



Human Resources Department

Recruitment and Selection

Pre-employment / Pre-placement Checks



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Signed:	Chief Executive and Employee Director

May 2015; please note: A policy review group has been established and has commenced reviewing this policy. The policy will be published following sign off by the APF which is anticipated during 2015.

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Pre-employment / pre-placement checks policy statement

Introduction

In NHS Borders, we need to recruit the most suitable person available for each vacancy to help us to deliver high-quality services. Our aim is to comply with anti-discrimination law and to promote equal opportunities for all.

We will ensure that employees are fit, registered, qualified and deemed safe to carry out the posts to which they have been appointed. Additionally, we will ensure that employees are legally entitled to work in the United Kingdom. This will be done by:

- ⊕ Checking the identity of applicants
- ⊕ Taking up confidential references
- ⊕ Checking relevant qualifications
- ⊕ Checking registration with relevant regulatory bodies
- ⊕ Carrying out a pre-placement health assessment
- ⊕ Carrying out a Disclosure Scotland criminal records check for those employees working with adults at risk and/or children and for posts such as Pharmacists and Financial Accountants
- ⊕ Applying for a work permit (if applicable)
- ⊕ Making any relevant statutory checks

We will carry out the relevant checks on all prospective employees as well as existing employees changing post (this includes promotion, change of job involving a change of base and any temporary move (eg acting-up or secondment)). For redeployment situations some of the above checks may be necessary (eg health assessment, Disclosure Scotland check).

Recruiting managers must ensure that all relevant pre-employment / pre-placement checks are satisfactory prior to commencement of employment.

Principles and aims

The main aims of this policy are to:

- ⊕ Help NHS Borders deliver high-quality services by recruiting the most suitable person available for each vacancy
- ⊕ Ensure that NHS Borders complies with all current and forthcoming anti-discrimination legislation
- ⊕ Ensure that NHS Borders promotes equal opportunities for all
- ⊕ Improve patient safety; **and**
- ⊕ Ensure employees' health and safety by appointing them to appropriate posts

The policy, and the protocol which goes with it, provide information on:

- ⊕ When each check requires to be carried out; **and**
- ⊕ How these checks are carried out

We will make sure that all employees have access to the pre-employment / pre-placement checks protocol. This:

- ✦ Describes the steps which all managers must follow before an individual can take up employment or change post
- ✦ Provides guidance on the various pre-employment / pre-placement check processes; **and**
- ✦ Includes the paperwork needed for these processes

Scope

This policy and protocol applies to all individuals who work for NHS Borders, including those on fixed-term and temporary contracts, those on bank, locum, honorary and voluntary contracts and students undertaking professional placements within the organisation.

Separate guidance for school pupils undertaking work experience placements is available from the Human Resources Department.

This policy and protocol have been developed with support from the Area Partnership Forum and in line with employment legislation and best practice. They apply to all managers and employees of NHS Borders, as well as prospective employees. We also commend this policy and protocol as good practice to those in the wider NHS family in Borders, such as GPs.

In relation to voluntary organisations, NHS Borders recognises their valued contribution to the delivery of healthcare and health improvement. NHS Borders, by commending this policy and protocol, will work with these organisations to ensure that there is consistent good practice. This policy and protocol will apply as part of the Borders Compact, to which NHS Borders is a co-signatory.

Recording and monitoring

The Data Protection Act 1998 allows individuals access to both computerised and paper-based information about themselves. This will impact on areas such as:

- ✦ Application forms and CVs
- ✦ Interview records
- ✦ Recruitment testing
- ✦ References
- ✦ Recruitment agencies
- ✦ Occupational health procedures and records; and
- ✦ Confidentiality and security of records

Under the Act, individuals have the right to be informed of data being collated, stored and used as well as having the right to view data.

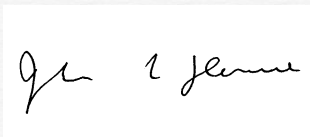
The Freedom of Information (Scotland) Act 2002 makes provision for disclosure of information held in any format by public authorities or persons providing services for them and amends the Data Protection Act 1998 and the Public Records Act 1958.

