



*National Institute for  
Health Research*

# **Research in the NHS – HR Good Practice Resource Pack**

## **Research in health and social care settings**

Researchers who carry out research activity within health and social care settings in respect of healthcare and social care activity will be subject to the Vetting and Barring Scheme (VBS) in the same way as any other worker who has contact with vulnerable groups. The need to be subject to monitoring (STM) will be dependent on whether the researcher is in contact with vulnerable groups and whether their activities meet the definition of a *regulated activity*, (as defined in the act) whether it is being carried out in a specified place, and the time, intensity or frequency of that contact.

The National Institute for Health Research has developed the Research Passport scheme to meet the standards for employment checks required in the NHS. The Research Passport scheme has been adapted to meet the requirements of the VBS. It should be noted that the Vetting and Barring Scheme, enacted by the Safeguarding Vulnerable Groups Act 2006, is being implemented in a phased basis over a five year period in England, Wales and Northern Ireland, and similar phasing has been applied to the Research Passport scheme (see Table 1 below). Scotland has its own equivalent Scottish Vetting and Barring Scheme, and a different timescale for implementation, but the two schemes are aligned, share information and recognise each others' bars.

The use of the Research passport scheme for researchers who need to access NHS patients, facilities or data has been agreed with Higher Education Institutions and NHS Employers. The Research Passport scheme provides the mechanism whereby the HEI substantive employer undertakes the necessary pre-engagement checks, and the Research Passport form is used to confirm to the NHS host organisation that these checks have been undertaken to the safer recruitment standards required by NHS Employers. The Research Passport form is validated by the first (lead) NHS organisation and a Letter of Access or Honorary Research Contract is then issued. On the basis of the Research Passport having been validated, subsequent NHS organisations can accept the arrangements agreed with the first NHS organisation and either issue their own HRC / Letter of Access or accept those documents issued by the lead NHS organisation. Where there is any uncertainty about the validity of a Research Passport, or the appropriateness of the pre-engagement checks that have been carried out, NHS organisations who are hosting the research can request to see the original documentation, and can request new or additional checks to be undertaken, in line with the activity to be undertaken at their site.

The Research Passport form is not required for researchers who already hold a substantive employment contract with one NHS organisation. For NHS-to-NHS arrangements the organisation which employs the researcher must ensure that the researcher has all the employment checks required (as set out below), specific to the type of research to be undertaken. This is the basis on which the NHS Letter of Access is issued by the NHS organisation(s) who host NHS researchers to the researchers and their NHS employers.

The Research Passport scheme will continue once the VBS scheme comes into place. As the Regulated Activity Provider, the HEI or NHS employer of the researcher will continue to be the body responsible for ensuring the appropriate checks have been undertaken on the researcher, in line with whether or not their research involves a regulated activity (see revised schedule of pre-engagement checks for researchers in Table 2 below).

The HEI or NHS employer will retain their responsibility for monitoring the status of their researchers, and if they are alerted of any change in status of the researcher by the ISA, they must notify the NHS host site(s) immediately, and withdraw their researcher from working in the regulated activity.

This scheme may also be applied to research activity within Social Care (subject to local agreement), and the principles of when a person should be subject to monitoring remain the same.

### **Who needs a Research Passport?**

If you have no contractual relationship with the NHS, you *may* need a Research Passport, which enables the NHS to decide whether or not you need an Honorary Research Contract or Letter of Access to enable you to undertake your research within NHS facilities. A Research Passport may be project-specific or may be valid for a period of three years for a number of projects, and may be valid in one or a number of different NHS sites.

In respect of the VBS, research projects are no different to any other type of work, in that the Regulated Activity Provider (i.e. the employer of the researcher) has a responsibility to ensure that staff who are in regulated activity or controlled activity (once the scheme is fully implemented in 2015), are not barred to work with vulnerable adults or children, and this may be done through a Research Passport, or through a normal NHS contract.

### **How VBS is applied to the Research Passport scheme**

In summary, the HEI or NHS researcher who is undertaking regulated or controlled activity will be subject to monitoring by their substantive NHS or HEI employer. The employer will maintain their obligation under the Research Passport scheme to undertake the necessary checks and monitoring, and to exchange this information with all the NHS sites who are hosting the researcher's activity.

The research passport scheme provides the mechanism for employers to provide reassurances about their employees across NHS organisations that the appropriate pre-engagement checks are in place, and provides the mechanism whereby researchers can be monitored and withdrawn from undertaking a regulated activity should their status change, providing the researcher continues to have a substantive contract of employment with the HEI or NHS, who will remain the Regulated Activity Provider.

The Research Passport scheme has been adjusted in line with the phasing-in programme for vetting and barring and this is described in Table 1 below.

