

Human Resources

Employment Checks (Employees and Bank Workers) Standard Operating Procedure

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Change Control – Amendment History

Version	Dates	Amendments
V3	July 2017	Front sheet up-dated; HRODE changed to Workforce and Development Committee throughout the document; up-dated monitoring template; up-dated website link to the NHS Employers website.

1. Introduction

This Standard Operating Procedure (SoP) outlines the employment checks the Trust must undertake for prospective employees and bank workers at the appointment stage and during their on-going NHS employment with the Trust. The DBS Policy and Procedure, Professional Registration Policy and the 6 NHS Employment Check Standards should be read in conjunction with this SoP, which has been developed following the establishment of the Recruitment and Resourcing function, changes in working practices as a result of this and changes in legislation.

2. Purpose

The purpose of this SoP is to ensure compliance with the 6 NHS Employment Check Standards, which includes all pre appointment checks that are required by law, those that are mandated by the Department of Health policy, those that are required for access to the NHS Care Record Service and any additional requirements arising out of the Trust's policy.

3. Scope

This SoP applies to permanent employees, those on fixed-term contracts and workers on the in-house bank. The Trust will record the outcome of all pre and post-employment checks using the Electronic Staff Record (ESR).

4. Responsibilities

4.1 Chief Executive and Board

The Chief Executive and the Board have responsibility to oversee this SoP and ensure that appropriate processes and actions are in place to prevent employees being recruited without appropriate employment checks and professional registrations.

4.2 Workforce and Development Committee

The Workforce and Development Committee is responsible for ensuring that this SoP is effectively and appropriately implemented. They are also responsible for ensuring that the processes within the documented are monitored and non-compliance is acted upon.

4.3 Recruitment and Resourcing

The Recruitment and Resourcing teams are responsible for ensuring that the checking procedures are implemented in line with the requirements outlined in the NHS Employment Check Standards. This is applied when recruiting directly employed members of staff and for those who transfer into the Trust under TUPE and for ensuring that adequate records are kept in ESR for audit purposes.

4.4 Recruiting Managers

The Recruiting Manager is responsible for ensuring original documentation provided at interview is verified, photocopied, signed, dated and submitted to the Recruitment and Resourcing teams in a timely way and for supporting the attainment of any missing documentation post interview.

Doctors in Training that will be employed by the Trust on a rotational training scheme and who are not interviewed by the Trust will need to have an appointment with a member of the

medical staffing team prior to commencement in post to complete the pre-employment checks.

Under no circumstances should a Recruiting Manager commence the employment of an employee or bank worker without assurance that all pre-employment checks have been satisfactorily completed.

4.5 All Staff

All staff employed by the Trust or engaged on the in-house bank have an obligation to abide by this policy and bring to the Trust's attention anything that could affect their employment or continuing to work on the in-house bank particularly their right to work in the UK or issues concerning their DBS Check. Any failure to bring information to the Trusts attention that may result in disciplinary/legal action being taken against them. Workers may be removed from the in-house bank.

5. NHS EMPLOYMENT CHECK STANDARDS

There are 6 employment checks that the Trust is required to undertake for all prospective employees and in-house bank workers during the recruitment cycle. The 6 documents listed below outline the requirements within each employment check and make up the NHS Employment Check Standards:

1. Identity Checks
2. Right to Work Checks
3. Registration and Qualification Checks
4. Employment History Checks
5. Disclosure Barring Service (formerly CRB) Checks
6. Work Health Assessments

The Trust makes it clear to prospective employees and bank workers that appointment to any position is conditional on the necessary checks being satisfactorily completed within a reasonable time frame and that any information disclosed on the application form will be checked. All employment checks are recorded in the ESR system for reference and auditing purposes.

Any offer of employment may be withdrawn if an individual knowingly withholds information or provides false or misleading information and that employment may be terminated in line with the Trusts Disciplinary Procedure should any subsequent information come to light once the individual has been appointed. Bank workers may be removed from the in-house bank in accordance with their letter of engagement.

