

# Safer Recruitment

It is critical that we provide a safe environment for our patients and our staff are key to enabling this. As employers it is therefore imperative that we do everything we can to ensure we are employing staff who hold appropriate qualifications, have completed the necessary training for the role, pass a Disclosure and Barring Service check along with all other pre-employment checks.

All NHS organisations are required to ensure that a series of employment checks as per the NHS Employment Check Standards are carried out prior to employment with that organisation and then as required thereafter. These checks are currently:

1. **Verification of Identity** – the requirement to verify the identity of prospective employees. Identity checks are designed to determine that the information given by an applicant is genuine, it relates to a real person, and establishes that they own and are rightfully using that identity. Undertaking identity checks minimises the risk of employing or engaging a person in any activity who is:
  - an illegal worker
  - an individual impersonating another
  - avoiding the detection of a criminal offence
  - an individual who has used illegal means to obtain genuine documents to gain employment.

Individuals must provide documents containing their photograph, such as a passport or UK photocard driving licence, where available. They will also be required to provide a range of documents that confirm their current address and evidence of residency, such as a utility bill or bank statement. These will need to be original documents, those that contain an expiry date should be valid and current. Photocopies and documents downloaded from the internet will not be accepted.

It should be the first check performed, as any other checks will be rendered invalid if their identity cannot be proved.

2. **Right to Work** – the requirements to verify a prospective employee's and current employee's legal right to work in the UK. Employers are at risk of facing a civil penalty if they are found to be employing an illegal worker and they haven't carried out a correct right to work check. A civil penalty can be anything up to £20,000 per illegal worker. Criminal sanctions may also apply where the employer is found to have knowingly appointed or continues to employ an individual who does not have a right to work in the UK.

Historically, employers have had to carry out a physical check of documentation, although from the end of January 2019, employers have been able to check documentation online in real time. This facility requires applicants to confirm their right to work with the home office online before providing their new employer with an access code. Read further details about how the online checks work on the gov.uk website. If providing documentation, it must be original and show that the holder is entitled to do the type of work being offered. Those that contain an expiry date should be valid and current. Photocopies and documents downloaded from the internet will not be accepted.

To avoid discrimination, Employers must complete right to work checks on all successful applicants before they can be allowed to take up employment. No assumption should be made about an

individual's right to work on grounds of colour, race, nationality, ethnic or national origins, accent or the length of time they have been resident in the UK.

- 3. Professional Registration and Qualification Checks** - refers to all posts which require the member of staff to be suitably qualified in their field as a demand of their post and thus registered with the relevant professional body to enable the individual to work in the specialist field. In addition, the individual is legally obliged to periodically renew their registration with their respective professional bodies in order to practice.

Qualification checks help employers verify the information about any educational or professional qualifications that the individual has outlined in their application form. This entails verifying that the individual:

- has the necessary skills and qualifications for the job they are applying for and
- if applicable to the role, they are registered with the relevant professional body and they meet the required standards of training, competency and conduct to practice safely in their chosen profession.

In all cases, only the qualifications that form part of the requirements for the position being applied for will need to be verified.

Professional regulation is intended to protect the public, ensuring that those who practice in a particular profession are committed to providing high standards of care. There are currently eight main regulatory bodies in health, with more than one million health professionals on their registers. Their main functions include:

- establishing standards of competence, ethics and conduct
- establishing standards for training
- keeping a register of those who meet the standards
- dealing with registrants who fall short. For example, by placing conditions on their registration or erasing them from the register.

Employers must check the registration of all healthcare professionals with the appropriate regulatory body before they allow that individual to start employment with them. This will verify that:

- the applicant is actually the person registered with that regulatory body
- there are no restrictions to their registration that would affect their ability to undertake the duties of the role being offered
- there are no pending investigations on their fitness to practise.

Employers must have the consent of the health professional and their registration number to check their registration.

Registration with a regulatory or licensing body does assume that appropriate documentary evidence has already been provided and validated in order for them to register and practise in their chosen profession. It is therefore not normally necessary for employers to conduct additional checks to verify an individual's professional qualifications where a check has already been conducted by the relevant regulatory or licensing body.

**4. Employment History and References** – the requirement to verify a prospective employee’s employment history and to obtain references.

