

# DURHAM CONSTABULARY



*Altogether Better Policing*

## **Occupational Health Medical Records and Personal Records Policy**

<b>Application</b>	Police Officers, Staff and Special Constables and Volunteers
<b>Policy Owner</b>	Human Resources
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<b>Durham Constabulary Freedom of Information Act Publication Scheme</b>	



## **1.0 OCCUPATIONAL HEALTH MEDICAL RECORDS AND PERSONAL RECORDS POLICY**

### **2.0 PURPOSE AND SCOPE**

2.1 The purpose of this policy is to make individuals aware that the Chief Constable will retain a personal record on each individual member of the Constabulary within HR and a personal occupational health medical record within the Health Management Unit

2.2 The information held on these records will be:-

- accurate
- relevant
- up to date
- securely stored
- only accessible by authorised staff
- only disclosed to a third party in accordance with this policy
- not kept longer than necessary

2.3 Files will be created and maintained for the following categories:-

- Police Officers
- Special Constables
- Police Staff
- Volunteer Workers (personal file only)
- Agency Workers (personal file only)
- Applicants

### **3.0 THE LEGAL BASIS AND LEGIMATE AIMS**

3.1 Durham Constabulary is required to comply with the requirements of :-

- i. Access to Health Records Act 1988 & 1990
- ii. Data Protection Act 1998 and Code of Practice
- iii. Common Law Duty of Confidentiality
- iv. Equality Act 2010
- v. Human Rights Act
- vi. The Computer Misuse Act 1990

3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionately to achieve the proposed purpose.

- 3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.
- 3.4 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, gender and sexual orientation.

#### **4.0 POLICY STATEMENT**

- 4.1 Durham Constabulary is committed to protect the rights of individuals with regard to the processing of personal data.
- 4.2 By taking a systematic approach to the management of individuals' records, Durham Constabulary can control the quality and quantity of information, maintain that information in a manner that best services its business needs, and can dispose of the information efficiently. Manual and electronic personnel records will be properly controlled and readily accessible.
- 4.3 Durham Constabulary is committed to health, safety and welfare of all staff and will securely retain accurate, relevant and up to date occupational health medical records on each individual to assist the individual and their managers in the management of any medical conditions in the workplace.

#### **5.0 RESPONSIBILITY FOR OCCUPATIONAL HEALTH MEDICAL RECORDS**

The Force Medical Advisor and Occupational Health Nurse will have direct professional responsibility for the maintenance, storage and retention of accurate Occupational Health Medical Records for each individual member of staff.

#### **5.1 CONTENT OF OCCUPATIONAL HEALTH MEDICAL RECORDS**

- 5.1.1 Individual Occupational Health Medical Records may contain any of the following information:
- i) Pre-employment health questionnaires,
  - ii) Health screening / surveillance results,
  - iii) Pers. 222 Health Management Unit Referral Forms,
  - iv) Force Medical Advisor/ Occupational Health Nurse Reports,
  - v) Pers 208 Occupational Health Feedback Forms,

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- vi) Hand-written medical notes,
- vii) E-mail enquiries and questions for Force Medical Advisor/ Occupational Health Nurse,
- viii) Appointment letters,
- ix) Pers 8 Sickness Absence Update forms,
- x) Pers 251 Sickness Absence Return to Work Plans,
- xi) Pers 234 & 254 Consent forms for the Application and Release of Personal Medical and Other Information,
- xii) Medical Reports and Records from GPs/Consultants/Selected Medical Practitioners,
- xiii) Physiotherapy treatment reports,
- xiv) Case Conference information,
- xv) Letters of Instruction,
- xvi) Risk Assessments including pregnant workers risk assessment,
- xvii) Record of DDA equipment issued,
- xviii) Any other correspondence about a member of staff where health is mentioned,
- xix) Telephone messages where a member of staff's health is mentioned,
- xx) Records of tests carried out in Occupational Health.

5.1.2 This information will be retained on individual electronic Occupational Health Medical files and on paper based files which are securely archived at the Police Archive Store located at Peterlee.

