

Lead Employer Safer Recruitment and Employment Policy

Document Summary

This policy sets out the standards for carrying out the required checks in line with the NHS Employment Check Standards to ensure patient and staff safety.

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Important Note:

The Intranet version of this document is the only version that is maintained.

Any printed copies should therefore be viewed as “uncontrolled” and, as such, may not necessarily contain the latest updates and amendments

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1. SCOPE

The contents of this policy apply to all candidates applying for a training post that will be employed by St Helens and Knowsley NHS Teaching Hospital Trust Lead Employer as a Doctor or Dentist in training (herewith referred to as Trainees). It also applies to all Lead Employer staff and external organisations including those representing the LETB and Host Trusts, undertaking safer recruitment and employment checks for Lead Employer, to ensure that a fair and consistent approach is adopted.

2. INTRODUCTION

Lead Employer has a duty to carry out a number of legal pre-employment and post-employment checks, which are prescribed by national guidance and are outlined in this policy. Where practical and necessary, this policy goes beyond this level to promote patient and staff safety.

Safer recruitment and employment in the National Health Service is dictated by the NHS Employment Check Standards. Any instance where greater clarity is needed regarding this policy must be referred to the Lead Employer Department.

Lead Employer will carry out all recruitment and employment checks in compliance with relevant anti-discrimination legislation. Lead Employer will ensure employment takes place in line with the Trust's Equality and Diversity policy.

All recruitment and employment checks will also be carried out in compliance with the Data Protection Act 1998. Information should only be obtained when required to make an essential recruitment or employment decision. Lead Employer will ensure pre-employment checks take place after a provisional decision to offer employment has been made. In instances where the information has been required earlier in the process (at interview or short-listing), Lead Employer must be prepared to demonstrate why this is the case e.g. the protection of patients and staff. Pre-employment checks exist to support the employment decision and will not be used as a short-listing tool.

3. STATEMENT OF INTENT

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
2. Right to Work
3. Professional Registration and Qualifications
4. Employment History and References
5. Criminal Record and Barring Checks
6. Work Health Assessments

The aim of this policy is to ensure these checks are efficiently and successfully managed to ensure patient and staff safety.

4. DEFINITIONS

- 4.1** Verification of Identity – the requirements to verify the identity of prospective employees
- 4.2** Right to Work – the requirements to verify a prospective employee's and current employee's legal right to work in the UK
- 4.3** Professional Registration - refers to all posts which require the Trainee to be suitably qualified in their field as a demand of their post and thus registered with the relevant professional body to enable the Trainee to work in the specialist field. In addition, the clinical professional is legally obliged to periodically renew their registration with their respective professional bodies in order to practice.
- 4.4** Qualifications – the requirement to verify a prospective Trainee's qualifications to ensure they are suitably qualified for a role
- 4.5** Employment History and References – the requirement to verify a prospective Trainee's employment history and to obtain references.
- 4.6** Criminal Record and Barring – the requirement to carry out checks relating to a prospective Trainee's and current Trainee's criminal record when appointing them to a position which involves working with children and/or vulnerable adults as part of their normal duties.
- 4.7** Work Health Assessments – the requirement to check the health of a prospective Trainee and a current trainee based on a risk assessment of the role.

5. DUTIES ACCOUNTABILITIES AND RESPONSIBILITIES

5.1 The Chief Executive

The ultimate responsibility in the area of legislative adherence lies with the Chief Executive.

5.2 Board of Directors

The Board of Directors are responsible for ensuring that this policy is being adhered to both collectively and by the management and staff in their area of responsibility. The monitoring of the impact of the policy will be delegated to the Workforce Council and the auditing to the Lead Employer management team. The HR Director and Workforce Council will highlight any areas of significant shortfall identified to the Governance Board (a sub-committee of the Board).

5.3 Director of Human Resources

The Director of Human Resources has a responsibility to ensure legislation in the area of recruitment and employment is adhered to at all times. Specific responsibility for areas such as auditing and monitoring may be delegated by the Director of HR to particular individuals within the Lead Employer department but the final responsibility remains with the HR Director. The management team in Lead Employer are responsible for escalating any areas of concern following monitoring to the HR Director, who where necessary will highlight to the Board of Directors.

5.4 Workforce Council

The Workforce Council are responsible for monitoring the impact of the policy including any resulting equality issues on behalf of the Board. Any issues of significant concern must be escalated to the Governance Board.

5.5 Lead Employer Local Negotiating Committee

The Lead Employer Local Negotiating Committee (LNC) is responsible for approving this policy.

5.6 Heads of School (HoS) and Training Programme Directors (TPDs)

Heads of School (HoS) and Training Programme Directors (TPDs) participating in the recruitment and employment of trainees must ensure this policy and best practice is followed. Where any doubt exists they must take appropriate action for which they are responsible in line with this policy. HoS and TPD's must liaise with the Lead Employer HR department to alleviate any doubts in this area.

5.7 Candidates and Trainees

It is the responsibility of candidates and Trainees to adhere to the safer recruitment and employment policy and process. The policy is available for candidates and Trainees on the Lead Employer website or by contacting Lead Employer.

All Trainees requiring professional registration for their role have a statutory duty to keep their professional registration up to date. In cases where any doubt exists, they must discuss any issues with Lead Employer. Trainees must note that failure to have current appropriate professional registration may lead to disciplinary action up to and including dismissal, (see the Lead Employer Disciplinary policy).

All Trainees also have a duty to inform Lead Employer of any other occurrence or event which may affect or potentially jeopardise their capability, effectiveness or legal capacity to undertake their role including any criminal convictions or cautions. Failure to fulfil this obligation may lead to disciplinary action up to and including dismissal, (see the Lead Employer Disciplinary policy).

5.8 Lead Employer

Lead Employer is responsible for:

- ensuring this policy is adhered to at all times
- being satisfied that all appropriate pre-employment and employment checks are satisfactorily carried out
- raising any issues or queries and resolving checks as outlined in section 6 of this policy.
- applying for all DBS Disclosures associated with employment.
- ensuring all documents and other checks are correct as detailed under section 6 of this policy.
- seeking guidance from the responsible government department including the UK Border Agency where appropriate.
- assisting in the recruitment process by resolving issues with regulatory bodies and qualification awarding authorities, and liaising with HoS and TPDs responsible for recruitment.
- monitoring and auditing of the policy

5.9 Health, Work and Well Being Service

The Health, Work and Well Being Service have the role of informing and advising Lead Employer, HoS and TPDs to ensure informed decisions are made in relation to:

- any health/medical related risks inherent in a specific role
- successful candidate's medical fitness in relation to any identified risks by conducting pre-employment medical assessments
- reasonable adjustments to be made as required enabling these individuals to fulfil their role.

6. PROCESS

Where the system allows, all pre-employment and employment checks will be recorded on ESR by Lead Employer which will be an auditable system.