The application form requires applicants to outline their full employment and/or training history. It should also require them to give an explanation for any gaps between periods of employment and training. Any unexplained gaps or discrepancies in employment or training history should be explored during the interview process.

For new appointments employers should seek the necessary references to validate a period of three consecutive years of continuous employment or training immediately prior to the application being made. The number and type of references obtained for each applicant may vary slightly, depending on whether the individual has held employment or has studied for a consecutive period of three years and/or how many episodes of employment or training they may have had during this time. References should aim to provide details of:

- where the individual has been employed/volunteered, or has studied
- the dates of employment/volunteering, or duration of study
- the position held or, course undertaken
- any recent or ongoing disciplinary action or referrals
- the reasons for leaving employment, training or study (where this is known).

While there is no legal requirement for employing organisations to provide references about people who are or were in their employment, employers have a duty of care to both patients and staff to ensure that all reasonable checks are undertaken to ascertain a person’s suitability for any given role. Factual references should be routinely sought as part of the selection process for all appointments in the NHS.

**Employer References**

Reference requests should be made after the interview process has taken place and once a provisional offer of appointment has been made. In certain circumstances it may be deemed reasonable and proportionate to seek references prior to interview, for example, when making senior appointments, such as medical consultants or board members. All applicants must be advised in writing when obtaining references at an earlier stage in the recruitment process.

In all cases, the new employer must seek the applicant’s permission before obtaining a reference from their current employer, as they may not have informed them of their intentions to leave the organisation.

There may be a number of perfectly genuine reasons as to why an applicant cannot provide us with a referee from a previous employer. For example, this may be because the individual has never worked before, or they have not worked for some considerable time, or their previous employer has ceased trading. In such cases, we will seek a reference from their last known employer and source additional character or personal references in order to validate the required three-year period.

If the applicant’s previous employer refuses to provide a reference, the employing organisation may seek the necessary assurances by obtaining a character or personal reference (see further details in the section below). Where limited references are available, the decision to appoint must be based on what the applicant can reasonably provide to support their application.

Where negative issues are included in a reference, information should be carefully considered and weighed up against the wider range of evidence gathered as part of the recruitment process. We would aim to investigate negative information by sensitively raising it with the individual concerned, giving them opportunity to explain the situation in more detail and/or, where appropriate, give them chance to outline any learning from past mistakes or experiences in order to obtain the necessary assurances about their suitability for a role.

### **Character/Personal References**

Character and personal references can provide invaluable information to help build up a picture of the applicant's reliability, social skills and experiences. They may also be useful to further support an application if the individual has a previous criminal record history or where they genuinely cannot provide a previous employer reference, for example, because their previous employer has ceased trading. They can also provide additional information to support a person's application where the employer reference outlines that the individual has left because of an irretrievable breakdown in relationships.

### **Volunteer Activity Reference**

Where the applicant has indicated that they have undertaken volunteer work, references may be sought through the relevant charity body or organisation hosting that activity.

### **Training History Reference**

If the applicant has indicated that they have left or are leaving full-time education, references to validate their training history should be sought from the individual's professor, academic tutor or head teacher.

### **Self-employment Reference**

For periods of self-employment, references should be sought to confirm that the individual's business was properly conducted. This may include seeking information from customers or clients, bankers, accountants, HM Revenue and Customs, or Companies House.

### **Armed Forces Reference**

Applicants from the armed forces should possess a Certificate of Service under cover of an official letter. Where the individual can present this, employers may accept this instead of needing to request a separate factual reference.

Certificates of service contain security marks such as holograms and therefore employers should verify these in the same way as any other official documentation.

### **Overseas References**

As part of the application process, individuals are required to give a reasonable account of any significant periods of time spent overseas (for the purpose of this standard, this should be where individuals have spent a continuous period of six months or more overseas).

If the applicant has declared that they have been employed (including volunteering activities or time served in the armed forces), or have trained overseas, every effort should be made to seek adequate references from the relevant body as early in the recruitment process as possible to prevent any unnecessary delays in making the appointment.

In a number of European countries, employees are issued with a government issued labour book which contains information about their employment history. If applicants present a labour book, employers may accept information presented within this document instead of seeking a separate reference directly from the applicant's employer.