**Table 1**

Key Dates	Phasing of Vetting and Barring Scheme	Phasing of Research Passport Scheme
12 October 2009	Vetting and barring scheme introduced. Unlawful to employ a person who is barred from working with children or vulnerable adults Legal duty to refer people to the ISA if they have harmed or demonstrated a potential to harm a child or vulnerable adults	Researchers requiring a Research Passport or NHS to NHS letter of access for the <b>first time</b> , will follow the revised procedures for a Research Passport.
July 2010	All new employees, those moving jobs and volunteers who want to work with children or vulnerable adults can register with the ISA.	Researchers requiring <b>renewal</b> of their Research Passport / NHS to NHS Letter of Access, because its three year period has come to an end will follow the revised procedures for a Research Passport.
November 2010	All new employees and volunteers <b>must</b> register before they can start work	
1 February 2011	Existing employees and volunteers can register with the ISA	Researchers with a three year Research Passport / NHS to NHS Letter of Agreement, issued before 12 <sup>th</sup> October 2009 may continue to work in the NHS, but will become subject to Vetting and Barring procedures when their Research Passport needs to be renewed.
July 2013	Exemption from Subject to monitoring ends	By October 2012, all researchers working in the NHS under the procedures of the Research Passport scheme and who undertake regulated activity will be part of the ISA registration process
26 July 2014	Employees and volunteers in controlled activity can register with the ISA (except Wales)	
25 July 2015	All employees and volunteers working with children and vulnerable adults must be registered with ISA	

### **Deciding whether the researcher is subject to monitoring**

The need for the researcher to be Subject to Monitoring will depend on whether the research meets the criteria of the Safeguarding Vulnerable Groups Act 2006 (as set out in [Schedule 4 \(Parts 1 & 2\)](#) or Section [21](#) and [22](#) of the specific guidance). Table 2 below provides guidance on the types of research activity which may be classified as a regulated or controlled activity, and indicates the level of pre-engagement checks that researchers may need. This table is a guide only, and is based on the types of research activity listed in the HR Resource Pack.

Further information about the development of the Research Passport, including a detailed Frequently Asked Questions Tool-Kit on the operation of the scheme, and the phasing of the Vetting and Barring scheme can be obtained from:

[www.nihr.ac.uk/systems/pages/systems\\_research\\_passports.aspx](http://www.nihr.ac.uk/systems/pages/systems_research_passports.aspx)

Further information on the Vetting and Barring scheme can be obtained from:

[www.isa.gov.gsi.uk](http://www.isa.gov.gsi.uk)

Further generic and health and social care sector-specific guidance on the implementation of the scheme may be obtained from:

[www.dh.gov.uk](http://www.dh.gov.uk)

**Table 2 – shaded rows highlight changes which have been made to the Research Passport Scheme in response to VBS**

Type of research activity researcher will be conducting	Criminal record check necessary?	Is this likely to be Regulated or controlled activity, which is Subject to Monitoring? (Subject to criteria)
Direct contact with adult patients/service users (i.e. vulnerable adults) and providing prevention, diagnosis or treatment of illness	Yes, enhanced	Yes
Direct contact with children and providing prevention, diagnosis or treatment	Yes, enhanced	Yes
Direct contact with patients/service users (vulnerable adults or children) but not providing prevention, diagnosis or treatment (e.g. observer)	Yes, enhanced	Yes
Indirect contact with patients/service users (vulnerable adults or children) and providing prevention, diagnosis or treatment (e.g. some types of telephone interviews)	Yes, enhanced	Yes if there is access to identifiable health records or opportunity to have any form of contact with children or vulnerable adults
Indirect contact with patients/service users but not providing prevention, diagnosis or treatment (e.g. some telephone interviews, access to health records which have not been anonymised)	Yes, enhanced	Yes if there is access to identifiable health records or opportunity to have any form of contact with children or vulnerable adults
Access to identifiable patient data derived from health records, tissues or organs with likely impact on prevention, diagnosis or treatment	Yes, enhanced	Yes if there is access to identifiable health records or opportunity to have any form of contact with children or vulnerable adults
Access to identifiable patient data derived from health records, tissues or organs with no likely impact on prevention, diagnosis or treatment	Yes, enhanced	Yes if there is access to identifiable health records or opportunity to have any form of contact with children or vulnerable adults
Access to anonymised patient data derived from health records, tissues or organs only (including by research staff analysing data)	No	No
Working on NHS premises (e.g. laboratory) only (no access to identifiable data)	No	No
Direct contact with staff only (e.g. interviews) (No access to patients or patient data)	No	No
Access to identifiable staff data only	No	No
Access to anonymised staff data only	No	No