The recruitment process applies to all Trainees being recruited to a new role via an Inter-Deanery Transfer unless otherwise stated

6.1 Verification of Identity

The identity of a prospective Trainee must be verified prior to the commencement of employment in order to determine that the identity is genuine and relates to a real person and establish that the individual owns and is rightfully using that identity

Lead Employer will abide by the NHS Employers Verification of Identity Standard and identity checks will be undertaken using documents highlighted in the Verification of Identity Standard

Verification of Identity for Recruitment Process

- 6.1.1** Where Lead Employer is responsible for inviting candidate's to interview, Lead Employer will advise the candidate prior to interview to bring with

them the required original documents as detailed in the Verification of Identity Standard to confirm their identity at interview.

- 6.1.2** Where Lead Employer is responsible for administering interviews, Lead Employer will verify the identity of the candidate at interview by ensuring original documents meet the requirements as detailed in the Verification of Identity Standard. Copies of the original documentation will be kept and a record made to confirm original copies have been seen.
- 6.1.3** Where a candidate is unable to produce the necessary original documentation at interview to verify their identity, they will not be interviewed.
- 6.1.4** For recruitment and selection processes undertaken by national lead recruiters, where a successful candidate has not provided original documentation at interview to verify their identity in line with the Verification of Identity Standard, Lead Employer will be unable to make an unconditional offer of employment unless this process is complete and compliant. If a candidate is unable to provide the required documents to confirm their identity within 2 weeks of the date of their conditional offer of employment from Lead Employer, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.1.5** Where original documents have not been provided at interview, the candidate must attend an appointment with Lead Employer to present their original documents **or provide copies of verified originals using the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.**
- 6.1.6** For successful candidates, Lead Employer will record the identification documentation check on ESR
- 6.1.7** Trainees currently employed by Lead Employer who are attending an interview with Lead Employer for another post must bring with them the required original documents as detailed in Verification of Identity Standard to confirm their identity at interview.
- 6.1.8** Any cases where there is doubt regarding identity must be referred to a member of the Lead Employer HR management team.

6.2 Right to Work Checks

Under the Immigration, Asylum & Nationality Act 2006 and the NHS Employers Right to Work Standard, Lead Employer is committed to ensuring prospective Trainees can demonstrate an entitlement to work in the UK. Trainees without a permanent right to work in the UK have a responsibility to maintain their right to work in the UK during their employment with Lead Employer.

Recruiters must not make assumptions about a job candidate's right to work in the UK or immigration status on the basis of his or her colour, race, nationality, ethnic or national origins or on the length of time the person has been in the UK as it is unlawful to treat a job applicant less favourably on the grounds of his or her nationality.

By Lead Employer checking and copying original documents of a person's right to live and work in the UK, this provides the Lead Employer with an 'excuse' (terminology in the Immigration, Asylum & Nationality Act 2006) against liability for employing an illegal immigrant.

Right to Work for Recruitment Process

- 6.2.1** Where Lead Employer is responsible for inviting candidate's to interview, Lead Employer will advise the candidate prior to interview to bring with them the required original documents as detailed in the Right to Work Standard to confirm their right to work in the UK.
- 6.2.2** Where Lead Employer is responsible for administering interviews, Lead Employer will verify the candidate's right to work in the UK at interview by ensuring original documents meet the requirements as detailed in the Right to Work Standard. Copies of the original documentation will be kept, and a record made to confirm original copies have been seen.
- 6.2.3** Where a candidate advises the Lead Employer HR department a minimum of 3 working days before the interview that they will be unable to produce the necessary documentation at interview, the interview should go ahead and the matter highlighted to Lead Employer. Lead Employer will then ensure that the matter is handled such that the NHS Employers Right to Work Standard is adhered to if the candidate was offered a post.
- 6.2.4** Where original documents have not been provided at interview, the candidate must attend an appointment with Lead Employer to present their original documents or **provide copies of verified originals using the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.**
- 6.2.5** Lead Employer will be unable to make an unconditional offer of employment to a candidate unless this process is complete and compliant. Where a candidate is unable to produce the necessary documentation to confirm their right to work in the UK within 2 weeks of the date of their conditional offer of employment from Lead Employer, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.2.6** **Where a certificate of sponsorship is required, the candidate will be required to follow the sponsorship processes as determined by Health Education England**
- 6.2.7** Where a candidate provides evidence of an outstanding application or appeal with the U.K. Borders Agency (UKBA), Lead Employer will seek the candidates consent to undertake a check of their right to work status via the UKBA Employer Checking Service.
- 6.2.8** For successful candidates, Lead Employer HR staff will record their right to work in the UK documentation check on ESR
- 6.2.9** For Trainees currently employed by Lead Employer and offered a new post, Lead Employer will ascertain whether the documentation check previously undertaken meets the requirements of the Right to Work Standard. If sufficient, the Trainee will not be required to produce right to work in the UK documentation. Where current documentation does not meet the requirements of the Right to Work Standard, the Trainee must provide the required original documents to confirm their right to work in the UK within 2 weeks of the date of their conditional offer of employment from Lead Employer. If the Trainee is unable to provide this documentation within 2 weeks of the date of their conditional offer of employment, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.

- 6.2.10** Any cases where there is doubt regarding the right to work in the UK must be referred to a member of the Lead Employer HR management team.

Right to Work of Employees Process

Following a Trainee commencing employment with Lead Employer, where documents have been produced that do not give the Trainee a permanent right to live and work in the UK, Lead Employer have a duty to ensure on-going right to work in the UK checks are carried out upon expiry of a Trainee's current right to live and work in the UK, and periodically.

Where right to work in the UK entitlement is due to expire for Trainees:

- 6.2.11** Lead Employer will run monthly reports of Trainees whose right to work in the UK is due to expire in the next 3 months.
- 6.2.12** Lead Employer will contact the Trainee a minimum of 2 months before the expiry date of their right to work in the UK to request original documentation to confirm their right to work in the UK has been extended beyond the expiry date.
- 6.2.13** Trainees must attend an appointment with Lead Employer to present their original documents or **provide copies of verified originals using the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.**
- 6.2.14** Where original documentation to evidence the Trainee's right to work in the UK beyond the current expiry date is provided, Lead Employer will record the information in ESR, place a copy of the documentation on the Trainee's personal file and record that the original documents have been verified.
- 6.2.15** Where a certificate of sponsorship is required, the candidate will be required to follow the sponsorship processes as determined by Health Education England
- 6.2.16** Where a Trainee provides evidence of an outstanding application or appeal with the UKBA, Lead Employer will seek the Trainees consent to undertake a check of their status via the UKBA Employer Checking Service.
- 6.2.17** Checks will be repeated until a Trainee provides documents indicating that they can remain permanently in the UK or they leave the employment of Lead Employer.
- 6.2.18** If a Trainee fails to produce the required documentation by the expiry date of their right to work in the UK, Lead Employer will advise a member of the Lead Employer management team who will notify the UKBA and for Tier 2 sponsored Trainees, Health Education England, of the failure to produce documentation and seek advice as to how to proceed.
- 6.2.19** Where appropriate, the Trainee will be excluded from work subject to an investigation in line with the Lead Employer Disciplinary Policy and Procedure until the Trainee can produce the documentation to evidence their right to work in the UK or a decision is made to terminate their employment.

