
STATUTORY INSTRUMENTS

2004 No. 585

**The National Health Service
(Performers Lists) Regulations 2004**

PART 1

GENERAL PROVISIONS AS TO PERFORMERS LISTS

Application for inclusion in a performers list

4.—(1) An application by a performer for the inclusion of his name in a performers list shall be made by sending the Primary Care Trust an application in writing, which shall include the information mentioned in paragraph (2), the undertakings, certificate and consents required by paragraphs (3) and (6), any declaration required under paragraph (4) or (5) and any further information, undertakings, consents or declarations required under paragraph (7) or the relevant Part.

(2) The performer shall provide the following information—

- (a) his full name;
- (b) his sex;
- (c) his date of birth;
- (d) his private address and telephone number;
- (e) chronological details of his professional experience (including the starting and finishing dates of each appointment together with an explanation of any gaps between appointments) with any additional supporting particulars, and an explanation of why he was dismissed from any post;
- (f) names and addresses of two referees, who are willing to provide clinical references relating to two recent posts (which may include any current post) as a performer which lasted at least three months without a significant break, and, where this is not possible, a full explanation and the names and addresses of alternative referees;
- (g) whether he has any outstanding application, including a deferred application, to be included in a list or an equivalent list, and if so, particulars of that application;
- (h) details of any list or equivalent list from which he has been removed or contingently removed, or to which he has been refused admission or in which he has been conditionally included, with an explanation as to why;
- (i) if he is the director of any body corporate that is included in any list or equivalent list, or which has an outstanding application (including a deferred application) for inclusion in any list or equivalent list, the name and registered office of that body and details of the Primary Care Trust or equivalent body concerned; and
- (j) where he is, or was in the preceding six months, or was at the time of the originating events, a director of a body corporate, details of any list or equivalent list to which that body has been refused admission, in which it has been conditionally included, from which it has

- been removed or contingently removed or from which it is currently suspended, with an explanation as to why and details of the Primary Care Trust or equivalent body concerned.
- (3) The performer shall provide the following undertakings, certificate and consent—
- (a) undertaking to provide the declarations and document, if applicable, required by regulation 9;
 - (b) undertaking to notify the Primary Care Trust within 7 days of any material changes to the information provided in the application until the application is finally determined or, if his name is included in the performers list, at any time when his name is included in that list;
 - (c) undertaking to notify the Primary Care Trust if he is included, or applies to be included, in any other list held by a Primary Care Trust or equivalent body;
 - (d) undertaking to co-operate with an assessment by the NCAA, when requested to do so by the Primary Care Trust;
 - (e) undertaking, except where the relevant Part provides to the contrary, to participate in the appraisal system provided by a Primary Care Trust;
 - (f) an enhanced criminal record certificate, under section 115 of the Police Act 1997⁽¹⁾, in relation to himself; and
 - (g) consent to the disclosure of information in accordance with regulation 9.
- (4) The performer shall send with the application a declaration as to whether he—
- (a) has any criminal convictions in the United Kingdom;
 - (b) has been bound over following a criminal conviction in the United Kingdom;
 - (c) has accepted a police caution in the United Kingdom;
 - (d) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995⁽²⁾ or a penalty under section 115A of the Social Security Administration Act 1992⁽³⁾;
 - (e) has, in summary proceedings in Scotland in respect of an offence, been the subject of an order discharging him absolutely (without proceeding to conviction);
 - (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
 - (g) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Primary Care Trust;
 - (h) has been subject to any investigation into his professional conduct by any licensing, regulatory or other body, where the outcome was adverse;
 - (i) is currently subject to any investigation into his professional conduct by any licensing, regulatory or other body;
 - (j) is to his knowledge, or has been where the outcome was adverse, the subject of any investigation by the NHS Counter Fraud and Security Management Service in relation to fraud;
 - (k) is the subject of any investigation by another Primary Care Trust or equivalent body, which might lead to his removal from any of that Trust's or body's lists or equivalent lists;
 - (l) is, or has been where the outcome was adverse, the subject of any investigation into his professional conduct in respect of any current or previous employment;

(1) 1997 c. 50.

(2) 1995 c. 46.

(3) 1992 c. 5; section 115A was inserted by section 15 of the Social Security Administration (Fraud) Act 1997 (c. 47).

(m) has been removed from, contingently removed from, refused admission to, or conditionally included in any list or equivalent list kept by a Primary Care Trust or equivalent body, or is currently suspended from such a list and if so, why and the name of that Trust or equivalent body; or

(n) is, or has ever been, subject to a national disqualification,

and, if so, he shall give details, including approximate dates, of where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome.

(5) If the performer is, has in the preceding six months been, or was at the time of the originating events a director of a body corporate, he shall, in addition, make a declaration to the Primary Care Trust as to whether the body corporate—

(a) has any criminal convictions in the United Kingdom;

(b) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;

(c) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Primary Care Trust;

(d) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body, where the outcome was adverse;

(e) is currently subject to any investigation into its provision of professional services by any licensing, regulatory or other body;

(f) is to his knowledge, or has been where the outcome was adverse, the subject of any investigation by the NHS Counter Fraud and Security Management Service in relation to fraud;

(g) is the subject of any investigation by another Primary Care Trust or equivalent body, which might lead to its removal from any list or equivalent list; or

(h) has been removed from, contingently removed from, refused admission to, or conditionally included in any list or equivalent list or is currently suspended from such a list,

and, if so, he shall give the name and registered office of the body corporate and details, including approximate dates, of where any investigation or proceedings were or are to be brought, the nature of that investigation or those proceedings, and any outcome.

(6) The performer shall consent to a request being made by the Primary Care Trust to any employer or former employer, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into him or a body corporate referred to in paragraphs (2) and (5) and, for the purposes of this paragraph, “employer” includes any partnership of which the performer is or was a member.

(7) If, in the case of any application, the Primary Care Trust finds that the information, references or documentation supplied by the performer are not sufficient for it to decide his application, it shall seek from him such further information, references or documentation as it may reasonably require in order to make a decision and he shall supply it with the material so sought.