.nsw.gov.au/policies/pd/2005/pdf/PD2005_496.pdf)
- PD2006\_059 – Recruitment and Selection Policy and Business Processes: NSW Health Service  
[http://www.health.nsw.gov.au/policies/pd/2006/pdf/PD2006\\_059.pdf](http://www.health.nsw.gov.au/policies/pd/2006/pdf/PD2006_059.pdf)
- PD2005\_500 – Staff Specialist Appointments  
[http://www.health.nsw.gov.au/policies/PD/2005/pdf/PD2005\\_5000.pdf](http://www.health.nsw.gov.au/policies/PD/2005/pdf/PD2005_5000.pdf)
- PD2005\_554 Privacy Management Plan – NSW Health  
[http://www.health.nsw.gov.au/policies/pd/2005/pdf/PD2005\\_554.pdf](http://www.health.nsw.gov.au/policies/pd/2005/pdf/PD2005_554.pdf)
- PD2005\_593 Privacy Manual (Version 2) – NSW Health  
[http://www.health.nsw.gov.au/policies/pd/2005/PD2005\\_593.html](http://www.health.nsw.gov.au/policies/pd/2005/PD2005_593.html)
- PD2006\_007 Complaint or Concern about a Clinician - Principles for Action  
[http://www.health.nsw.gov.au/policies/pd/2006/PD2006\\_007.html](http://www.health.nsw.gov.au/policies/pd/2006/PD2006_007.html)
- PD2006\_025 Child Related Allegations, Charges and Convictions Against Employees  
[http://www.health.nsw.gov.au/policies/pd/2006/PD2006\\_025.html](http://www.health.nsw.gov.au/policies/pd/2006/PD2006_025.html)
- PD2006\_026 Criminal Allegations, Charges and Convictions Against Employees  
[http://www.health.nsw.gov.au/policies/pd/2006/PD2006\\_026.html](http://www.health.nsw.gov.au/policies/pd/2006/PD2006_026.html)
- PD2007\_087 Medical Officers – Employment Arrangements in the NSW Public Health System  
[http://www.health.nsw.gov.au/policies/pd/2005/PD2007\\_087.html](http://www.health.nsw.gov.au/policies/pd/2005/PD2007_087.html)
- PD2005\_498 Visiting Practitioners – Performance review  
[http://www.health.nsw.gov.au/policies/pd/2005/PD2005\\_498.html](http://www.health.nsw.gov.au/policies/pd/2005/PD2005_498.html)
- PD2008\_060 Staff Specialist/Visiting Practitioner Appointments (incl Clinical Academics) – Critical Actions Compliance Declaration  
[http://www.health.nsw.gov.au/policies/pd/2008/PD2008\\_060.html](http://www.health.nsw.gov.au/policies/pd/2008/PD2008_060.html)
- PD2008\_060 - Staff Specialist/Visiting Practitioner Appointments (inc clinical academics) - Critical Actions Compliance Dec  
[http://www.health.nsw.gov.au/policies/pd/2008/pdf/PD2008\\_060.pdf](http://www.health.nsw.gov.au/policies/pd/2008/pdf/PD2008_060.pdf)
- IB2008\_062 - Reportable Misconduct Under the Medical Practice Act  
[http://www.health.nsw.gov.au/policies/ib/2008/pdf/IB2008\\_062.pdf](http://www.health.nsw.gov.au/policies/ib/2008/pdf/IB2008_062.pdf)

**Relevant Legislation**

- Health Administration Act (NSW) 1982
- Privacy and Personal Information Protection Act (NSW) 1998
- Health Records and Information Privacy Act (NSW) 2002

**Health Professional Registration Board Search supported by SCR****1. Nurses and Midwives Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=1&srctype=srcid&allprof=0&srchparam=PS0119844](http://www.registersearch.net/name_search.php?board_id=1&srctype=srcid&allprof=0&srchparam=PS0119844)

**2. Dental Technicians Registration Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=2&srctype=srcid&allprof=0&srchparam=PY0128405](http://www.registersearch.net/name_search.php?board_id=2&srctype=srcid&allprof=0&srchparam=PY0128405)

**3. Chiropractors Registration Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=3&srctype=srcid&allprof=0&srchparam=EB0017390](http://www.registersearch.net/name_search.php?board_id=3&srctype=srcid&allprof=0&srchparam=EB0017390)

**4. Optical Dispensers Licensing Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=4&srctype=srcid&allprof=0&srchparam=EN0224251](http://www.registersearch.net/name_search.php?board_id=4&srctype=srcid&allprof=0&srchparam=EN0224251)

**5. Osteopaths Registration Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=5&srctype=srcid&allprof=0&srchparam=PS0119844](http://www.registersearch.net/name_search.php?board_id=5&srctype=srcid&allprof=0&srchparam=PS0119844)

**6. Optometrists Registration Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=6&srctype=srcid&allprof=0&srchparam=PS0119844](http://www.registersearch.net/name_search.php?board_id=6&srctype=srcid&allprof=0&srchparam=PS0119844)

**7. Physiotherapists Registration Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=7&srctype=srcid&allprof=0&srchparam=PS0119844](http://www.registersearch.net/name_search.php?board_id=7&srctype=srcid&allprof=0&srchparam=PS0119844)

**8. Podiatrists Registration Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=8&srctype=srcid&allprof=0&srchparam=PS0119844](http://www.registersearch.net/name_search.php?board_id=8&srctype=srcid&allprof=0&srchparam=PS0119844)

**9. Psychologists Registration Board Search**

[http://www.registersearch.net/name\\_search.php?board\\_id=9&srctype=srcid&allprof=0&srchparam=PS0119844](http://www.registersearch.net/name_search.php?board_id=9&srctype=srcid&allprof=0&srchparam=PS0119844)

**10. NSW Medical Board Search**

[http://www.nswmb.org.au/index.pl?action=doctor\\_search&process=1&page=135&mpo=123455](http://www.nswmb.org.au/index.pl?action=doctor_search&process=1&page=135&mpo=123455)  
[http://www.nswmb.org.au/index.pl?param=150948&action=view\\_doctor&page=135](http://www.nswmb.org.au/index.pl?param=150948&action=view_doctor&page=135)

**11. Pharmacy Board of New South Wales Search**

<http://www.pbns.wa.gov.au/search.php> (no support for ID search)

**12. Dental Board of New South Wales Search**

no online search capability currently ; SCR will include link and Registrar contact details

## Appendix 2 Service Check Register User Confidentiality Agreement

### SERVICE CHECK REGISTER

#### Confidentiality Undertaking

I accept and acknowledge that as an account user of the state Service Check Register, for the ..... Area Health Service, I have duties in relation to the use, handling and confidentiality of information I obtain in the course of my duties as a Human Resource officer. In particular:

1. I will not make improper use of or misuse information acquired in the exercise of my functions and duties.
2. I will not disclose information acquired in the course of the exercise of my functions and duties unless such disclosure is authorised by the Chief Executive (or his/her delegate).
3. I will take care to maintain the integrity and security of any information acquired by me or provided to me in my role as an employee.
4. I understand that as an authorised user of the state Service Check Register:
  - I must adhere to the requirements of the state Policy Directive title "Service Check Register for NSW Health Services"
  - My access account must not be shared with another person
  - I am aware that audits will be conducted on my utilisation
  - I am aware that information held on the Service Check Register includes all Health Services of NSW Health

Signed this .....day of .....20..

Signature of Director Workforce.....

Signature of Chief Executive.....