



Workforce

Workforce Policies Investigation Process

**Guide for investigation associated with Criminal
Offences**

The following guide forms part of the standard for workforce policies that apply to all staff within NHSScotland regardless of which Board they are employed by.

The employer may become aware that an employee has been accused, committed, charged or convicted of a criminal offence. This may be through the employee, a regulatory body, Disclosure Scotland (Protection of Vulnerable Groups scheme [PVG]), the press, colleagues of the employee, members of the public etc.

Where there is an allegation the employee has committed a criminal offence, consideration should be given as to whether or not the police should be notified.

Where the allegation concerns fraud offences in the National Health Service (NHS) workplace, it must be referred to Counter Fraud Services (CFS). If CFS conduct an investigation it is not necessary to report to the police. Read the [guide to Counter Fraud Services](#) ¹.

In all cases an assessment will be undertaken which may lead to an internal investigation. This may not result in disciplinary action being taken. Where a police or CFS investigation is underway the employer must check with the external organisation whether their investigation would be prejudiced by continuing the internal investigation. However, the decision on proceeding with an internal investigation should remain with the manager.

If it has been agreed that the internal investigation will proceed, the employee should be made aware that they may incriminate themselves as the employer may be asked to share evidence gathered with the police or CFS.

In cases of criminal offences which are not connected to the workplace, normally an investigation cannot be finalised until the legal process has concluded. The investigation in these cases relates to the impact of a conviction that affects the employee's ability to perform their duties. As the matter has not taken place within the workplace the employer is unable to fully investigate and therefore needs to take account of the findings of the criminal investigation to make that assessment.

Cases that relate to the workplace do not require to await the outcome of any criminal proceedings, as the investigation relates to conduct in the workplace and evidence is available to the investigation panel.

References

¹ Workforce Policies Investigation Process : guide to Counter Fraud Services
<https://workforce.nhs.scot/supporting-documents/guides/workforce-policies-investigation-process-guide-to-counter-fraud-services/>