6. PROCEDURES FOR UNDERTAKING PRE-EMPLOYMENT CHECKS

Fit and Proper Persons Test

The Trust is committed to implementing the Health and Social Care Act 2008 (Regulated Activities) 2014 which places a duty on NHS providers not to appoint a person or allow a person to continue to be an Executive Director or equivalent or a Non-Executive Director under given circumstances. The Trust will make every effort to ensure that all available

information is sought to confirm the individual is of good character as defined in the regulations¹, this will include pre-employment checks in line with the NHS Employment Check Standards and will include a search of the insolvency and bankruptcy register and the disqualified directors register.

Verification of Identity

Candidates must provide acceptable documents containing their photograph, such as a passport or UK driving license, and acceptable documents providing their current address, issued within a specified time frame. These documents must contain the candidate's name and address e.g. utility bill, bank statement. Checks will be undertaken in line with the NHS Employment Check Standard which can be found on <http://www.nhsemployers.org/>

Right to Work Check

Under the Immigration, Asylum and Nationality Act (2006), it is a criminal offence for the Trust to knowingly employ illegal migrant workers, also where the Trust employs migrant workers we have a continuing responsibility to check their on-going entitlement to work in the UK. Failure to do so could result in a civil penalty of up to £20,000 per illegal worker.

In most cases as part of their recruitment candidates will have identified if they require a work permit or visa to work so that these can be obtained or seen before commencing employment. The Home Office introduced a new point based system which was rolled out during 2008/2009. The new system changed the way individuals from outside the EU and EEA could work, train or study in the UK and has now replaced the majority of the previous immigration system. There is now a five tier system with Tier 1 to Tier 5 applications. Further details can be found at Gov.UK

The Right to Work checks are concerned only with a candidate's right to work in the UK and will therefore be carried out in conjunction with verification of identity checks so that the Trust can satisfy itself that the candidate is the rightful owner of the documents that they present. The Trust will validate documentation from all candidates prior to them starting work to ensure they are eligible to reside and work in the UK. All documents must be valid, current and original. Documents downloaded from the Internet will not be accepted. Recruiting Managers in the first instance and then Recruitment and Resourcing team, will carry out all of the checks on all documentation in accordance with the procedures outlined in the NHS Employment Check Standard Right to Work which can be found on <http://www.nhsemployers.org/>

Registration and Qualification Checks

The purpose of the qualification check is to ensure that a prospective employee has the right qualifications to do the job. Appointment to any position within the Trust is conditional on a satisfactory qualification check. It is the responsibility of the shortlisting panel to ensure that

¹ Care Quality Commission: Regulation 5: Fit and proper persons: directors - Information for NHS bodies (March 2015)

applicants short-listed have the relevant qualifications identified as essential in the person specification.

Qualification checks verify the information about educational or professional qualifications listed on the application form. Candidates will be asked to bring their original educational or professional qualifications certificates to their interview. The certificates will be checked and verified against the person specification for that post and application form and copies taken. The Recruiting Manager will sign and date any photocopies to confirm the original document has been produced. Where the qualifications are in a different name the candidate must provide evidence of the name change. (e.g. marriage certificate).

Should the qualification be gained overseas where possible Recruitment and Resourcing team will need to check with the awarding institution that the qualification exists, that it is equivalent to the stated UK qualification and that the candidate does in fact hold that qualification.

Where the checks return information that contradicts the details provided by the candidate and therefore raises concerns the matter should be raised with the Recruiting Manager who will aim to address these issues directly with them. Where required the Recruiting Manager may take advice before proceeding in liaison with the Human Resources Advisory Team.

For those employed in a medical post, the Medical Staffing Team will check the candidates GMC Registration prior to interview and any undertakings or restrictions will be disclosed to the interview panel. Any additional specialist qualifications required for a medical post will follow the procedure outlined above.

For further information on Professional Registration Checks refer to the Professional Registration Policy on the Trust's website.