If an applicant is unable to provide sufficient documentary evidence of time spent abroad, employers will need to consider what additional assurances may be gained at interview, or through evidence of other relevant training and experience in the UK. Where the necessary checks cannot be undertaken, or sufficient assurances are not available, it may not be possible to employ the individual.

5. **Criminal Record Checks** – the requirement to carry out checks relating to an applicant's criminal record when appointing them to a position which involves working with children and/or vulnerable adults as part of their normal duties.

A criminal record check relates to the data held about a criminal history. The information included in a criminal record may vary between countries, and even between jurisdictions within the same country. In most cases, a check will include criminal offences including convictions, conditional cautions and youth conditional cautions (formerly known as final warnings and reprimands). It may also include traffic offences such as speeding and drink-driving. In some countries the record is limited to actual convictions issued by a court of law, while others will include arrests, charges, charges missed, charges pending and even charges of which the individual has been acquitted.

### **The role of the Disclosure and Barring Service**

The primary role of the Disclosure and Barring Service (DBS) is to help employers make safe recruitment decisions by checking information that may be held about an applicant on the Police National Computer (PNC). It also has a team of caseworkers who process referrals about individuals who have harmed/or pose a risk of harm to vulnerable groups with a view to placing them on the adults and/or children's barred list.

The trigger for a DBS check and the level of check required is determined by the type of activities the individual in that role will be undertaking and the level of access this will allow them to have with patients.

Where the position is eligible, Employers will undertake a DBS check once a provisional offer of appointment has been made. The disclosure certificate will be sent directly to the individual the check relates to. The individual will therefore need to present their original copy of the disclosure certificate to us at the earliest opportunity, to reduce delays in recruitment.

Employers may, in exceptional circumstances, make a risk-based decision to allow individuals to take up their appointment before the outcome of their DBS check is known. Exceptional circumstances include where individuals are required to complete a period of induction or training in advance of them starting in their role. Where practical, it may also include allowing individuals to start work or volunteering but in a limited capacity, for example, restricting duties to non-regulated activity, until the outcome of the check is known.

6. **Work Health Assessments** – the requirement to check the health of a prospective employee based on a risk assessment of the role.

A work health assessment refers to a variety of processes undertaken by employers to health screen staff to assess whether they are capable and fit to undertake a particular role. Its primary purpose is to help prevent work-related illnesses, injuries and the spread of disease or infection.

The extent of any health assessment will be dependent on the requirements and risks associated with any given role which impact on the health and wellbeing of either the individual carrying out that role and/or any patients they may have contact with.

Employers have a duty of care to their employees to ensure that they, and their workplaces, are safe and healthy in line with health and safety obligations and equality law. Work health assessments have an important role in helping employers identify and consider early on, any health condition or disability that may require:

- adjustments being made to the workplace to enable the individual to safely carry out the duties they have been engaged to carry out
- restrictions being placed on their duties, for example, exposure prone procedures (EPPs) for workers who have a blood borne virus which may impact on patients in their care.

A health assessment should be carried out for all individuals applying for NHS positions, including all directly paid employees, temporary workers (supplied by an agency or any other external contractor) trainees and volunteers. A simple health questionnaire will be included with the offer letter. Upon return the applicant's response will be assessed to determine:

- the individual can start work (providing all other pre-employment checks have been completed satisfactorily)
- the individual can start work with reasonable adjustments being made this will also include recommendations outlining what adjustments may need to be considered (providing all other pre-employment checks have been completed satisfactorily)
- any immunisation and/or EPP clearance (where applicable to the role)

In more difficult or complex cases, successful applicants may need to be assessed by the occupational health service.

### **Considering reasonable adjustments**

The Equality Act outlines a series of provisions which place a duty on employers to make reasonable adjustments for job applicants or employees who have a disability.

The aim of making reasonable adjustments is to reduce as far as possible, any significant disadvantages that may be presented to an individual with a disability that would not affect an able-bodied person. We also aim to support neurodiversity. This may include reviewing how the employment is structured, removal of physical barriers or providing additional support to the individual, such as:

- making practical adjustments to the premises
- altering the person's working hours
- allowing absences during working hours for medical treatment
- giving additional training
- providing special equipment or modifying existing equipment

- changing instructions or reference manuals
- providing additional supervision and support

### **Immunisations: requirements for healthcare workers**

Employers have an obligation to ensure that healthcare workers do not pose a risk of infection to patients. Similarly, it is essential to ensure that staff are protected from infection by patients. The requirements to ensure immunisation against common communicable infections and biological hazards will be dependent upon an individual's role in the workplace and the risks of exposure that their role may pose.

