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Sussex Partnership
NHS Foundation Trust

Guidance on Pre-Employment and Employment Checks

(Replacing Policy No. TP/WF/210 V.3)

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1 Introduction

Sussex Partnership NHS Foundation Trust recognises and accepts its responsibilities to provide good standards of care and treatment to patients, by appropriately qualified and statutory registered professional practitioners.

The Trust has adopted the NHS Employment Check Standards published by NHS Employers. These standards include those checks that are required by law and those that are Department of Health Policy
https://www.nhsemployers.org/search?search=employment+checks+

This policy and guidance sets out the procedures to be followed in relation to preemployment checks and take into account current legislation relating to employment, equality, diversity and inclusion, General Data Protection Regulations (GDPR), rehabilitation of offenders, safeguarding of children and vulnerable adults and NHS guidance.

The Trust is also compliant with CQC Guidance and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 19 to ensure safer recruitment.

The aim of this policy and guidance is to:

- Describe the types of checks that must be completed, prior to candidate start dates and the standards which others are measured against;
- Ensure that the responsibilities for pre-employment checks are appropriately assigned and understood;
- Define the action required where candidates fail to satisfy the checks;
- Describe the arrangements for monitoring the completion of pre-employment checks.

The standards apply to all applicants as appropriate to the position they have applied for. This includes permanent staff, directly-employed temporary staff (bank), seconded staff, staff on fixed-term contracts, volunteers, apprentices, students and trainees.

All external agencies that supply staff to the Trust will provide assurance that recruitment checks are carried out in line with this policy and guidance and with NHS Buying Solutions standards. The assurance is to be provided by the agency prior to their being approved as an agency used by the Trust. The Procurement Department will carry out annual audits on how the agencies supply staff to the Trust.

The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post.

By committing to a policy encouraging equality of opportunity diversity and inclusion, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service.

The Trust will therefore take every possible step to ensure that this policy and guidance is applied fairly to all employees regardless of race, gender, age, disability, religion, nationality, belief, sex or sexual orientation, gender reassignment, marriage or civil partnership, maternity or paternity, criminal conviction history or disability.

Where there are barriers to understanding (e.g. an employee has difficulty in reading or writing, or where English is not their first language), additional support will be put in place, wherever necessary, to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the HR Department.

2 Roles and Responsibilities

2.1 Chief People Officer

Overall responsibility for ensuring that there is a pre-employment checks procedure in place.

2.2 Head of Workforce Supply

Overall responsibility for the effective working of the pre-employment checks procedure. Responsible to Chief People Officer for developing effective procedures so that the Trust complies with the NHS Employment Check Standards as well as managing and monitoring the completion of appropriate pre- employment checks.

Responsible for ensuring that quarterly update reports are provided to the Employee Relations and Bank Teams giving information regarding renewals of checks that need to be undertaken in the following quarter.

Reference point for the HR Business Partner, Resourcing in decision-making.

2.3 HR Business Partner - Resourcing

Responsible for ensuring that the Recruitment Team know which employment checks are required and for monitoring, at least monthly, that all legal requirements are being met, and for dealing with any issues arising from the checks.

Responsible for performing audits on randomly selected files completed by the Resourcing Team to ensure compliance.

Responsible for reporting on pre-employment checks, highlighting any issues of concern.

2.4 Resourcing Team Supervisor/Recruitment Co-ordinators

Responsible for validating and photocopying identity documentation

Responsible for processing and monitoring pre-employment checks; including:

- initiating appropriate checks
- monitoring the completion of checks
- chasing outstanding checks
- informing the Recruiting Manager where there are ongoing problems, or if the necessary checks are not satisfied

2.5 Trade Union Representatives

Trade union workplace representatives, otherwise known as stewards, are elected representatives whose role includes representing members both individually and collectively. All stewards have basic training in representation and access to regular training courses. They can gain support, advice and information from their branch, paid union officials via their regional offices and their union's online resources. Stewards are bound by the rules and governance structures of their union and are expected to keep up to date with relevant training.

2.6 Employees and Applicants

Responsible for ensuring that all information and documentation provided during this process is authentic and accurate.

