NCAS Operational Protocol

Issue of Health Professional Alert Notices

Purpose
This protocol is for staff involved in the issue of Health Professional Alert Notices (HPAN). It contains the following sections:

1. Initial request to NCAS
2. Indications for issuing an alert notice
3. HPAN authorisation process
4. Distribution
5. Informing the subject of an alert notice when a notice has been issued
6. Information handling
7. Information requests
8. Review process
Annex A – Flow chart
Annex B – Review checklist

Purpose of the HPAN system
The HPAN system is a process by which NHS bodies and others can be made aware of a registered healthcare professional whose performance or conduct gives rise to concern that patients or staff may, in future, be at risk of harm from inadequate or unsafe clinical practice or from inappropriate behaviour\(^1\). Further indications include the risk that an individual may pose a threat to patients or staff because their conduct compromises the effective functions of a team or local primary care service. It is also used to notify NHS bodies and others of a bogus healthcare practitioner.

Background
Prior to 1 April 2013 strategic health authorities (SHA) were responsible for issuing HPANs. Following the reorganisation of the NHS (post the Health and Social Care Act 2012) the National Clinical Assessment Service (NCAS), as an operating division of the NHS Litigation Authority (NHS LA), has been tasked with undertaking the SHA role in relation to the authorisation of alert notices. This will be on an interim basis until other arrangements are made for the authorisation of HPANs. NCAS currently holds the central HPAN database and has developed an electronic database for future use.

\(^1\) Safer recruitment – scheme for the issue of alert notices for healthcare professionals in England, NHS |Employers, November 2006
Protocol

This protocol is underpinned by the following:

- Healthcare Professional Alert Notices Directions 2006
- Letter to the NHS from Professor Sir Bruce Keogh, (Gateway number 00006 18 April 2013
- NHS Litigation Authority Directions 2013

NCAS staff should refer to this operational protocol which describes the approach used for authorising and issuing HPANs.

Please direct any questions you may have about this protocol to:

- Professor Pauline McAvoy, Associate Director, Assessment and Interim Medical Director
- Claire McLaughlan, Associate Director, Case Management

Review

This protocol will normally be reviewed every three years. If there are any circumstances which suggest the need to bring this forward, a review will be carried out as soon as it is considered appropriate to do so.
Good Practice Guidance

Issue of Health Professional Alert Notices

1. Initial request to NCAS

Calls, emails or letters pertaining to the authorisation and issuing of Alert Notices will, following an administrative check to ensure there is no conflict of interest, be handled by the following designated persons only:

- Professor Pauline McAvoy, Associate Director, Assessment and Interim Medical Director
- Claire McLaughlan, Associate Director, Case Management

In the absence of both of these named individuals the authority will be delegated to:

- Elaine Stevenson, Head of Project Development (Policy)

If there is found to be a conflict of interest the request will be passed to another of the designated persons.

A flowchart describing the process can be found at Annex A and a checklist to support the review is attached as Annex B.

The following information will be recorded on an electronic spreadsheet:

- The practitioner’s name
- Last known address
- Profession
- National insurance number
- Registration number
- Ethnicity
- Gender
- Originator name
- Originator organisation
- Receipt of request
- Decision
- Date decision made
- Date letters
- Review date
- Revocation date
- Five year date (for deletion after revocation).

2. Indications for issuing of an HPAN

NCAS may issue an Alert Notice when requested to do so by an NHS body as per the Healthcare Professionals Alert Notices Directions 2006 4.(1)(a) and the letter to the NHS from Professor Sir Bruce Keogh on 18 April 2013.

NCAS may also issue an Alert Notice in any other circumstances in which it considers it appropriate to do so, 4.(1)(b), provided that, having taken appropriate legal advice, it is satisfied that a healthcare professional (or a person holding himself out to be a healthcare professional):

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• Poses a significant risk of harm to patients, staff or the public; and
• May continue to work or seek additional or other work in the NHS as a healthcare professional; and
• That there is a pressing need to issue an alert notice.