Where Trainees do not have a permanent right to work in the UK:

- 6.2.20** Trainees who do not have a permanent right to work in the UK must inform Lead Employer of any changes to their right to work in the UK status or contact details as they occur.

- 6.2.21** Lead Employer will run an annual report to identify all Trainees who do not have a permanent right to work in the UK
- 6.2.22** Lead Employer will contact all of these Trainees to undertake a document check on their right to live and work in the U.K. status and to obtain confirmation of any changes to the Trainee's contact details.
- 6.2.23** Trainees must attend an appointment with Lead Employer to present their original documents or **provide copies of verified originals using the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.**
- 6.2.24** Where a Trainee provides evidence of an outstanding application or appeal with the UKBA, Lead Employer will seek the Trainees consent to undertake a check of their status via the UKBA Employer Checking Service.
- 6.2.25** The date of the annual document check of a Trainee's right to live and work in the U.K. will be recorded in ESR and copies of documentation will be placed on the Trainee's personal file with a record to confirm the original documents have been verified.
- 6.2.26** Where the Trainee's right to work in the UK status or contact details change, Lead Employer will record the information in ESR.
- 6.2.27** Where Trainees who do not have a permanent right to work in the UK do not inform Lead Employer of any changes to their right to work in the UK status or contact details, or do not provide original documentation to evidence their right to live and work in the U.K. on an annual basis, where appropriate, the Trainee will be excluded from work subject to an investigation in line with the Lead Employer Disciplinary Policy and Procedure.
- 6.2.28** Lead Employer will ensure the UKBA are informed if any of the following events occur within 10 working days of the event:
- a Trainee does not turn up on their first day of work
 - if the Trainee leaves before the end date on their certificate of sponsorship for a Tier 2
 - if the Trainee moves to a new immigration category i.e. IDL
 - change in job i.e. promotion, less than full-time
 - maternity, paternity, adoption, or sickness absence over 4 weeks
 - TUPE transfer
 - Unauthorised absence for 10 working days - inform the UKBA within 10 working days of the 10th day

6.3 Professional Registration

The need of an individual to have professional registration with the requisite regulatory body is central to Safer Recruitment practice within the NHS. Lead Employer and all staff involved in the recruitment, selection and employment of Trainees will abide by the NHS Employers Professional Registration and Qualifications Standard for professional registration.

Professional Registration for Recruitment Process

- 6.3.1** Before Lead Employer interviews for a role, Lead Employer must check whether the person specification for the role requires candidates to have professional registration.
- 6.3.2** If professional registration is required, where Lead Employer is responsible for inviting candidate's to interview, Lead Employer will advise

the candidate prior to interview to bring with them original documents to confirm their professional registration.

- 6.3.3** Where Lead Employer is responsible for administering interviews, Lead Employer will verify the professional registration of the candidate at interview. Copies of the original documentation will be kept, and a record made to confirm original copies have been seen.
- 6.3.4** Where a candidate advises Lead Employer a minimum of 3 working days before the interview that they will be unable to produce the necessary documentation at interview, the interview should go ahead and the matter highlighted to Lead Employer. Lead Employer will then ensure that the matter is handled such that the NHS Employers Professional Registration and Qualifications Standard is adhered to if the candidate is offered a post.
- 6.3.5** Where original documents have not been provided at interview, the candidate must attend an appointment with Lead Employer to present their original documents or **provide copies of verified originals using the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.**
- 6.3.6** Lead Employer will be unable to make an unconditional offer of employment to a candidate unless this process is complete and compliant. Where a candidate is unable to produce the necessary documentation at interview, if a candidate is unable to provide the required documents to confirm their professional registration within 2 weeks of the date of their conditional offer of employment from Lead Employer, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.3.7** For Trainees currently employed by Lead Employer, Lead Employer will ascertain whether the documentation check previously undertaken meets the requirements of the Professional Registration and Qualifications Standard. If sufficient, the Trainee will not be required to produce professional registration documentation. Where current documentation does not meet the requirements of the Professional Registration and Qualifications Standard, the Trainee must provide the required original documents to confirm their professional registration within 2 weeks of the date of their conditional offer of employment from Lead Employer. If the Trainee is unable to provide this documentation within 2 weeks of the date of their conditional offer of employment, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.3.8** Before the professional registration check can be confirmed as satisfactory, Lead Employer must check with the regulatory body whether the registration is subject to any current restrictions that may affect their ability to undertake the duties of the role they have applied for, or if there are investigations against them about their fitness to practise that the regulatory body has a duty to disclose.
- 6.3.9** If the regulatory body advises Lead Employer of restrictions on practice or investigations, Lead Employer must refer to a member of the Lead Employer management team for a decision as to whether the candidate's professional registration is satisfactory for the role. The Lead Employer manager will ensure the relevant parties are involved in such a decision i.e. the LETB, Training Programme Director and Lead Employer Medical Director.

- 6.3.10** The outcome of the decision will be recorded on the Pre-employment Concerns Tracker and the candidate advised whether their offer of employment remains or has been withdrawn.
- 6.3.11** For successful candidates, Lead Employer will record the professional registration check on ESR.
- 6.3.12** When the fitness to practice of a candidate has been called into question during the recruitment process, the Head of School and/or Training Programme Director (TPD) will escalate this matter to Lead Employer who will comply with the national recruitment guidance issued by Health Education England
- 6.3.13** Any cases where there is doubt regarding professional registration must be referred to a member of the Lead Employer management team.

Professional Registration for Employees Process

- 6.3.14** All Trainees requiring on going professional registration with a regulatory body will have this confirmed in their contract of employment issued within 8 weeks of their commencement of employment.
- 6.3.15** Lead Employer will run monthly reports of Trainees whose professional registration is due to expire in the next month.
- 6.3.16** Lead Employer will contact the Trainee before the expiry date of their professional registration to advise the Trainee that their professional registration requires renewal.
- 6.3.17** Lead Employer will monitor the renewal of the Trainees professional registration via the relevant online website
- 6.3.18** Where the Trainee's professional registration is extended beyond the current expiry date, Lead Employer will record the information in ESR and place a copy of the documentation on the Trainee's personal file.
- 6.3.19** If a Trainee fails to renew their professional registration by the expiry date, Lead Employer will advise a member of the Lead Employer management team for consideration of further action.
- 6.3.20** Where appropriate, the Trainee will be excluded from work subject to an investigation in line with the Lead Employer Disciplinary Policy and Procedure until the Trainee renews their professional registration or a decision is made to terminate their employment.
- 6.3.21** In the event that a Trainee has their professional registration revoked, where appropriate, the Trainee will be excluded from work subject to an investigation in line with the Lead Employer Disciplinary Policy and Procedure until the Trainee can produce the documentation to evidence their professional registration or a decision is made to terminate their employment.