Ensuring any element of this policy and guidance that is subject to regular monitoring is kept up to date in order to meet the requirements of the post e.g. right to work documents, professional registration, revalidation.

Ensuring that the documentation required for checks is completed and processed in a timely manner.

3 Pre-Employment Checks

Pre-employment checks are either required by law or considered mandatory in line with the Department of Health's Standards for Better Health and CQC requirement.

Failure to carry out these checks could put the safety, and even the lives, of patients at risk.

Failure by an employee to provide accurate and truthful information in their application should be considered a disciplinary matter. If an employee has intentionally provided inaccurate information, or withheld information that is relevant to their appointment, it can be cause for dismissal and prosecution.

3.1 Procedures for Checking - Pre-Employment

In nearly every case, the following pre-employment checks must be completed before a prospective employee can begin their employment with the Trust:

- Identity checks
- Right to work checks
- Data and Barring Service (DBS) checks
- Occupational Health checks
- Professional registration checks (where appropriate)
- Qualifications
- Driving Licence checks (where required)
- One primary reference that is satisfactory to Sussex Partnership (pending receipt of a second reference) to cover three years most recent / previous employment

3.2 Verifying Identity

Shortlisted applicants are required to provide an identification document when they attend for interview. An acceptable document includes a birth certificate, current passport, driving licence or National ID card.

Candidates at conditional offer stage are required to provide further identification during their pre-employment checks in either of the following two combinations:

- Two forms of photographic identification and one document confirming their address, or
- One form of photographic personal identification and two documents confirming their address.

Acceptable identification documents include:

- Birth certificate
- Current Passport
- Driving Licence
- National ID card
- A recent utility or council tax bill or bank or building society statement with current address (issued within 3 months)

A complete list of acceptable documentation can be found in the NHS Employment Checks Standards (Verification of Identity)
https://www.nhsemployers.org/search?search=employment+checks+

Identity documents will be thoroughly checked by the Resourcing Team / Recruitment Coordinator during pre-employment checks. A scanned copy of the photographic evidence provided for ID - birth certificate, current passport, driving licence or National ID card will be retained on the employee personal file.

3.3 Right to Work

All employees of the Trust must have a legal right to work in the UK.

All shortlisted applicants for positions in the Trust will be required to provide evidence of their right to work prior to interview. This evidence will be checked by the Resourcing Team / Recruitment Co-ordinator. Once recruited the evidence of the Right to Work is retained on the employee’s personal file.

Acceptable evidence of the right to work in the UK includes a current UK passport and a birth certificate issued in the UK. If *providing a Birth Certificate only, we must see a form of Photo ID also E.g.; Driver's Licence*), or a passport or other travel document endorsed to show that the holder has an indefinite, or definite right to remain in the UK, or other form of right to work issued by the Home Office. In the event that an application is being processed, a copy of the latest official letter from the Home Office must be presented.

A full list of all of the acceptable documentation is included in NHS Employment Check Standards (Right to Work Checks): https://www.nhsemployers.org/search?search=employment+checks+

3.4 Disclosure and Barring Service (DBS) Checks – During Recruitment

Not all members of staff are required to have a DBS check. Employees in clinical roles will require an enhanced DBS check.

Applicants for certain administrative and estates and facilities roles may require a Standard DBS check.

Guidance on DBS checks is available here:
https://www.nhsemployers.org/search?search=DBS+Checks+

After interview the candidate will be asked to complete a DBS check for the post recruited to (if applicable). In certain exceptional circumstances it may be possible to start an employee before the DBS check is received through a "waiver". In this situation the Recruiting Manager should complete a DBS Risk Assessment form available from the Resourcing Team.

If a DBS check has a disclosure on it guidance must be sought from the HR Business Partner – Resourcing.

3.5 Professional Registration and Qualifications

Where qualifications are an essential requirement of a position with the Trust, shortlisted candidates will be required to provide evidence of these qualifications in the form of an original certificate.

The certificate will be checked by the Recruiting Manager and a scanned copy will be taken for retention on the personal file.

If a role requires the applicant to be a member of a professional body, proof of current membership must be provided prior to starting in post. The applicant must supply this evidence either through a letter, membership card or electronic PIN number. PIN numbers are checked electronically by the Resourcing Team via the relevant body website.

