

Pre Employment Checks Policy

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1. POLICY

The aim of this policy is to ensure staff recruited to NHS Yorkshire and the Humber SHA has the correct pre-employment checks completed prior to being offered employment. Pre-Employment checks are a means of objectively evaluating an applicant's suitability for employment.

This policy is aligned with the NHS Employment Checks Standards which outline legal and mandatory checks employers must carry out for the appointment of all individuals to the NHS. These standards apply to permanent and fixed-term staff appointed to NHS Yorkshire and the Humber, as well as independent contractors, volunteers and agency staff. Failure to comply with these standards could potentially put the safety, and even the lives, of patients, staff and public at risk.

Some posts with the SHA may require a Criminal Records Bureau (CRB) check. The level of CRB check will be determined in line with the following:

A standard check - for those who have access to, or are consulted on, information related to children or vulnerable adults. This would include those employees who are on the 'on call' rota.

An enhanced check - for those who have a far greater degree of contact with children or vulnerable adults e.g. regularly caring for or being in sole charge of such people. Enhanced level is also required for those in positions of responsibility, this is defined as:

- (a) someone responsible for the management or control of a controlled activity (controlled activity being access to sensitive records),
- (b) if the controlled activity is carried out for the purposes of an organisation, their exercise of that responsibility is not subject to supervision or direction by any other person for those purposes

Such posts would include a director of children's services or adult services. Access to sensitive records would include those who have access to or are consulted on serious and untoward incidents (SUI) and serious case review information pertaining to children or vulnerable adults.

2. PROCEDURE

Whilst a candidate is having pre-employment checks completed they are the 'preferred candidate' and no guarantee of an appointment has been given. Managers need to satisfy themselves that the relevant checks have been received and are satisfactory prior to making an offer of employment.

The following pre-employment checks are required prior to an offer of employment being made/contract being entered into:

	Permanent Contract	Fixed Term Contract	Agency	Contractor
References covering the previous 3 years	✓	✓	✓	✓
Occupational Health	✓	✓		
Verification of identity	✓	✓	✓	✓
Confirmation of right to work in the UK	✓	✓	✓	✓
Criminal Records Bureau Check (CRB) if applicable	✓	✓	✓	✓
Confirmation of professional registration/ qualifications	✓	✓	✓	✓

3. REFERENCES

The Human Resources (HR) Department will obtain references for prospective employees of the SHA, which must be in writing, and should cover a minimum of three years of previous employment and/or training. Verbal references cannot be accepted. Line Managers are responsible for ensuring the necessary references have been obtained for agency staff and independent contractors.

External Applicants: a minimum of two references are required.

Internal Applicants: a single reference from their current line manager is required.

If managers have any doubts about the content of a reference, advice from the HR Department should be sought before any offer is made. In the circumstances of an unsatisfactory or ambiguous reference it is advisable to contact the referee to obtain more detail. References should only be used to confirm the panel's decision, not to make it.

4. OCCUPATIONAL HEALTH

In line with the Equality Act 2010, a short medical questionnaire will be sent to the prospective employee with the preferred candidate letter. If the answers to any of the medical questions are positive they will be referred to Occupational Health for assessment.

5. VERIFICATION OF IDENTITY

Prospective employees must provide acceptable documents containing their photograph and acceptable documents providing their current address, in the following combination:

- two forms of photographic personal identification and one document confirming their address; or

- one form of photographic personal identification and two documents confirming their address.

All documents must be originals, photocopies will not be accepted, and acceptable documents are in accordance with the lists provided in the NHS Employment Check Standard. The recruiting manager will take copies of this documentation and sign to certify that original documents have been presented.

NHS Employment Check Standard:

<http://www.nhsemployers.org/Aboutus/Publications/Documents/Verification%20of%20Identity%20checks.pdf>

6. RIGHT TO WORK IN THE UK

The eligibility of an individual's right to work in the UK will be assessed by verifying the documentation specified in the NHS Employment Check Standard. Documentation from all prospective employees must be validated to ensure they are eligible to reside and work in the UK and also to meet the requirements of anti-discrimination legislation. The recruiting manager will take copies of this documentation and sign to certify that original documents have been presented

NHS Employment Check Standard:

<http://www.nhsemployers.org/Aboutus/Publications/Documents/Right%20to%20work%20checks.pdf>

7. CRIMINAL RECORDS BUREAU (CRB)

The HR Department will make arrangements for CRB checks to be undertaken if appropriate.