**5.2 CONTENT OF PERSONAL FILE**

5.2.1 The electronic personal file will be retained by HR at Force Headquarters and shall contain:-

- i. Documentation in respect of the employee's appointment to the Constabulary.
- ii. Copy educational qualifications certificates, if applicable.
- iii. Record of any service in any branch of Her Majesty's naval, military or air forces or in the civil service.
- iv. Record of service in any other Police Force and of transfers from one Police Force to another.
- v. In respect of Police Officers, discipline sanctions **not** imposed in accordance with the Police (Conduct) Regulations 2008 or the Police (Conduct) Regulations 2012 shall be expunged after 3 years if a fine or a reprimand and the officer is free of any other sanction during that period. Any other sanction shall be

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expunged after 5 years if free of any sanction during that period. None of which refer to a caution.

- vi. In accordance with the Police (Conduct) Regulations 2012 a written warning is likely to remain live for 12 months from the date the warning is given. This means that any misconduct in the next 12 months is likely to lead to a final written warning. A final written warning shall remain live for a period of 18 months from the date the warning is given. This means that only in exceptional circumstances will further misconduct (that justifies more than management advice) not result in dismissal. (In exceptional circumstances only, the final written warning may be extended for a further 18 months on one occasion only.)
- vii. In respect of Police Staff, the record of the sanction from any disciplinary hearing will be regarded as spent after the specified time. An appropriate disclaimer will be included on an individual's personal electronic record to reflect such.
- viii. Attendance Management Documentation i.e. notes from Attendance Support Meetings
- ix. Discipline/Capability/UPP documentation for Police Officers and Staff.

5.2.2 The following information will be electronically recorded in Origin and will be accessible to the individual to whom it applies via the self-service function or via HR.

- i. Domestic information in respect of marriage/divorce/children.
- ii. Results of promotion qualifying examinations.
- iii. Record of service in the Force including particulars in relation to appointment date, probationary period, promotions, postings, attachments, course attendance, PDR appraisals, any injuries received, commendations, awards, and the date the member of staff ceases to be a member of the Force.

5.3 **ACCESS TO OCCUPATIONAL HEALTH MEDICAL RECORDS AND PERSONAL RECORDS**

5.3.1 The HR team will manage the information retained on electronic personal records.

5.3.2 All of the below named staff who are employed within the Health Management Unit who are involved in the administration, management, care and treatment of all Police Officers, Police Specials and Police Staff from their pre-employment medical, throughout their service, whilst in retirement and

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following their death, will have access to the Occupational Health Medical Records. This access will be on a 'need to know basis' only.

- i. Occupational Health Nurse
- ii. Force Medical Advisor
- iii. Health Services Manager
- iv. Health Management Unit Administration Team

5.3.3. The Health Services Manager and Health Management Unit Administration Team will sign a declaration to agree to respect staff confidentiality before they will be allowed access to these Occupational Health Medical Records. Any inappropriate disclosure of confidential medical information should be reported to the Health Services Manager for investigation, which could result in disciplinary action being taken.

5.3.4. The Head of HR will have access to the Occupational Health Medical Records for Medical Appeal Boards and where explicit consent is given.

5.3.5. Access to personal records will be restricted to:-

- i) Human Resources Team
- ii) Executive Officers
- iii) Professional Standards and Legal Services Department
- iv) Senior Leadership Team (SLT) members

5.3.6. Individual members of staff have the right of supervised access to their own electronic personal record i.e. data not readily available via Origin Self Service. This can be arranged by contacting a member of the HR team for personal records. Individuals are permitted to make notes of the contents if required.

5.3.7. Individual members of staff can request a copy of any of the documentation retained on their own Occupational Health Medical Records upon completion of a Subject Access Request Form.

## **5.4. DISCLOSURE OF MEDICAL RECORDS INFORMATION**

5.4.1 In line with the Data Protection Act, the Faculty of Occupational Medicine Guidance on Ethics for Occupational Physicians and Nursing & Midwifery Council Guidelines for records and record keeping the medical information retained by the force can only be disclosed in the following circumstances

- i. With the explicit consent of the individual member of staff
- ii. If the disclosure is clearly in the individual's interest but it is not possible or undesirable to seek consent
- iii. If it is required by law (court order)
- iv. If it is unequivocally in the public interest with a court order