3.6 Driving Licenses

Where the candidate requires a driving license as part of the role applied for, this is included in the recruitment information about the post. The candidate must supply a copy of their full driving license to the Recruiting Manager and evidence that their car insurance includes business use.

It is the responsibility of the employee to inform their Line Manager about any changes of circumstances that may affect their ability to drive where this is an essential part of their role (i.e. disqualification).

3.7 References

References serve the purpose of checking the accuracy of a prospective employee's previous employment. They can also provide assurance of an individual's experience, qualification and employment record.

The Trust requires references to cover at least the previous three years of employment, training or education.
We aim to check a period which covers two separate employers (where possible), one of which (the primary reference) is from the applicant's current or most recent employer. Where an individual has been with one employer for three years or more, one reference may be sufficient, provided this is from their line manager / HR Department.

Contact details for referees will be provided by the candidate as part of the application process. For employment references, employment contact details will be required as personal addresses will not be acceptable.

The Recruiting Manager must check the suitability of the referees provided by the applicant at the interview stage.

References will be requested in writing (including email) by the Resourcing Team once a candidate has been selected and the Recruiting Manager has requested that a written offer of appointment is made. The Resourcing Team may need to clarify information with the referee verbally.

References will be reviewed by the Resourcing Team for consistency with the application form and any other information relevant to the proposed employment. The Recruiting Manager must approve all references.

For candidates recruited from within the Trust, a reference will be requested from their current Line Manager.

References will be retained on the individual's personal file.

Depending on the individual's circumstances, other types of references (i.e. character references) may also be required if the applicant has not worked, or been in full time education within the last three years preceding the application. This is in line with NHS Employers guidance on Employment historyand reference checks. https://www.nhsemployers.org/your-workforce/recruit/employment-checks/employment-history-and-reference-checks.

Where there is a gap in employment, a character reference can be requested to cover this period – someone who has known the candidate for over three years, but not a relative, and is a person of some standing in the community.

www.nhsemployers.org/publications/employment-history-and-reference-checks

3.8 Occupational Health (OH)

All prospective Trust staff may be offered a check by our OH provider to ensure that they are fit to undertake the proposed duties.

The Resourcing Team will email all prospective employees with an OH questionnaire as part of the Conditional Offer letter pack, which they will be required to complete and return to the OH provider.

Confirmation of the OH check will be returned by the OH provider to the Resourcing Team where it will be retained on the individual's personal file.

In some roles where no direct Service User contact is required, the Resourcing Team may issue a Self-Declaration Form to an applicant and, depending on the answers provided, may or may not ask for a full Occupational Health check to be carried out.

If Occupational Health Clearance is required, the level of clearance will be determined by the role that is being undertaken.

3.9 Conditional Offers

Pending pre-employment checks, a conditional offer of employment will be made, making it clear that the position is offered subject to the receipt of satisfactory pre-employment checks.

If pre-employment checks are not found to be satisfactory to the Trust, the offer of employment will be withdrawn.

In exceptional circumstances it may be possible for an employee to join the Trust before all pre-employment checks are complete and where there is an urgent need (substantiated in writing) to recruit a person to the Trust, subject to the following:

- A full written risk assessment must be carried out by the Recruiting Manager and submitted to the Resourcing Team in writing before employment prior to satisfactory completion of pre-employment checks (especially DBS) can be considered. This will then be signed off where appropriate by the HR Business Partner - Resourcing.

- Such decisions will be made by the Recruiting Manager after discussion with the HR Business Partner - Resourcing / Resourcing Team Supervisor if necessary.

- This can only be agreed if at least one satisfactory reference has been received and the employee has been OH cleared.

If employed before the results of the DBS check have come back, the employee (if a frontline staff member) must be accompanied and supervised at all times by a suitably qualified and experienced staff member. In this situation, employment will continue to be on a conditional basis until all pre-employment checks have been carried out to the Trust's satisfaction.

4 Withdrawing Conditional Offers

Where there is a problem, or difficulty in securing suitable pre-employment checks within a reasonable timeframe, the Resourcing Team will discuss this with the Recruiting Manager. The Recruiting Manager will be responsible for deciding whether an offer of employment is to be withdrawn.