6.4 Qualifications

Lead Employer will comply with the NHS Employers standards as outlined in the Professional Registration and Qualification Checks Standard. Qualifications that are essential for a role must be written in the person specification, which are produced nationally or by the Training Programme Director where not available nationally.

Qualifications for Recruitment Process

- 6.4.1 Before Lead Employer interviews for a role, Lead Employer will check whether the person specification for the role requires candidates to have qualifications.
- 6.4.2 If qualifications are required, where Lead Employer is responsible for inviting candidate's to interview, Lead Employer will advise the candidate prior to interview to bring with them to interview original documents to confirm their qualifications.
- 6.4.3 Where Lead Employer is responsible for administering interviews, Lead Employer will verify the qualifications of the candidate at interview in line the NHS Employers Professional Registration and Qualifications Standard. Copies of the original documentation will be kept and a record made to confirm original copies have been seen.
- 6.4.4 Where a candidate advises Lead Employer a minimum of 3 working days before the interview that they will be unable to produce the necessary documentation at interview, the interview should go ahead and the matter highlighted to Lead Employer. Lead Employer will then ensure that the matter is handled such that the NHS Employers Professional Registration and Qualifications Standard is adhered to if the candidate is offered a post.
- 6.4.5 Where original documents have not been provided at interview, the candidate must attend an appointment with Lead Employer to present their original documents **or provide copies of verified originals using the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.**
- 6.4.6 Lead Employer will be unable to make an unconditional offer of employment to a candidate unless this process is complete and compliant. Where a candidate is unable to produce the necessary documentation at interview, if a candidate is unable to provide the required documents to confirm their qualifications within 2 weeks of the date of their conditional offer of employment from Lead Employer, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.4.7 For successful candidates, Lead Employer will record the qualifications check on ESR.
- 6.4.8 For Trainees currently employed by Lead Employer, Lead Employer will ascertain whether the documentation check previously undertaken meets the requirements of the Professional Registration and Qualifications Standard and the qualifications detailed in the person specification for the new role. If sufficient, the Trainee will not be required to produce qualifications documentation. Where current documentation does not meet these requirements, the Trainee must provide the required original documents to confirm their qualifications within 2 weeks of the date of their conditional offer of employment from Lead Employer. If the Trainee is unable to provide this documentation within 2 weeks of the date of their conditional offer of employment, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.4.9 Lead Employer must be satisfied that the original qualification documents submitted by the candidate match those referred to in the person specification and application for employment. Where any doubts exist, the examining board must be contacted for clarification. The National

Academic Recognition Information Centre (NARIC) of the United Kingdom exists to assist in this area. Their website can be consulted.

- 6.4.10** Any cases where there is doubt regarding qualifications must be referred to a member of the Lead Employer management team.

6.5 Employment History and Reference Checks

The Lead Employer will adhere to NHS Employers Employment History and References Check Standards. References assist in the verification of a person's identity and underpin the employment decision by checking competencies and qualifications gained during previous employment.

Employment History and Reference Checks for Recruitment Process

- 6.5.1** Where a conditional offer of employment has been made, Lead Employer will contact the candidate's current and previous employer, educational or clinical supervisor in writing to request a reference in line with the NHS Employers Employment History and References Check Standards
- 6.5.2** Lead Employer will verify the content of references and refer any queries to a member of the Lead Employer management team for a decision as to whether the reference satisfactorily meets pre-employment check standards.
- 6.5.3** Where there is a concern, the outcome of the decision will be recorded on the Pre-employment Concerns Tracker and the candidate advised whether their offer of employment remains or has been withdrawn.
- 6.5.4** References will be kept on the candidates personal file and Lead Employer will record the receipt of references on ESR and whether the reference is satisfactory
- 6.5.5** Lead Employer will be unable to make an unconditional offer of employment to a candidate unless this process is complete and compliant. If references are not able to be obtained for a candidate or are not satisfactory, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.5.6** For Trainees currently employed by Lead Employer, Lead Employer will ascertain whether the employment history and reference check previously undertaken meets the requirements of the Employment History and References Check Standards for their new role. If sufficient, additional references will not be required. Where current references do not meet the requirements of the Employment History and References Check Standards for their new role, Lead Employer will contact the relevant referees for a reference. If references are not able to be obtained for a Trainee or are not satisfactory, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.5.7** Any cases where there is doubt regarding references must be referred to a member of the Lead Employer management team.

6.6 Criminal Record and Barring (DBS) Checks

It is Lead Employer policy to ensure that where roles meet the requirements for a DBS disclosure, candidates and Trainees have had appropriate checks as outlined by the NHS Employers Criminal Record and Barring Checks Standard and the DBS

Code of Practice. The Disclosure and Barring Service Policy states in more detail the Lead Employer's process for DBS disclosures.

All Trainees recruited to a post from **1st September 2014** will be required to pay the DBS costs for the post they are recruited to.

DBS Disclosures for Recruitment Process

- 6.6.1** Where Lead Employer has responsibility for advertising a vacancy, prior to the role being advertised, Lead Employer will decide whether a DBS disclosure is required for the role based on the information in the job description and person specification and the DBS Code of Practice.
- 6.6.2** Where a role meets the requirements for a DBS disclosure and Lead Employer has responsibility for advertising the vacancy, this will be stated in the advert for the post
- 6.6.3** Where Lead Employer is responsible for inviting candidate's to interview, Lead Employer will advise candidates prior to interview to bring with them to interview the required original documents as detailed by the DBS to support their DBS application, or if they are registered with the DBS Update Service, their original DBS certificate registered with the DBS Update Service.
- 6.6.4** Where Lead Employer is responsible for administering interviews, Lead Employer will verify candidate's original documents for their DBS application at interview or their original DBS certificate registered with the DBS Update Service. Copies of the original documentation will be kept and a record made to confirm original copies have been seen. Candidates will also be required to complete a DBS Consent form.
- 6.6.5** Where a candidate advises Lead Employer a minimum of 3 working days before their interview that they will be unable to produce the necessary documentation at interview, the interview should go ahead. Lead Employer will then ensure that the matter is handled such that the NHS Employers Criminal Record and Barring Check Standard is adhered to if the candidate is offered a post.
- 6.6.6** Upon a conditional offer of employment, where candidates are required to apply for a DBS disclosure, Lead Employer will ensure all original documents have been provided as per the DBS Code of Practice and NHS Employers Criminal Record and Barring Check Standard. Where documents are incomplete, candidates will be required to attend an appointment with Lead Employer to present their original documents **or submit verified copies of their original documents via the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.**
- 6.6.7** Once all necessary identity documents have been provided, candidates will be requested by Lead Employer to complete an electronic application for a DBS.
- 6.6.8** **Where candidates are registered with the DBS Update Service and have provided their original DBS certificate registered with the service, their DBS will be reviewed by Lead Employer to ensure it meets the requirements of the post and an online check will be undertaken to ascertain whether any information on the certificate has changed.**
- 6.6.9** **Where an online check indicates the original DBS certificate registered with the DBS Update Service has changed, or where the original DBS certificate registered with the Update Service does not meet the**

requirements of the post, the candidate will be required to complete a new DBS application. The candidate will need to provide the original identity documents required for a DBS check and then complete an online application for a DBS disclosure.

