

Requirement for SCR records pending a finding about alleged misconduct

Previous policy	New policy
Alleged serious disciplinary matters:	Alleged misconduct:
When restrictions are placed on the staff member or when the staff member is suspended; or	Where a decision is made to take administrative action to mitigate risks; or
When the staff member resigns, but had they not, they would have been terminated if the matter was substantiated Section 4.3	When the staff member resigns or leaves, but had they not, administrative action would have been required; or Where the staff member is a locum doctor, casual, agency staff member and there is a decision not to use their services.

NOTE: This summary is based upon material presented and provided by the Ministry of Health as part of the meeting with public health unions on 25 November 2013 and attribution is made.

Requirement for SCR records following a finding of misconduct

Previous policy	New policy
Substantiated serious disciplinary matters:	Substantiated misconduct:
Where a disciplinary process into alleged serious disciplinary matter results in restrictions being placed on the staff member, the termination of a staff member, or non renewal of contract; or	Where disciplinary or remedial action is being taken to mitigate risks or a decision is taken not to renew a contract or use the person's services (locum, casual or agency staff); or
Where the disciplinary process results in a substantiated finding in the case of a staff member that has already resigned. Section 4.3	Disciplinary or remedial action would have been taken against the person to mitigate risks had they still been in their role.

Advising the staff member

Previous policy	New policy
<p>The health service must advise the person within 14 days that their name has been placed on the SCR and the circumstances by which their name may be removed.</p>	<p>Staff member must be informed in writing of a decision to place their name on the SCR or a decision to maintain their name on the SCR, if possible before their name is placed on the SCR (Section 4.6).</p>
<p>The health service must inform the person their name will remain on the SCR if the investigation finds the matter sustained. Section 4.6</p>	

Management of SCR records

Open SCR records

- Open only as long as the investigation is ongoing.
- Reviewed at least every 30 days.

Completed SCR records

- Remain on the SCR until criteria met for removal
- Reviewed at least every two years.
- Reviewed otherwise as required.

Exchange of information

- Across NSW Health only

Provided in writing using the template SCR summary statement

Sections 5.1, 5.2 and 5.3

Requirements for removing SCR records

Current policy	New Policy
The SCR record is created incorrectly.	The SCR record was created incorrectly.
If as a result of a completed investigation or further risk assessment all restrictions are removed.	The misconduct is substantiated but there is no disciplinary or remedial action nor would there have been if the person was still in their role.
If an investigation has been completed and the matter is not substantiated and the health service places no further restrictions on the individual.	The alleged misconduct is not substantiated.
If a decision to either dismiss or terminate a staff member or to not renew a contract is overturned.	The misconduct resulted in remedial action only, which has been completed.
Section 5.5	There is no longer the risk relating to the alleged misconduct or misconduct.

SCR records in recruitment

New process consistent with criminal record assessments

1. Nominated SCR person must be contacted for information
2. Information must be provided using the 'SCR Summary Statement'
3. Initial assessment of risks
4. If risks relevant, applicant must be contacted
5. Decision made about engagement based on risks
6. Advise the applicant of outcome of assessment

Sections 5.3.1, 6.4, 6.5 and 6.6

Reviews of SCR records

Previous policy	New policy
<p>Staff members can request a review if they believe the record was created incorrectly</p> <p>Staff members that move to a new LHD may request a review of the currency of any restrictions after a 12 month period.</p>	<p>A person may request a review:</p> <ul style="list-style-type: none">▪ if they believe the record was created incorrectly▪ If they believe the risks no longer exist▪ if the registration board has removed conditions imposed in connection with the misconduct
<p>LHDs should regularly review the currency of restriction on its staff members to ensure obsolete records are removed.</p>	<p>SCR records must be reviewed:</p> <ul style="list-style-type: none">▪ if there is a change to the findings or action required in respect of the staff member▪ if a dismissal, termination or non renewal of contract is found to be unfair or overturned▪ at least every two years

Sections 7.1 and 7.3