

Lead Employer Trust

Pre-employment Checks Policy

POLICY INFORMATION SHEET

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Summary of Changes

Date of Change	Changes made	Location of changes	Changes approved	Version Control
September 2014	Policy amended to include reference to counter fraud	Pages: 5, 6, 7, 8	September 2014	Now version 2
February 2015	Update to incorporate GP Practices	Page 7	May 2015	Version 3
November 2016	Annual review	Whole document	November 2016	Version 4
March 2018				Version 5
April 2019	Review – No Change			Version 6
October 2020	Document Review Section 5 – Deputy Head Declarations	Page 5		Version 6
May 2023	Equality Impact Assessment	Page 10	30 th May 2023	Version 7
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1. INTRODUCTION

Thorough pre-employment checks are essential to ensure patient safety and also patient confidence in staff that provide services to them. They are also essential to ensure the Lead Employer Trust complies with Department of Health, legislation and the NHS Care Record Service requirements.

2. PURPOSE

The policy ensures there is a system in place to complete appropriate pre-employment checks for applicants to the Lead Employer Trust. The policy explains to all staff involved in the recruitment of employees their personal responsibilities for pre-employment checks.

3. AIMS AND OBJECTIVES

The aim of this policy is to provide a system of administering pre-employment checks and to incorporate the NHS Employers Employment Checks Standards into practice (link to standards in Appendix A). The Employment Check Standards include those checks that are required by law, those that are Department of Health policy, and those that are required for access to the NHS Care Record Service. It is also a requirement by Counter Fraud so that we can ensure a robust recruitment check system to counter known fraud risks.

4. DEFINITIONS

This policy applies to all applicants of the Lead Employer Trust. Failure to comply with these standards could potentially put the safety, and even the lives, of patients, staff and public at risk.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Head of HR of the Lead Employer Trust has a corporate accountability for the effective operation of this policy.

LET Human Resources will be responsible for ensuring pre-employment checks are completed for all applicants. Human Resources staff involved in the recruitment process must ensure they understand the full requirements of all Employment Checks Standards.

LET Human Resource Officers are responsible for ensuring no member of staff, including non-paid staff, start work until satisfactory pre-employment checks have been completed.

The LET Human Resource Manager is also responsible for ensuring that they fulfil their responsibilities in procedures to support the effective operation of this policy (e.g. inspecting and copying documentation prior to commencement of employment).

If declaration made on a Declaration A form or a DBS certificate has a trace on it the new starter file must be handed to the Deputy Head of HR. The Deputy Head of HR will review the declaration against the offer of employment and make a decision on the offer/any action to take. This information will all be logged on the spreadsheet by the Deputy Head of HR. The Head of HR will do a 10% spot check on the data input to the spreadsheet on quarterly bases.

6. PRE-EMPLOYMENT CHECKS

The policy does not repeat in detail the Employment Check Standards, but highlights key aspects. The checking procedures outlined in this Policy are:

- Identity checks
- Right to work
- Professional registration and qualification
- Employment history and references
- Criminal records
- Work health assessments

It is also recognised that legal requirements, Department of Health requirements, and NHS Employers guidance may change and LET Human Resources will incorporate any updates into Lead Employer Trust practice as soon as reasonably practical.

6.1 Identity checks

Checking the identity of individuals is the most fundamental of all pre-employment checks as it forms the basis of all other checks. No prospective employee may start work until the Lead Employer Trust is satisfied that his/her identity has been verified. If the Lead Employer Trust is unable to verify the identity of an applicant to its satisfaction the offer of employment will be withdrawn. Detail of the acceptable forms of personal identification documents can be found in the LET office procedure. Referrals may also be made to NHS Protect, Police and UKBA or other law enforcement agencies in certain circumstances when the applicant's identity cannot be satisfactorily established.

For further guidance refer to the NHS Employers Employment Checks Standards – Identity checks.

6.2 Right to work checks

This standard outlines the mandatory requirements for NHS organisations to verify a prospective employee's legal right to work in the UK. No prospective employee may start paid employment until the Lead Employer Trust has confirmed he/she has the legal right to work in the UK. Where the right to work is limited time (e.g. Points Based System) it is the responsibility of the employee to ensure that he/she takes appropriate action to renew their right to work and stay in the country. The Human Resources department will ensure that this is monitored. If an employee's right to work lapses he/she may be dismissed by the Lead Employer Trust. In these circumstances dismissal procedures will comply with statutory minimum procedures.

For further guidance refer to the NHS Employers Employment Checks Standards – Right to work checks.

6.3 Professional Registration and qualification checks

Professional registration and qualification checks provide assurances that a prospective employee is recognised by an appropriate body, and; they meet the required standards of education, training, competence and conduct for a particular role.

Professional registration and qualifications required for the post (as defined in the specialty specific person specification) will be checked at interview. Original documentation will be required. A prospective employee who requires professional registration for his/her post may not start work until registration status is confirmed.

For further guidance refer to the NHS Employers Employment Checks Standards – Professional registration and qualification checks.

6.4 Employment history and reference checks

This standard outlines the mandatory requirements for seeking references to verify an individual's employment and training history. The LET will obtain appropriate references for all prospective employees, covering a minimum period of three years continuous employment and/or education/training. The Human Resources Officer must verify references as satisfactory before an individual is allowed to commence employment.

For further guidance refer to the NHS Employers Employment Checks Standards – Employment history and reference checks.