- 6.6.10** At the conditional offer stage, all candidates requiring a DBS disclosure for the post will be required to complete a DBS Declaration form to give the candidate an opportunity to declare any information regarding convictions and cautions that may be identified in their DBS disclosure. All candidates as part of their application and conditional offer of employment have an obligation to declare this information and as such, the DBS Declaration form is not a necessary pre-employment check but an extra opportunity for candidates to declare any information relevant to their DBS.
- 6.6.11** If a candidate is unable to provide the required documents to support the NHS Employers Criminal Record and Barring Check Standard as part of their conditional offer of employment within 2 weeks of the date of their conditional offer of employment from Lead Employer, or if a DBS check is required, they do not complete their DBS application within 2 weeks of receipt, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.6.12** For Trainees currently employed by Lead Employer who have been offered a new post which will also be employed by Lead Employer, Lead Employer will ascertain whether the DBS check previously undertaken meets the requirements of the NHS Employers Criminal Record and Barring Check Standard. If sufficient, a new DBS check will not be required. Where the current DBS does not meet the requirements of the Criminal Record and Barring Check Standard, a DBS check will be required. If the Trainee does not provide the required documents to support their DBS application within 2 weeks of the date of their conditional offer of employment from Lead Employer or complete their DBS application within 2 weeks of receipt, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.6.13** If a candidate states they have never lived in the U.K., a DBS disclosure will still be obtained, in addition to the candidate's overseas criminal records. These checks must be in line with the individual's countries justice system and take account of best practice as outlined by NHS Employers in the Criminal Record and Barring Check Standard. The DBS website offers up to date advice in this area and details how individuals may obtain a criminal record or certificate of good conduct from overseas.
- 6.6.14** Where a candidate's current address is not within the U.K., they will be required to provide a Certificate of Good Standing from their current country of residence as per the NHS Employers Criminal Record and Barring Check Standard. The candidate will also be required to meet the DBS requirements for the post.
- 6.6.15** Upon receipt of a DBS disclosure outcome, Lead Employer will review the outcome to ascertain whether the DBS is satisfactory. Where a positive disclosure is identified, Lead Employer will need to consider whether it satisfactorily meets pre-employment check requirements, refer to the Lead Employer DBS policy for further guidance
- 6.6.16** Following receipt of a DBS disclosure, a record will be made of the level of check undertaken, the role it was undertaken for, the date of issue of the disclosure, the disclosure number and the appointment decision. Details of the DBS disclosure will be recorded on ESR.

- 6.6.17** DBS disclosure certificates and DBS Declaration forms will be destroyed in line with the secure storage, handling, use, retention and disposal of disclosures and disclosure information guidance as per the Lead Employer DBS policy.
- 6.6.18** As per the NHS Employers Criminal Record and Barring Check Standard, Trainees may start in a post providing they can provide evidence of a satisfactory DBS within the last 3 years, and a risk assessment is undertaken by Lead Employer. The offer of the post will remain conditional until a satisfactory DBS disclosure is received, refer to the Lead Employer DBS policy for further guidance
- 6.6.19** Lead Employer will be unable to make an unconditional offer of employment to a candidate unless the DBS process is complete and compliant with this policy, the NHS Employers Criminal Record and Barring Check Standard and the DBS Code of Practice

DBS Disclosures for Employees Process

- 6.6.20** DBS disclosures for Trainees during their employment with Lead Employer will be undertaken as required by the DBS Code of Practice or NHS Employers Criminal Record and Barring Check Standard
- 6.6.21** Lead Employer will identify Trainees who meet the requirements of the DBS Code of Practice or NHS Employers Criminal Record and Barring Check Standard using information maintained in ESR.
- 6.6.22** Lead Employer will contact these Trainees to advise the reason the DBS disclosure is required and requesting them to attend an appointment with Lead Employer to present their original documentation or submit a copy of their verified original documents via **the Post Office Verification Service to support their DBS application as detailed in the NHS Employers Criminal Record and Barring Check Standard and DBS Code of Practice. All costs for the Post office Verification Service are the responsibility of the Trainee.**
- 6.6.23** Lead Employer will verify Trainee's original documents for their DBS application as detailed in the NHS Employers Criminal Record and Barring Check Standard and DBS Code of Practice, with copies of the original documentation kept on the Trainee's personal file and a record made to confirm original copies have been seen.
- 6.6.24** Upon completion of the document check, Lead Employer will issue the Trainee with access to complete an online DBS application
- 6.6.25** Failure or refusal to attend a DBS appointment by a Trainee, to submit verified original documents and/or complete an online DBS application without good reason, would be deemed as a failure to follow a reasonable management instruction and would be dealt as a matter of misconduct and investigated in line with the Lead Employer Disciplinary Policy and Procedure
- 6.6.26** Upon receipt of a DBS disclosure outcome, Lead Employer will review the outcome to ascertain whether the DBS is satisfactory. Where a positive disclosure is identified, Lead Employer will need to consider whether it satisfactorily meets employment check requirements, refer to the Lead Employer DBS policy for further guidance
- 6.6.27** Following receipt of a DBS disclosure, a record will be made of the level of check undertaken, the role it was undertaken for, the date of issue of the disclosure, the disclosure number and the appointment decision. Details of the DBS disclosure will be recorded on ESR.

- 6.6.28** DBS disclosure certificates and DBS Declaration forms will be destroyed in line with the secure storage, handling, use, retention and disposal of disclosures and disclosure information guidance as per the Lead Employer DBS policy.

6.7 Work Health Assessments

Lead Employer will strictly adhere to the Equality Act 2010 and the NHS Employers Work Health Assessment Standard. At the recruitment stage, no enquiries about disability and health will be made before a conditional offer of employment is made.