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- 5.4.2 On receipt of a written and signed request from an individual member of staff for a copy of or for disclosure of medical information from their Occupational Health Medical Record to a third party; the Health Management Unit Administration Team will obtain permission from the Force Medical Advisor or Occupational Health Nurse prior to the release of any information. Details of the information released will be endorsed on the Occupational Health Medical Record.
- 5.4.3 The only exception to this is the Health Management Unit Administration Team can release copies of the following documents to HR and to an individual's supervisors/manager
- Pers 208 Occupational Health Feedback Forms
  - Pers 222 Health Management Unit referral form
  - Force Medical Advisor/ Occupational Health Nurse Reports
  - Any management e-mail responses from the Force Medical Advisor or Occupational Health Nurse which do not contain any medical information.
  - Pers 8 Sickness Absence Update forms
  - Pers 251 Sickness Absence Return to Work Plan
- 5.4.4. No other medical information e.g. pre-employment medical questionnaires, GP reports etc., should be released without the individual's consent (unless it is covered by 5.4.1).
- 5.4.5. Any request for the release of medical information must be made in writing and forwarded to Health Management Unit for consideration by Force Medical Advisor/Occupational Health Nurse whose decision on whether to release or withhold information will be final. When information is withheld the Force Medical Advisor and Occupational Health Nurse will advise on their rationale for this. Once authorisation has been received, the information will be copied and released within 20 working days.
- 5.4.6. Individuals may appeal against any decision to withhold information and this appeal (in line with the policy) will be heard by the Head of HR and the Force Medical Advisor.

## **5.5. STORAGE AND SECURITY OF OCCUPATIONAL HEALTH MEDICAL RECORDS AND PERSONAL RECORDS**

- 5.5.1 Occupational Health Records will be stored electronically with access being restricted Health Management Unit staff as per paragraphs 5.3.2. Paper based Occupational Health Medical files will be stored in individual tamper proof bags in secure storage at the Police Archive Store located at Peterlee.
- 5.5.2 A quarterly audit will be undertaken by the Health Services Manager in liaison with ICT to ensure that only authorised staff have access to the Occupational Health Medical Records.

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5.5.3 All personal records are now stored electronically

## **5.6 RETENTION OF OCCUPATIONAL HEALTH MEDICAL RECORDS AND PERSONAL RECORDS**

5.6.1 Occupational Health Medical Records and health surveillance records will be kept for a minimum of 40 years, from the date of last entry.

5.6.2 Pre-employment medical questionnaires for individuals who are not appointed to the organisation will be retained for 6 months.

5.6.3 The Occupational Health Nurse should be consulted prior to the destruction of any Occupational Health Medical Records.

5.6.4 Personal records will be kept for a period of 6 years plus current year

## **5.7 COMMAND / DEPARTMENTAL FILES**

- i) Supplementary personal files must not be kept, however, the following record cards should be retained by the Command/Department and on transfer from one Command/Department to another, should be forwarded to the Command/Department to which the individual is transferred:-
- ii) Personal Register of Official Pocket Books – Police Officers/Police Staff
- iii) Personal Register of Pepper Spray Incapacitant – Police Officers

## **5.8 AMENDMENT TO PERSONAL DETAILS**

5.8.1 In order that personal details remain accurate and up to date any changes must be reported as they occur via Origin Self Service. Details include change of name, address and contact details.

## **5.9. QUALIFICATIONS**

5.9.1 Individuals who gain educational, professional or technical qualifications should forward full details and copy certificates to HR.

## **5.10 TRANSFER OF PERSONAL RECORD**

5.10.1 Where a Police Officer transfers to another Force, a copy of his/her computerised record will be forwarded to the Chief Constable of that Force.



## **5.11. INDIVIDUALS LEAVING DURHAM CONSTABULARY**

5.11.1 Where an individual has over 2 years' service and ceases to be a member of the Force, they will unless they transfer to another Force, be provided with a certificate showing rank/title and the period employed by the Force and any other Police Force.

## **5.12 FINGERPRINTS AND D.N.A.**

5.12.1 All Police Officers, Crime Scene Investigators, PCSO's and the Fingerprint Development Technician will have their fingerprints and D.N.A. taken on appointment.

5.12.2 All fingerprint and D.N.A records will be kept separate from those fingerprints and D.N.A. of non-Durham Constabulary staff.

5.12.3 Fingerprint and D.N.A. records will be destroyed when an employee ceases to be a member of the Force or be transferred if an individual becomes a member of another Force through transfer.

## **6.0 APPEALS PROCEDURE**

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

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