The full procedures are outlined in the NHS Employment Check Standard.

References and Employment History Check

A successful candidate's previous employment history must be checked before an unconditional offer of employment is made. Recruiting Managers will request written references for all selected candidates prior to an unconditional offer of employment being made using a standard reference pro-forma. The purpose of checking references will be to cross check them with the application form and to provide assurance of a candidate's qualifications, integrity and employment record.

If there is a lengthy delay in receiving references the Recruiting Manager will contact the candidate and inform them that it is their responsibility to pursue a response or provide alternative contact details. Where there is a delay of 4 weeks and a lack of sufficient evidence on which to base a conditional offer then this will be withdrawn. If however, references are unobtainable for a legitimate reason, the Recruiting Manager will discuss this with a member of the Human Resources Advisory Team as to whether or not to continue with the process. The Recruiting Manager must complete a decision-making checklist and retain this on the Personal File for audit purposes. This pro-forma can be located on the Trust's website. Reference Waiver forms must be completed to evidence any gaps in employment history by the Recruiting Manager. Reference details are recorded in ESR by

the Recruitment and Resourcing team and the waiver details are placed on the successful candidate's personal file.

The procedures are outlined in the NHS Employment Check Standard which can be found on <http://www.nhsemployers.org/>. Templates are provided in NHS Jobs 2 and within the Trust's Reference Request Policy.

Disclosure Barring Service (formerly CRB) Checks

All successful candidates appointed to a position deemed as a regulated activity will be required to undertake a DBS check, register with the DBS update service and consent for the Trust to register an interest in their disclosure. The Trust will routinely administer online status checks against individuals via ESR. Details of how to complete an on line DBS check will be issued by the Recruitment and Resourcing team to successful applicants with the conditional offer letter. Those candidates already registered with the DBS Up-date Service and new to the Trust will be required to provide site of their original certificate.

For DBS checks for Doctors in Training, Medical Staffing will request sight of the doctor's original DBS certificate. If the doctor is unable to provide this, Medical Staffing will seek written assurances of the check from the previous/host employer. Where assurances cannot be obtained or where the new post changes the level of check required under the terms of the Safeguarding Vulnerable Groups Act then a new check should be undertaken. Confirmation of the check will be recorded in ESR.

Where positive checks are received, reference will be made to the Trust's guidance on receiving a positive DBS Check. In all circumstances whereby a candidate provides false information to this effect or is evasive in terms of the information they provide then any offer of employment will be revoked.

For further information refer to the Trust's DBS Policy and Procedures and Line Managers Guidance when receiving a Positive Disclosure located on the Trust's website.

The procedures are outlined in the NHS Employment Check Standard which can be found on <http://www.nhsemployers.org/>

Work Health Assessments

Before an unconditional offer of appointment is made to the successful candidate the Trust will invite the candidate to make a declaration of 'yes' or 'no' against two statements which will be included as part of the conditional offer of appointment.

The statements are as follows and will be included within the conditional offer letter:

1. I am not aware of any health conditions or disability which might impair my ability to undertake effectively the duties of the position which I have been offered.
2. I do have a health condition or disability which might affect my work and which might require special adjustments to my work or at my place of work.

A work health assessment questionnaire is sent to all successful candidates and regardless of which statement (above) is declared, this ensures compliance with NICE Guidelines around immunisations. Work Health Assessment Questionnaires should be completed wherever possible on line and returned directly to the Occupational Health Department. Occupational Health will then undertake an assessment against the returned questionnaire to determine fairly, objectively and in accordance with equal opportunities legislation and good occupational health practice whether the candidate is fit to carry out the duties of the post they have applied for and has the correct immunisations.

All checks will take into account the requirements of the Equalities Act (2010). Any reasonable adjustments will be considered that may suggested by the Occupational Health Department or medical practitioner that will enable applicants to work in the Trust regardless of physical impairment or learning disability. Where it is deemed appropriate a specific risk assessment will be undertaken by the Recruiting Manager and/or the Occupational Health Department to develop an action plan to address any specific issues raised.