Occupational Health for Recruitment Process

- 6.7.1** Lead Employer will request the TPD to complete an Occupational Health risk assessment of the post being recruited to before a conditional offer of employment is made to a candidate.
- 6.7.2** As part of the conditional offer of employment, Lead Employer will request the candidate to complete a medical questionnaire to be returned to the Trust's Health, Work and Well Being Service for assessment. This includes Trainees currently employed by the Lead Employer who have been conditionally offered a new post.
- 6.7.3** Lead Employer will be unable to make an unconditional offer of employment to a candidate unless this process is complete and compliant. If a candidate is unable to complete and return the required medical questionnaire details within 2 weeks of the date of their conditional offer of employment from Lead Employer, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.
- 6.7.4** The Trust's Health, Work and Well Being Service will make an assessment of the candidate's suitability for a role based on the information provided by the candidate on their medical questionnaire. This may require the Health, Work and Well Being Advisor to arrange a consultation to assess the individual's fitness for the post and if necessary in exceptional circumstances, seek further expert advice e.g. from the candidate's medical consultant.
- 6.7.5** The Health and Well Being Advisor will pass the health check results to Lead Employer who will record the information on ESR and place a copy of the medical slip on the candidate's personal file.
- 6.7.6** Where recommendations are made by the Health, Work and Well Being Service for adjustments to be made to support the candidate in the role, Lead Employer will inform a member of the Lead Employer management team who will liaise with the Lead Employer Medical Director, HoS and TPD to make a decision on employment based on this advice and the reasonableness of the adjustments proposed (refer to the Lead Employer Attendance Management Policy for guidance on 'reasonableness' of proposed adjustments).
- 6.7.7** Lead Employer will inform the Host Trust of any reasonable adjustments required to support the trainee.

6.8 Alert Notices

All NHS organisations are required to implement and manage an alert scheme in accordance with the Healthcare Professionals Alert Notices Directions (2006). Guidance regarding Alert Notices is available on the NHS Employers website.

An alert notice is a way of notifying NHS organisations about a registered health professional whose performance or conduct could pose a significant risk of harm to patients, staff and the public. Upon receipt of an Alert Notice, the details of the notice will be added to the Alert Notice database by Lead Employer.

Alert Notices for Recruitment Process

- 6.8.1** When making a conditional offer of employment to a candidate, Lead Employer will check the Alert Notice database to identify whether there are any current alerts regarding the candidate.
- 6.8.2** Where Lead Employer identifies a candidate with a current Alert Notice, the matter must be referred to a member of the Lead Employer management team
- 6.8.3** The Lead Employer management team member will review the information provided by the individual in their application forms in light of the information provided by the referring organisation, and take any appropriate action to ensure that the safety of patients and the public is maintained.
- 6.8.4** The Lead Employer management team member will ensure there is a decision as to whether the candidate satisfactorily meets the requirements of the conditional offer for the post. The conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.

Alert Notices and Employees Process

- 6.8.5** Upon receipt of an Alert Notice, Lead Employer will check the details of the individual with current Trainees in ESR to identify if the Alert Notice concerns any currently employed Trainees.
- 6.8.6** Where Lead Employer identifies a Trainee with a current Alert Notice, the Trainee will be referred to a member of the Lead Employer management team.
- 6.8.7** Lead Employer will review the information provided by the referring organisation, and take any appropriate action to ensure that the safety of patients and the public is maintained.
- 6.8.8** Where appropriate, the Trainee may be excluded from work subject to an investigation in line with the Lead Employer Disciplinary Policy and Procedure.

6.9 Performers List

The National Health Service (Performers List) Regulations (England) 2013 provide a framework within which primary care organisations can take action if a medical performer's personal and/or professional conduct, competence or performance gives cause for concern.

G.P. Trainees on a placement in a general practice or in primary care must apply to join a list before their training in general practice begins. However it is not always possible to complete the admission process before the date on which the Trainee is due to begin training. Therefore, regulation 24(5) of The National Health Service (Performers List) Regulations (England) 2013 allows a G.P. Trainee to perform primary medical services despite not being included in the list as long as the trainee has applied to join the performers list before the date on which the training is due to begin; and continues until either the Board gives the trainee the decision on the application, or for 3 months beginning with the date on which the training begins, whichever is the earlier.

Performer's List and Recruitment Process

- 6.9.1** Lead Employer will advise prospective G.P. trainees as part of their conditional offer of employment of the requirement to register with the relevant Performer's List if they are to undertake training in a general practice or primary care.
- 6.9.2** Upon confirmation of their first placement for training, prospective G.P. Trainees undertaking their first training placement in a general practice or primary care must contact the administrator of the relevant Performer's List to apply for inclusion on the Performer's List.
- 6.9.3** The administrators for the Performer's Lists will inform Lead Employer of any prospective G.P. Trainees in general practices or primary care who have not completed their application for the Performer's List before their start date
- 6.9.4** If the G.P. Trainee does not complete their Performer's List application before their start date in post, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.

Performer's List and Employee's Process

- 6.9.5** When informing G.P. Trainees of their training placement, Lead Employer will advise G.P. trainees that any Trainees who will be undertaking training in a general practice or primary care must have applied for the Performer's List before they can undertake their training in the placement.
- 6.9.6** The administrators for the Performer's Lists will inform Lead Employer of any G.P. Trainees in general practices or primary care who have not completed their application for the Performer's List before their placement start date, or whose application is not approved within 3 months of commencement of their placement.
- 6.9.7** Where appropriate, the Trainee may be excluded from work subject to an investigation in line with the Lead Employer Disciplinary Policy and Procedure.

6.10 Professional Indemnity

As per the Health Service Guidelines (96)48, NHS Indemnity: Arrangements for Handling Clinical Negligence Claims against NHS Staff, when working as a G.P. Trainee in a general practice or primary care, it is a mandatory requirement that Trainees have professional indemnity for clinical negligence before commencing their training post. When working in a secondary care placement, this will be automatically covered by NHSLA CNST.

Professional Indemnity and Recruitment Process

- 6.10.1** Lead Employer will advise prospective G.P. Trainees as part of their conditional offer of employment of the requirement to have professional indemnity cover if they are to undertake training in a general practice or primary care before they start in post.
- 6.10.2** Upon confirmation of their first placement for training, prospective G.P. Trainees undertaking their first training placement in a general practice or primary care will be contacted by Lead Employer to advise of the professional indemnity cover available through a central provider and the option to opt-out of the cover by a specified date.
- 6.10.3** A prospective G.P. Trainee must confirm in writing to Lead Employer if they want to opt-out of the professional indemnity cover by the central provider and procure their own cover by the deadline given by Lead Employer. Where a G.P. Trainee undertaking a placement at a general practice or in primary care does not contact the Lead Employer to opt-out of the scheme, it will be accepted that the Trainee requires professional indemnity cover from the central provider.
- 6.10.4** Where a G.P. Trainee opts-out of the provision of professional indemnity cover by the central provider, they must provide Lead Employer with original documentation to confirm their professional indemnity cover from their start date.
- 6.10.5** If the G.P. Trainee is not able to provide original documentation before their start date in post to confirm their professional indemnity cover, the conditional offer of employment may be withdrawn for failure to satisfactorily complete the required pre-employment checks.