3. HPAN authorisation process

Information will be received by NCAS from the Chief Executive or an executive board member of the body making the request (the originator) which could be an NHS body or other body providing services to the NHS. The request should be in writing (including electronically). If an oral request is made it must be confirmed in writing as soon as possible.

The request must include the following information:

• Full name and last known address of the individual who is the subject of the proposed alert
• A summary of the circumstances which give rise to the request including:
  o A summary of all relevant information about the individual which supports the request
  o An assessment of all relevant risks
  o Any advice taken
• Explanation of what action the originator has already taken in respect of the individual concerned, including any referral of the individual to the relevant professional regulatory body
• Gender and ethnic origin of the individual if known.

The information will be reviewed by either of the designated persons and in their absence by the delegated nominee as described above. This review may include contact with the originator for further clarification. The review will not include any search of NCAS enterprise knowledge system (EKS) database beyond the initial administrative check for conflict of interest or from wider across the NHS LA as this additional information would not have been available to the originator or the authorising body under the 2006 HPAN Directions.

4. Distribution

Once the Alert Notice has been authorised copies will be distributed to the following:

• The Medical Director in lieu of Chief Executive of each NHS Region
• The Medical Director in lieu of Chief Executive Director of each NHS Area Team
• The Chief Medical Officer for Northern Ireland, The Chief Medical Officer for Scotland and the Chief Medical Officer for Wales
• Where applicable, the NHS body which requested it
• The health regulatory body which regulates the profession or purported profession of the individual to whom the letter relates.

and may be sent to any NHS body or other organisation which provides services to an NHS body, which in the opinion of NCAS, may be approached by the subject of the alert notice with a view to work in the NHS.
5. Informing the subject of an Alert Notice that a notice has been issued

When NCAS has issued an Alert Notice, it must within 7 days, write a letter to the person who is the subject of the notice and provide a copy of the notice at the same time. The letter must be addressed to the individual’s last known home address and must give a summary of NCAS’s reasons for its issue.

6. Information handling

Copies of all documents received will be scanned (if paper copies) and filed electronically on the secure HPAN database. Access to this database is restricted to the designated individuals only.

The distribution of Alert Notices will be via encrypted, password-protected email.

Each subject will need a file with a case reference in the HPAN database.

NCAS must keep a record of any Alert Notice which has been issued and not revoked and, for five years after its revocation, any Alert Notice which it has revoked.

7. Information requests

Requests for information held will be handled in accordance with the relevant legislation and procedures which can be found at www.ncas.nhs.uk

8. Review process

Each alert will be reviewed at intervals of no more than six months. Consideration will be given to whether it should be revoked at each review. In any case where NCAS considers that the circumstances which gave rise to the issue of the notice no longer apply (whether as a result of information supplied to it by the subject of the notice or otherwise), it must revoke the notice in writing to all those to whom the original notice was sent.
Annex A

Process flowchart

Request to NCAS for HPAN

Administrative check

Review by designated person

HPAN refused

Letter to originator outlining reason for refusal

HPAN issued

Distributed as per Directions

Entered on existing HPAN database

Linked to EKS if appropriate

Reviewed every 6 months

HPAN revoked

Letter to all to notify of revocation

HPAN continued
## Annex B

### Review checklist

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Evidence</th>
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<tbody>
<tr>
<td>Risk of harm to patients</td>
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<tr>
<td>Risk of harm to staff</td>
<td></td>
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<tr>
<td>Risk of harm to the public</td>
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<tr>
<td>Has left current employment and/or may seek additional or other work in the NHS</td>
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<tr>
<td>Compromises effective functioning of a team</td>
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<tr>
<td>Compromises effective functioning of primary care services</td>
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Potential sources of evidence to support issue of HPAN:

- complaints from staff or patients
- patient safety incident reports
- serious untoward incident reports
- audit results
- completed internal investigation report
- reports from Police
- outcome of completed local disciplinary process
- information from regulatory bodies
- information from appropriate bodies outside the UK.