A candidate's criminal record should be carefully considered in the light of all the relevant circumstances and judged on a case-by-case basis. When considering disclosure information regard must be given to:

- the nature of the offence
- the age at which it was committed
- its relevance to the position being applied for
- whether the applicant has a pattern of offending behaviour
- whether the applicant's circumstances have changed since the offending behaviour
- the circumstances surrounding the offending behaviour and the explanation offered by the individual.

On an annual basis the HR Department will review which posts require a CRB check within the SHA to ensure that any posts where responsibilities have changed are included if appropriate.

8. CONFIRMATION OF PROFESSIONAL REGISTRATION/QUALIFICATION

Essential qualifications identified in the person specification for the post will need to be evidenced by presentation of original certificates. These will be photocopied by the recruiting manager and signed to certify that original documents have been presented. Likewise, any requirements for Professional Registration will be checked and may be verified with the professional body.

9. DECLINING A PREFERRED CANDIDATE

There are occasions where a preferred candidate may need to be notified that their application will not be proceeding any further, for example as a result of organisational change or the outcome of pre-employment checks. In the event that the recruiting manager deems that this action may be necessary, then guidance should be sought from HR before contacting the preferred candidate.

10. EQUALITY IMPACT ASSESSMENT

A full Equality Impact Assessment (EQIA) has been carried out on this procedure and can be found in appendix 1.

11. POLICY REFERENCE INFORMATION

Policy Reference Number	
Version Number	1.0
Status	Operational
Author/Lead	Senior HR Officer/HR Manager
Equality Impact Assessment Date	September 2010
Implementation Date	November 2010
Date of Last Review	N/A
Date of Next Formal Review	November 2012

DOCUMENT REVISION RECORD

Version	Description of Change (s)	Reason for Change	Author	Date
1.0				

RELATED POLICIES AND LEGISLATION

Policy Reference Number	Policy Title
-	▪ Recruitment and Selection Policy
-	▪ CRB Policy

Appendix 1 – Full Equality Impact Assessment

Name of Function/Policy	Pre Employment Checks Policy
Directorate	Workforce and Education
Name/Contact Details of Person Completing the Assessment	Rachel Lumb

1. What is the main purpose of the function/policy?

To objectively evaluate an applicants suitability for employment with the SHA.

2. Who is intended to benefit from the function/policy?

NHS Yorkshire and the Humber applicants.

3. List the procedures that will support delivery of the function/policy:

NHS Employment Check Standards.

4. Is responsibility for the function shared with another authority, organization or department? If so, what responsibility and which bodies?

Responsibility shared with recruiting managers across the organization.

5. Do you know of **any evidence** or **concerns** from communities, service users or staff that any of the following groups have been or could be differentially impacted in any way, by the aims, objectives or implementation of this function/policy?

Please also state if the differential impact is positive or negative.

Group	Yes	No	Positive	Negative
Age		x		
Disability		x		
Gender		x		
Race/Ethnicity		x		
Religion or belief		x		
Sexual Orientation		x		

6. If there is evidence it and what it is suggesting in terms of potential differential impact.

Could the differential impact be justifiable or proportionate in meeting a legitimate aim? E.g. on grounds of promoting equality of opportunity for one group?

Would this differential impact be legal? (E.g. Positive Action; Genuine Occupational requirement)

What practical steps might be taken to reduce any potential adverse impact?

N/A
7. If there is little or no evidence, state what you intend to do to change this situation. N/A
8. Provide details of any engagement that has already taken place which is relevant to the function or policy. Recruitment and Selection training is delivered by the HR team on a quarterly basis for SHA employees. Consultation with the Staff Partnership Forum.
9. If engagement has not yet been undertaken describe how you intend to test out your findings and proposed actions with the relevant groups. N/A
10. What monitoring processes have been or will be established to measure the actual impact of the function or policy and to support the review process. A spreadsheet to monitor candidates which are declined employment on the basis of their pre-employment checks.

Next Steps

Outline the actions that have been identified through out this assessment process to either use this function or policy to promote equality or to eliminate or at least minimise the potential for adverse impact.
(An Action Plan template is available at Appendix C of the SHA EqIA Guide)

Completed by (Name): _____

Contact Details: _____

Date: _____

Equality Impact Assessment Action Plan

Department/Section: HR

Lead Officer: Rachel Lumb

Date of Completion: 2nd September 2010

Issues identified	Action Required	How impact will be measured	Lead & Timescales
No monitoring data to examine whether there are any inequalities in candidates who are declined employment as a result of pre-employment checks.	Create a spreadsheet to monitor candidates who are declined employment.	Annual review of the monitoring data, or bi-annual if no records.	Rachel Lumb 1 st April 2011

Please forward the completed EqIA and the supporting Action Plan to the SHA Equality & Diversity Lead for publishing on the SHA website.