Professional Indemnity and Employee's Process

- 6.10.6** When informing G.P. Trainees of their training placement, Lead Employer will advise that any Trainees who will be undertaking training in a general practice or primary care must have professional indemnity cover. For G.P. Trainees new to post from August 2012, Lead Employer will provide details of professional indemnity cover available through a central provider and the option to opt-out of the cover by a specified date.
- 6.10.7** A G.P. Trainee must confirm in writing to Lead Employer if they want to opt-out of the professional indemnity cover by the central provider and procure their own cover by the deadline given by Lead Employer. Where a G.P. Trainee undertaking a placement at a general practice does not contact Lead Employer to opt-out of the scheme, it will be accepted that the Trainee requires professional indemnity cover from the central provider.
- 6.10.8** Where a G.P. Trainee opts-out of the provision of professional indemnity cover by the central provider, they must provide Lead Employer with original documentation to confirm their professional indemnity cover from the start date of their placement.
- 6.10.9** G.P. Trainees in post before August 2012 must arrange for their own indemnity cover.
- 6.10.10** If a G.P. trainee is not able to provide original documentation before the start date of their placement, where appropriate, the Trainee may be excluded from work subject to an investigation in line with the Lead Employer Disciplinary Policy and Procedure.

6.11 Out of Programme

When Trainees are approved to go out of programme (OOP), the Trainee's out of programme is categorised as unpaid leave. Trainees therefore have a responsibility to ensure that they comply with Lead Employer's policies and processes and particularly, the Safer Recruitment and Employment policy during this time.

Trainees Going Out of Programme

- 6.11.1** Upon confirmation that a Trainee is going OOP, lead Employer will write to the Trainee to advise the Trainee that they must keep Lead Employer informed of any changes to their circumstances during their out of programme with particular reference to the Trainee's responsibilities within the Safer Recruitment and Employment policy.
- 6.11.2** The Trainee must confirm receipt of the OOP Commencement letter and that they have understood their responsibilities to keep Lead Employer informed of any changes to their circumstances during OOP in writing to Lead Employer

Trainees returning from Out of Programme

- 6.11.3** Upon confirmation that a Trainee is returning from out of programme leave, Lead Employer will write to the Trainee to ascertain if there have been any changes to their circumstances, with particular reference to the Safer Recruitment and Employment policy. The Trainee will also be required to complete a Health, Work and Wellbeing questionnaire and return it to the Health, Work and Wellbeing department for assessment
- 6.11.4** The Health, Work and Well Being Service will make an assessment of the Trainees suitability to return to the role based on the information provided by the Trainee on their medical questionnaire. This may require the Health, Work and Well Being Advisor to arrange a consultation to assess the individual's fitness for the post and if necessary in exceptional circumstances, seek further expert advice e.g. from the candidate's medical consultant.
- 6.11.5** The Health and Well Being Advisor will pass the health check results to Lead Employer who will record the information on ESR and place a copy of the medical slip on the candidate's personal file.
- 6.11.6** Where a Trainee does not contact Lead Employer to advise whether there have been any changes to their circumstances or provide the necessary information for a Health, Work and Wellbeing assessment, without good reason, there may be a delay to the Trainees return from out of programme which will be unpaid. This would be deemed as a failure to follow a reasonable management instruction and would be dealt as a matter of misconduct and investigated in line with the Lead Employer Disciplinary Policy and Procedure

6.12 Transfer of Undertakings (Protection of Employment)

Where Trainees transfer to Lead Employer under TUPE, Trainees must provide original documentation to evidence their identity and right to work in the UK within 28 days of the TUPE transfer as per the NHS Employment Check Standards. Lead Employer must obtain written assurances which verify that the previous employer

has carried out all other relevant checks in compliance with NHS Employment Check Standards. Where such assurances cannot be sought, then additional checks may be required to be undertaken by Lead Employer.

7. TRAINING

Lead Employer staff will be trained on the contents of this policy and how to apply it. Coaching and guidance for those involved in the recruitment, selection and employment of doctors and dentists in training will be delivered through a variety of methods including the issuing of policies, workshops and coaching from Lead Employer staff.

8. MONITORING COMPLIANCE WITH THIS DOCUMENT

The Lead Employer management team are responsible for the monitoring of compliance to ensure the effective use of the policy and enable action plans to be produced where there are trends or specific remedial steps are required

8.1 Key Performance Indicators of the Policy

Describe Key Performance Indicators (KPIs)	Frequency of Review	Lead
Safer recruitment checks required are assessed correctly in line with this policy and NHS Employment Check Standards	Annually	Head of Employment Services
Safer employment checks required are assessed correctly in line with this policy and NHS Employment Check Standards	Annually	Head of Employment Services
The process for following up those who fail to satisfy the checking arrangements is carried out in line with the policy	Annually	Head of Employment Services

8.2 Performance Management of the Policy

Aspect of compliance or effectiveness being monitored	Monitoring method	Individual responsible for the monitoring	Frequency of the monitoring activity	Group / committee which will receive the findings / monitoring report	Group / committee / individual responsible for ensuring that the actions are completed
Safer recruitment checks required are assessed correctly in line with this policy and NHS Employment Check Standards	Review of 5% of new starters	Head of Employment Services	Annually	Workforce Council	Head of Employment Services

Safer employment checks required are assessed correctly in line with this policy and NHS Employment Check Standards	Review of 5% of employees	Head of Employment Services	Annually	Workforce Council	Head of Employment Services
The process for following up those who fail to satisfy the checking arrangements is carried out in line with the policy	Review of 5% of new starters and employees	Head of Employment Services	Annually	Workforce Council	Head of Employment Services

9. REFERENCES/ BIBLIOGRAPHY

9.1 DBS Code of Practice

<https://www.gov.uk/government/publications/dbs-code-of-practice>

9.2 Healthcare Professionals Alert Notices Directions

<http://www.nhsemployers.org/your-workforce/recruit/employment-checks/nhs-employment-check-standards/alert-notice-system>

9.3 NHS Employment Check Standards

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

9.4 The National Health Service (Performers List) Regulations

<http://www.legislation.gov.uk/ukxi/2013/335/part/1/made>

9.5 UK Border Agency

<https://www.gov.uk/government/organisations/uk-border-agency>

10. RELATED TRUST POLICY/PROCEDURES

10.1 Lead Employer Disciplinary policy

10.2 Lead Employer DBS policy

10.3 Lead Employer Recruitment and Selection policy

Equality Analysis

St Helens and Knowsley Teaching Hospitals NHS Trust is committed to creating a culture that promotes equality and embraces diversity in all its functions as both an employer and a service provider. Our aim is to provide a safe environment, free from discrimination, and a place where all individuals are valued and are treated fairly. The Trust adheres to legal requirements and seeks to mainstream the principles of equality and diversity through all its policies, procedures and processes.

The Trust takes a zero tolerance approach to all forms of discrimination, harassment and victimisation and will make every effort to ensure that no patient or employee is disadvantaged, either directly or indirectly, on the basis that they possess any of the “protected characteristics” as defined by the [Equality Act 2010](#) . The protected characteristics are as follows: - race; disability; sex; religion or belief; sexual orientation; gender reassignment; marriage and civil partnership; pregnancy and maternity; and age.

This policy will be implemented with due regard to these commitments.

All authors of policy documents must include a completed equality analysis Stage 1 screening. Policy authors must refer to the Trust [Equality and Diversity Policy 2011](#) and the equality analysis toolkit and associated guidance documents (Stage 1 and Stage 2) available on the intranet.

