

Our Ref: 388/2022

October 2022

Re: Your request made under the Freedom of Information Act 2000

Following receipt of information from the GMC which confirms that a number of Doctors maintain their License and Registration, despite having been convicted of various Sex Offences, I am reaching out to NHS Trusts to obtain further information on this matter. The information I am requesting pertains to Recruitment and Retention policies and practices with respect to Doctors who have been cautioned or convicted of a Sex Offence.

To give context to the gravity of the situation, one Doctor had been convicted of seven counts of Sexual Assault and yet was not erased from the Register, whilst another was convicted of 3 counts of Sexual Assault against 2 Junior Colleagues in the Clinical work place -one of whom was just 17 -again, this Doctor was not erased from the Register. This is a danger not only to Patients, but to fellow colleagues alike who should be able to go to work without such risks from their own peers. With this in mind, please can you provide the following information:

1. Your current policy for Recruitment and Selection of Ex-Offenders? (Link to relevant page is also suitable)
 - a. Specifically, how does this policy pertain to convicted Sex Offenders?

The Trust's Recruitment and Selection policy contains requirements for undertaking pre-employment checks through the Working with Vulnerable Adults and Children – Disclosure and Barring Service which indicates the steps to follow should a conviction be returned on a DBS check

The GMC has previously indicated their intention to prevent convicted Sex Offenders from remaining on the medical register. At the time of stating this, they advised they were facing challenges with respect to how they might implement this at GMC and/or MPTS level due to potential perceived Human Rights violations for the relevant Sex Offenders. However, the GMC assured that NHS Trusts and bodies create their own Recruitment and Selection Policies and are able to make their own decisions with respect to the hiring and/or continued employment of such Doctors.

2. With this in mind, does the Trust have a view or stance on the hiring or continued employment of Doctors that have been convicted of Sex Offences?
 - b. If yes, what is this? If no, please elaborate.

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Any convictions reported through a DBS check are reviewed in detail along with GMC registration and any relevant conditions or warnings which are considered before offer of employment is confirmed. If a currently employed doctor was convicted of an Offence the Trust would go through the Trust's Disciplinary, Capability, Ill Health and Appeals Policy (which aligns to Maintaining High Professional Standards)

I understand that where someone has a previous conviction, a 1:1 would often be set up to discuss this further.

3. What specific considerations are given in order to ascertain risk level?

See attached Working with Vulnerable Adults and Children – Disclosure and Barring Service Policy

4. For those involved with this and the wider hiring of such persons, what training have they received in relation to Sex Offenders, Rehabilitation of Sex Offenders and/or Safeguarding and Sex Offenders in the workplace? (If any)

No specific training has been given in relation to Sex Offenders in the Workplace however there is safeguarding training at a variety of different levels that Trust employees must undertake

5. Has the Trust ever employed a Doctor who has been cautioned or convicted of a Sex Offence?

- c. If yes, were they subject to any restrictions or supervision, beyond the typical? E.g. the Trust decided to restrict their duties to X or that they would be closely supervised by Y.

The Trust has not employed anyone that has been cautioned or convicted of a Sex Offence

6. At this time, how many Doctors are employed by the Trust who have been convicted or cautioned of a Sex Offence?

None

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I have reached out to Survivors UK to see if it might be possible to liaise with the relevant parties in order to address this important issue. Should we need to liaise directly with the Trust regarding further queries, recommendations or any other such reason:

7. Who would be the most relevant point of contact?
 - d. Please include Name, Title and Email address (be it direct, a secretary or other most relevant contact)
Please contact FOI team if further information is required

For the avoidance of doubt, 'Doctor' includes Junior Doctors and any such professional that would appear on the GMC Medical Register.