The Recruiting Manager may refer complex or difficult cases to the HR Business Partner - Resourcing for advice.

When a decision is made to withdraw a conditional offer of employment, the Recruiting Manager will notify the candidate in writing, with ‘failure to satisfy pre-employment checks’ given as the reason.

Where an employee has commenced employment on a conditional basis, pending completion of pre-employment checks, and these turn out to be unsatisfactory or are not obtained within a reasonable timeframe, the Resourcing Team Supervisor will notify the appropriate Recruiting Manager and HR Business Partner - Resourcing. The Recruiting Manager will take the necessary action to terminate the employee’s employment giving ‘failure to satisfy pre-employment checks’ as the reason with advice being provided by the HR Business Partner - Resourcing.

5 Monitoring of Checks

The status of pre-employment checks will be recorded by the Resourcing Team in the TRAC system and then, upon completion, the information will be inputted and maintained on ESR by the HR Performance Team.

The Resourcing Team will ensure that completed files are sent to the ESR team. A sample of files will be audited and checked on a regular basis by the Resourcing Team Supervisor.

Terms and Conditions of employment are not issued until all pre-employment checks are completed and the personal files are agreed as complete on TRAC by the Resourcing Team Supervisor.

The HR Business Partner - Resourcing will monitor completion of checks periodically to ensure the necessary standards are being met, and report any issues to the Head of HR Operations.

6 Procedures for Checking - During Employment

Checks that are subject to regular rechecks:

- Professional Registration
- Disclosure and Barring Service (DBS)
- Right to Work

The HR Performance Team will run regular reports from ESR to identify any checks, including professional registration that are close to expiring / will be requiring revalidation. The details of the checks, and the names of the individuals concerned, will be presented to the Employee Relations Team and more specifically the relevant Senior HR Advisor.

The HR Performance Team will then notify all affected employees that they are required to complete the relevant check / revalidation and, in the case of a DBS check, will send the employee the information that they require to complete the process.

The employee is responsible for ensuring that they complete the necessary checks / revalidation once notified before the employment checks / revalidation in question expires.

Where it is necessary to present ID, the employee should present this to their Line Manager, except in the case of Right to Work documentation which should be taken to their nearest approved document checker (list is held by the Resourcing and Employee Relations Teams).

Selected groups of staff (substantive and bank workers) will be required to complete a DBS check every three years whist employed by Sussex Partnership (i.e. children services, learning disability services, and forensic services). For other groups of staff, a DBS self declaration form must be completed as part of the annual appraisal process. Failure to maintain appropriate DBS clearance, or to comply with the Trust procedure, will be treated as a breach of the terms and conditions of employment and may ultimately result in dismissal.

If a DBS check comes back with a new disclosure on it, the Line Manager of the member of staff concerned will meet with them and complete a Manager's DBS Interview Form and return it to the relevant Senior HR Advisor. Failure to comply with the Employment Checks Guidelines could lead to:

- Downgrading of post (Professional Registration)
- Requirement to take unpaid leave, special leave or paid Annual Leave until the check is satisfactorily completed
- Suspension under the Disciplinary Policy and Procedure

7 Related Policies

The following should be read in conjunction with these Guidelines:

- Recruitment & Selection Policy and Procedure
- Disciplinary Policy and Procedure
- Providing a Reference Policy

https://policies.sussexpartnership.nhs.uk/workforce

Appendix 1

The table below illustrates the different checks that will be carried out for both internal and external applicants.

Type of Check	**Internal Applicant**	**External Applicant**
Identity	Yes	Yes (see section 3.2)
Right to Work	Yes	Yes (see section 3.3)
DBS	No (only if there is a change in the type of check required e.g. working with adults to working with children, etc.)	Depends (see section 3.4)
Professional Registration	Depends (see section 5)	Depends (see section 3.5)
Driving Licence	Depends (see section 6)	Depends (see section 3.6)
References	Yes (from current Line Manager)	Yes (see section 3.7)
Occupational Health	Depends (see section 8)	Yes (see section 3.8)