Equality Analysis for this policy

<u>Equality Analysis Stage 1 Screening</u>		
1	Title of Policy:	Safer Recruitment and Employment
2	Policy Author(s):	Head of Employment Services
3	Lead Executive:	Director of H.R.
4	Policy Sponsor	Assistant Director of H.R.
5	Target Audience	All involved in the recruitment, selection and employment of doctors and dentists in training
6	Document Purpose:	This policy sets out the standards for carrying out the required checks in line with the NHS Employment Check Standards to ensure patient and staff safety.
7	Please state how the policy is relevant to the Trusts general equality duties to: <ul style="list-style-type: none"> eliminate discrimination advance equality of opportunity foster good relations 	This policy is designed to ensure that in undertaking recruitment, selection and employment processes, all are treated fairly, consistently and in a reasonable manner
8	List key groups involved or to be involved in policy development (e.g. staff side reps, service users, partner agencies) and how these groups will be engaged	Staff-side representatives via LNC Lead Employer staff
<p><i>NB Having read the guidance notes provided when assessing the questions below you must consider,</i></p> <ul style="list-style-type: none"> Be very conscious of any indirect or unintentional outcomes of a potentially discriminatory nature Will the policy create any problems or barriers to any protected group? Will any protected group be excluded because of the policy? Will the policy have a negative impact on community relations? <p>If in any doubt please consult with the Patient and Workforce Equality Lead</p>		

9	Does the policy significantly affect one group less or more favourably than another on the basis of: answer 'Yes/No' (please add any qualification or explanation to your answer particularly if you answer yes)		
		Yes/No	Comments/ Rationale
	• Race/ethnicity	No	
	• Disability (includes Learning Disability, physical or mental disability and sensory impairment)	No	
	• Gender	No	
	• Religion/belief (including non-belief)	No	
	• Sexual orientation	No	
	• Age	No	
	• Gender reassignment	No	
	• Pregnancy and Maternity	No	
	• Marriage and Civil partnership	No	
	• Carer status	No	
10	Will the policy affect the Human Rights of any of the above protected groups?	No	
11	If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?	N/A	
12	If you have identified a negative impact on any of the above-protected groups, can the impact be avoided or reduced by taking different action?	N/A	
13	How will the effect of the policy be reviewed after implementation?	The policy will be audited at least annually in line with the key performance indicators	
If you have entered yes in any of the above boxes you must contact the Patient and Workforce Equality Lead (0151 430 1042/ Annette.craghill@sthk.nhs.uk) to discuss the outcome and ascertain whether a Stage 2 Equality Analysis Assessment must be completed.			
Name of manager completing assessment: (must be one of the authors)		Jennie Ellerton	
Job Title of Manager completing assessment		Head of Employment Services	
Date of Completion:		13.05.15	

The Trust has a duty as a public body to publish all completed Equality Analysis Screening and Assessments. Please forward a copy of your completed proforma to Annette.craghill@sthk.nhs.uk

The Patient and Workforce Equality Lead will conduct an audit on all completed Screening and Assessments

Audit Template Forms

Audit Form - Safer Recruitment Checks				
Annual check of new starters – min 5% (to include 5 from each specialty team)				
Policy Standard	Names of Audited New Starters			
1. Verification of Identity				
Copy of documents are retained on the personal file	Yes / No	Yes / No	Yes / No	Yes / No
Record made to confirm verification of original documents	Yes / No	Yes / No	Yes / No	Yes / No
Check is recorded in ESR	Yes / No	Yes / No	Yes / No	Yes / No
2. Right to Work in the UK				
Copy of documents are retained on the personal file	Yes / No	Yes / No	Yes / No	Yes / No
Record made to confirm verification of original documents	Yes / No	Yes / No	Yes / No	Yes / No
Check is recorded in ESR	Yes / No	Yes / No	Yes / No	Yes / No
3. Professional Registration				
Copy of documents are retained on the personal file	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
Record made to confirm verification of original documents	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
Check is recorded in ESR	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
4. Qualifications				
Copy of documents are retained on the personal file	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
Record made to confirm verification of original documents	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
Check is recorded in ESR	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
5. Employment History and Reference Checks				
Reference from current employer is retained on the personal file	Yes / No	Yes / No	Yes / No	Yes / No
Reference from previous employer is retained on the personal file	Yes / No	Yes / No	Yes / No	Yes / No
Record made to confirm outcome of reference	Yes / No	Yes / No	Yes / No	Yes / No
Check is recorded in ESR	Yes / No	Yes / No	Yes / No	Yes / No
6. Criminal Record and Barring Check				
Record of DBS information made	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
DBS check is recorded in ESR	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A	Yes / No / N/A
7. Work Health Assessments				
Pre-employment medical clearance retained on the personal file	Yes / No	Yes / No	Yes / No	Yes / No
Occupational Health check is recorded in ESR	Yes / No	Yes / No	Yes / No	Yes / No
8. Alert Notice				
Confirmation of Alert Notice check is recorded	Yes / No /	Yes / No /	Yes / No /	Yes / No /

Audit Form - Safer Employment Checks				
Annual Check of Employees – min 5% requiring check				
Policy Standard				
1. Right to Work in the UK				
Number of expired right to work dates in ESR				
Name of Employee where right to work check is expired	Comments / Action Required			
Right to Work Annual Check	Name of Employee			
Copy of documents are retained on the personal file	Yes / No	Yes / No	Yes / No	Yes / No
Record made to confirm verification of original documents	Yes / No	Yes / No	Yes / No	Yes / No
Check is recorded in ESR	Yes / No	Yes / No	Yes / No	Yes / No
2. Professional Registration				
Number of expired professional registration dates in ESR				
Name of employee where professional registration is expired	Comments / Action Required			
Professional registration checks that have been renewed	Name of Employee			
Copy of professional registration check is retained on the personal file				
Professional registration check is recorded in ESR				
Auditor Print name:				
Signature:				
Date:				

Audit Form – Failure to Satisfy Checking Standards				
Annual Check of New Starters and Employees – min 5% of failures to satisfy checking standards				
Policy Standard			Number	
Number of new starters who failed to satisfy checking standards for:	Verification of Identity			
	Right to Work in the UK			
	Professional Registration			
	Qualifications			
	References			
	Criminal Record and Barring			
	Work Health Assessments			
	Alert Notice			
Where new starter failed to satisfy a checking standard	Name of new starter			
Process documented in policy followed?	Yes / No	Yes / No	Yes / No	Yes / No
Policy Standard			Number	
Number of employees who failed to satisfy checking standards for:	Right to Work in the UK			
	Professional Registration			
	DBS			
	Alert Notice			
Where employee failed to satisfy a checking standard	Name of employee			
Process documented in policy followed?	Yes / No	Yes / No	Yes / No	Yes / No
Auditor Print name:				
Signature:				
Date:				