

HEALTH AND SOCIAL CARE ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: National Health Service

Health Service Funding

General and personal medical services, general dental services, general ophthalmic services and pharmaceutical services

Section 19: Enhanced criminal record certificates

90. Health Authorities are currently required by Part 2 of the 1977 Act to maintain lists of all practitioners who undertake to provide general medical services (GMS), general dental services (GDS), general ophthalmic services (GOS) and pharmaceutical services (PhS) in their area. *Sections 24* and *26* of this Act extend this list system to cover those who assist in the provision of these primary care services (e.g. deputies or locums) as well as those practitioners performing personal medical services (PMS) or personal dental services (PDS). To remain on a list, or be admitted to it, the intention is that persons will have to declare any criminal convictions, bindings-over following a criminal conviction and cautions. In requiring a practitioner to declare his criminal conviction, Health Authorities will need to take steps to verify the information that they are given. The Home Office's new Criminal Records Bureau (CRB) set up under Part 5 of the Police Act 1977 will assist in the provision of criminal record checks.
91. The policy is that Health Authorities should have the fullest possible report from the CRB to ensure maximum protection for the public. Health Authorities can already be provided with standard criminal conviction or criminal record certificates under section 112 and 113 of the Police Act 1977. *Section 19* amends the Police Act 1997 to also enable Health Authorities to have access to enhanced criminal record certificates under section 115 of that Act. These are certificates, which will involve an extra layer of checking with local police records. Such enhanced disclosures are presently required for posts involving significant contact with children and vulnerable adults.
92. *Subsection (2)* of this section amends the Police Act 1977 to provide that section 115 certificates may be made available for those practitioners identified in new *subsections (6C), (6D) and (6E)*.
93. *Subsection (3)* of the section inserts *subsections (6C), (6D) and (6E)* into section 115 of the Police Act 1977. New *subsection (6C)* covers those practitioners included or seeking inclusion in the main GMS, GDS, GOS or PhS lists. *Subsection (6D)* covers directors of bodies corporate included or seeking inclusion in a main GDS or GOS list, members of limited liability partnerships included or seeking inclusion in a GOS list and a member of the body of persons controlling a body corporate included or seeking inclusion in a PhS list.
94. New *subsection (6E)* covers individuals included or seeking inclusion in a supplementary list (of, for example, deputies or locums) or services list (of those

*These notes refer to the Health and Social Care Act 2001
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who may perform Personal Medical Services/Personal Dental Services). It also covers individuals seeking inclusion in service lists of people providing Local Pharmaceutical Services, should such lists be established by virtue of regulations made under *section 41* of this Act.