6.5 Criminal record checks

Criminal record checks play an important role in the recruitment process to ensure all appropriate measures are in place to prevent unsuitable people working with vulnerable individuals. The trigger for whether a criminal record check is required should be determined by the type of activities being undertaken in a specific role, and the level of access that permits the person in that role to have with patients.

For further guidance on when checks are appropriate and the level of check that is appropriate, please refer to the NHS Employers Employment Checks Standards – Criminal record check standards.

6.6 Work health assessment

Work health assessments play an important part in enabling employers to consider an applicant's health, ability and fitness to perform a particular role. All successful candidates from outside the Trust, and where appropriate internal candidates, will be subject to medical clearance. Appointments will only be made subject to a satisfactory health clearance. Satisfactory Immunisation and communicable diseases assessment must be obtained before a prospective employee starts work, which adheres to changes introduced by the Equality Act 2010 and good occupational health practice. A work health assessment will be completed by the LET's Occupational Health Provider. As well as a Employer check on current Covid-19 Vaccinations, where evidence will be requested outside of the Occupational Health process, as an employer responsibility.

For further guidance refer to the NHS Employers Employment Checks Standards – Work health assessments.

6.7 Recording and protecting data

The LET will carry out all checks in compliance with the General Data Protection Regulations 2018. Information should only be obtained where it is essential to the recruitment decision and kept in accordance with the Act. The LET will record the outcome of all pre-employment checks, using Electronic Staff Record (ESR) where available. These checks are also part of the information governance and assurance checks linked to the use of the NHS Care Record Service (NHS CRS).

6.8 False declarations

The LET considers a false declaration made by a prospective employee during the recruitment process to be misconduct. Misconduct will normally be addressed by withdrawal of offer or, if after appointment, through the disciplinary processes and could result in action up to and including dismissal. Where appropriate the LET may also refer a false declaration to the Local Counter Fraud Service, registration body or other relevant body.

Materially false declarations may be fraudulent and partnership working with the LCFS is covered by consistently applied counter fraud reporting and referral criteria. Where appropriate a false declaration made by an applicant to whom the LET does not offer employment may be referred to Local Counter Fraud Service, his/her registration body, or other relevant body.

6.9 Rehabilitation of Offenders Act 1974

In some instances, employers cannot legally use past offences as a reason for rejecting an applicant. All nursing, medical, dental and para-medical posts are “exempt” and so the restrictions of the Act may be disregarded. For other posts, the law is complex. To ensure compliance, if serious consideration is being given to rejecting an applicant because of a known conviction, the LET Human Resources department should be contacted for an opinion as to the legality of rejection in that case. Court convictions cannot be an automatic bar to employment and should always be considered in the light of their seriousness and the requirements of the job and other attributes of the applicant.

7. EQUALITY ASSESSMENT

The LET aims to design and implement services, policies and measures that meet the diverse needs of our service, populations and workforce, ensuring that none are placed at a disadvantage over others.

The LET recognises that it must avoid unlawfully discriminating in the recruitment processes on the grounds of race, disability, age, gender, religion or sexual orientation. To avoid discrimination the LET treat all job applicants the in the same way at each stage of the recruitment process.

8. MONITORING AND REVIEW

The Head of Human Resources will receive monthly monitoring reports on compliance with this policy. Where appropriate information gained through the monitoring process will inform improvements in practice.

9. REFERENCES

This policy should be read in accordance with the following documents:

- Health Education England Recruitment Strategy
- Professional Registration Policy
- Disclosure of Criminal Background Policy & Procedure
- Office procedures for right to work and employment history and reference checks
- Counter Fraud Policy

This policy should also be read in accordance with NHS Employers Employment Checks Standards.

Links to NHS Employers Employment Check Standards

<http://www.nhsemployers.org/your-workforce/recruit/employment-checks>

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Division/Department

LET HR Department

Title of policy, procedure, function or service

Pre-employment Policy

Type of policy, procedure, function or service

- Existing X
- New/proposed
- Changed



Q1 - What is the aim of your policy, procedure, project or service?

To provide guidance to managers, employees and prospective employees on the legal requirements applicable to pre-employment checks.

Q2 - Who is the policy, procedure, project or service going to benefit?

All LET Employees

Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?

Group	Yes	No	Unclear
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Age		X	
Disability		X	
Race		X	
Gender		X	
Transgender		X	
Sexual Orientation		X	
Religion or belief		X	
Marriage & Civil Partnership		X	
Pregnancy & Maternity Leave		X	
Relationships between groups		X	
Other socially excluded groups		X	

If the answer is “Yes” or “Unclear” you **MUST** complete a full EIA

Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	X		
Disability	X		
Race	X		
Gender	X		
Transgender	X		
Sexual Orientation	X		
Religion or belief	X		
Marriage & Civil Partnership	X		
Pregnancy & Maternity Leave	X		
Relationships between groups	X		
Other socially excluded groups	X		

Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?

Group	Yes No Impact	Yes Impact	No	Unclear
Age			X	
Disability			X	
Race			X	
Gender			X	
Transgender			X	
Sexual Orientation			X	
Religion or belief			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity Leave			X	

Relationships between groups			X	
Other socially excluded groups			X	

Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

Q7 – How have you come to this decision?

No indication that equality groups would be adversely affected by this policy.

Q8 – What is your priority for doing the full EIA

High	Medium	Low
		X

Q9 – Who was involved in the EIA?

HR Team, Lead Employer Trust

This EIA has been approved by:

Head of HR, Lead Employer Trust

Date: 6.11.2023

Contact number:

0191 275 4773

Please ensure that this assessment is attached to the policy document to which it relates