The full procedures are outlined in the NHS Employment Check Standard which can be found on <http://www.nhsemployers.org/>

Documentation obtained at interview

Where documents have been copied and authorised by the Recruiting Manager these will be returned to the Recruitment and Resourcing team with the "Interview pack" (application forms, scoring sheets, Appointment form etc, marked confidential). They will be checked and placed on the appointed candidate's personal file and, where appropriate, entered into the ESR record. The personal file will be sent to the Recruiting Manager once the unconditional offer letter has been issued and the recruitment process is completed, for medical staff the personal file is retained centrally.

In circumstances where employment check information is collected for unsuccessful candidates at interview, this will be scanned into an electronic file where the candidate is retained in the talent pool, or if not it will be destroyed once the successful candidate begins working for the Trust.

A candidate will not be permitted to begin working for the Trust until all the pre-employment checks have been satisfactorily completed.

7. PROCEDURES FOR UNDERTAKING POST EMPLOYMENT CHECKS

Work Health Assessment

In circumstances where employees are changing roles within the Trust due to organisational change/re-deployment/promotion or moving from the in-house bank and there is a significant change to their duties they will be required to complete the Work Health Assessment Questionnaire as detailed above and the same process will be followed.

Where re-deployment is due to ill health then clearance from the Occupational Health Department will be required prior to commencement of a trial period in the new post.

Renewal of DBS Checks and Portability

In circumstances where an employee or worker is changing roles within the Trust due to organisational change/re-deployment, promotion, ill health or moving from in-house bank and the new role changes the level of check required then a new check will be completed.

It is a condition of employment that employees comply with the Trust's policy on DBS Checks. Refer to the Disclosure and Barring Policy and Procedure located on the Trust's website for further information.

Renewal of Professional Registration

The Trust is required to confirm renewal of registration of qualified staff who require a professional registration and has a separate policy for dealing with lapsed registrants.

Refer to the Trust's Professional Registration Policy and the Disciplinary Policy located on the Trust's website for further information.

References and Employment History

In circumstances where an employee or worker is changing roles within the Trust due to organisational change/re-deployment, promotion, ill health or moving from the in-house bank then the Recruiting Manager should ensure that the details contained in ESR are up-to-date and there is no adverse information on the personal file they should be aware of that would affect their ability to undertake the new role. Additional information may be obtained by requesting a written reference or verbally by contacting the Line Manager.

8. Process For Monitoring Compliance And Effectiveness

This SoP will be reviewed every three years or before if there are legislation changes and any changes made to the NHS Employment Check Standards. The Employment Checks are subject to periodic audit, ongoing monitoring of this SoP is outlined in the table below. Where non-compliance is identified an action plan will be drawn up and monitored via the Workforce and Development Committee and the Audit Committee via Performance Plus.

Aspect of compliance or effectiveness being monitored	Monitoring method	Individual or department responsible for the monitoring	Frequency of the monitoring activity	Group/committee/forum which will receive the findings/monitoring report	Committee/individual responsible for ensuring that the actions are completed
Employment Checks for new employees	BI Report from ESR	Workforce and Development	Monthly	Recruitment Team	Head of Recruitment and Resourcing
Right to Work, DBS and Professional Registration	Workforce Assurance Report	Workforce and Development	Monthly	DMT and Trust Board	Workforce and Development Committee

9. References

The following policies should be read in conjunction with this SoP:

- Recruitment and Resources Policy
- Professional Registration Policy
- Disclosure and Barring Service Policy and Procedure
- Guidance For Line Managers when Receiving Positive Disclosures
- Disciplinary Policy

NHS Employment Check Standards (www.nhsemployers.org)

UK Visa Sponsorship for Employers - [UK visa sponsorship for employers - GOV.UK](http://gov.uk)

Care Quality Commission Regulation 5 (Fit and Proper Persons)

http://www.cqc.org.uk/sites/default/files/20150327_fppr_provider_guidance.pdf