### **Exposure Prone Procedures**

Additional screening may be needed for workers involved in exposure prone procedures (EPPs), patient care, patient contact or body fluid sample handling. This screening should be relevant to the job hazard and risk profile and, must be undertaken in accordance with the relevant guidance.

Individuals carrying out EPPs have a professional duty to ensure that they are tested and assessed for HIV, hepatitis B and hepatitis C. If at any time they should acquire or be at risk of acquiring any of these infections, they must refrain from carrying out any work that involves an EPP and inform (in confidence) a member of their occupational health team. All testing must be carried out with the professional's informed consent.

### **Withdrawal of Appointment**

No applicant should be refused employment on health grounds unless:

- expert occupational medical advice has been sought
- the applicant has had the opportunity to discuss issues raised with an occupational health professional, or
- the employing manager has given full consideration of the facts.

If you would like further information on these pre-employment checks then please visit <https://www.nhsemployers.org/your-workforce/recruit/employment-checks>

### **Table 1: Primary Identity Documents**

(At least 1 of your identity documents must be from this group)

#### **Document**

Current and Valid Passport  
Biometric residence permit  
Current driving licence – photo card with counterpart (Full or Provisional)  
Birth certificate – Issued at time of birth

### **Table 2: Trusted Government Documents**

(Your second proof of identity document may be from this group)

#### **Document**

Current driving licence – old-style paper version  
Current photo driving licence  
Birth certificate – issued after time of birth  
Marriage/civil partnership certificate  
Adoption certificate  
HM Forces ID card  
Firearms licence

### **Table 3: Proof of Address Documents**

<b>Document</b>	<b>Notes</b>
Mortgage statement	UK or EEA
Bank or building society statement	UK and Channel Islands or EEA
Bank or building society account opening confirmation letter	UK
Credit card statement	UK or EEA
Financial statement, e.g. pension or endowment	UK
P45 or P60 statement	UK and Channel Islands
Council Tax statement	UK and Channel Islands
Work permit or visa	UK
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application
Utility bill	UK – not mobile telephone bill
Benefit statement, eg Child Benefit, Pension	UK
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands
EU National ID card	-
Cards carrying the PASS accreditation logo	UK and Channel Islands
Letter from Head Teacher or College Principal	UK – for 16 to 19 year olds in full time education – only used in exceptional circumstances if other documents cannot be provided

## Lists Of Acceptable Documents For Right To Work Checks

As an employer, we have a responsibility to prevent illegal working in the UK by ensuring that our employees have the right to work here. Under the terms of the Immigration, Asylum and Nationality Act 2006, we are required to make basic checks on everyone we intend to employ.

In order to comply with the Act, all candidates are required to provide acceptable original documents demonstrating their right to work in the UK. The documents are set out in two lists – List A and List B.

**List A** contains the range of documents which may be accepted for checking purposes for a person who has a permanent right to work in the UK. By viewing these documents we can establish a **continuous statutory excuse** for the duration of your employment with us.

**List B** contains the range of documents which may be accepted for checking purposes for a person who has a temporary right to work in the UK. By viewing these documents we can establish a **time-limited statutory excuse**. We will be required to carry out a follow-up check as set out below.

### List A – Acceptable documents to establish a continuous statutory excuse

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous Employer.

9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

## List B – Acceptable documents to establish a statutory excuse for a limited period of time

### ***Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave***

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

### ***Group 2 – Documents where a time-limited statutory excuse lasts for 6 months***

1. A Certificate of Application issued by the Home Office under regulation 17 (3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006 to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old **together with a Positive Verification Notice** (an official correspondence from the Home Office Employer Checking Service which confirms that a named person has permission to undertake the work in question).
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** (an official correspondence from the Home Office Employer Checking Service which confirms that a named person has permission to undertake the work in question).
3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer which indicates that the named person may stay in the UK and is permitted to do the work in question.