In carrying out pre-employment / pre-placement checks, NHS Borders receives a large amount of information about individuals (whether these are present or prospective employees). We aim to strike a balance between confidentiality and making sure that the right people have the right information at the right time. To do this, we will keep to the Data Protection and Caldicott principles (see **Appendix 1**). This means that all those involved in recruitment and selection will:

- ⊕ Be able to justify why information needs to be used
- ⊕ Use only the minimum possible information
- ⊕ Only pass on information on a “need to know” basis
- ⊕ Keep to the law on Data Protection (Data Protection Act 1998) as well as other relevant codes of practice (eg Disclosure Scotland code of practice); and
- ⊕ Be aware of their responsibilities around confidentiality

Relevant legislation

This policy and protocol have been developed in line with the Rehabilitation of Offenders Act 1974; Rehabilitation of Offenders Act 1974 - (Exclusions and Exceptions) (Scotland) Order 2003 (as amended); Part V of the Police Act 1997; Protection of Children (Scotland) Act 2003; Serious and Organised Crime and Police Act 2005 and the Asylum and Immigration Act 1996. Changes to legislation will take precedence over the contents of this policy / protocol.



Chief Executive



Employee Director

Pre-employment / pre-placement checks protocol

1 General information on pre-employment / pre-placement checks

Managers must remember that pre-employment checks are not a substitute for robust and comprehensive recruitment and selection procedures. The checks exist to enhance the process and should be used in conjunction with other selection methods as well as with equal opportunities legislation.

NHS Borders aims to appoint candidates according to their qualifications, abilities and training and health needs. Therefore, all recruitment paperwork (eg job descriptions, person specifications) must include clear details of qualifications, registration, skills, competencies and experience required.

Managers must be aware that a legal contract exists as soon as a job has been offered (either verbally or in writing) and the offer has been accepted (either verbally or in writing). However, the employee **must not** commence in post until all relevant checks have been completed.

The checks apply to prospective employees as well as existing employees changing post (this includes promotion, change of job involving a change of base and any temporary move (eg acting-up or secondment)). For redeployment situations some of the above checks may be necessary (eg health assessment, Disclosure Scotland check). Please refer to the Redeployment Policy and Protocol for full details.

Some of the checks will also apply to individuals who work for NHS Borders on bank, locum, honorary and voluntary contracts as well as to students undertaking professional placements within the organisation.

There are a number of checks which must be conducted either before an individual is offered employment or before they commence or change employment with NHS Borders. The protocol details what checks are appropriate for specific individuals and at which stage each check must be conducted. These checks include:

- ✦ Identity checks
- ✦ References
- ✦ Qualifications
- ✦ Registration with regulatory bodies
- ✦ Pre-placement health assessment
- ✦ Disclosure Scotland criminal records checks
- ✦ Criminal records declaration
- ✦ Work permits and working visas

✦ Statutory requirements

Recruiting managers should note that the different checks take varying lengths of time to complete and there are costs attached to some of the checks.

Further information on each of the above checks can be found in the relevant section of this protocol. **Appendix 2** gives a quick guide to pre-employment / pre-placement checks.

2 Identity checks

Identity checks must be carried out for the following groups:

- ✦ Prospective employees
- ✦ Existing employees changing post
- ✦ Employees appointed to any NHS Borders bank
- ✦ Employees appointed through locum agencies
- ✦ Locums employed directly by NHS Borders
- ✦ Employees on honorary contracts
- ✦ Students undertaking professional placements
- ✦ NHS Borders Volunteers

Process and documentation required:

Identity checks must be carried out before any offer of employment is made. The chair of the interview panel is responsible for checking the identification documents at interview. The documents should be originals and not photocopies, they should be checked for authenticity and should be in date. Ideally, candidates should provide photographic identification in the form of a passport or driving licence. If this is not available, a birth or marriage certificate will suffice as long as it is accompanied by a second form of identification such as a utility bill or bank statement.

The Human Resources Department will be responsible for ensuring that a copy of the documentation seen is held in the personal file. This will be done using a checklist to ensure that all the necessary documentation is obtained for the employee.

3 References

References must be obtained for the following groups:

- ⊕ Prospective employees
- ⊕ Existing employees changing post
- ⊕ Employees appointed to any NHS Borders bank
- ⊕ Employees appointed through locum agencies
- ⊕ Locums employed directly by NHS Borders

Process and documentation required:

Two satisfactory written references must be received before the employee commences in post. Candidates are asked to provide a referee from their present or most recent employer. The second referee should be someone who may have a closer knowledge of the candidate's skills, knowledge and abilities and who may be able to offer an opinion on suitability for employment. Recruiting managers should satisfy themselves that they have received appropriate references, particularly in terms of how recently the candidate has worked for these referees. It is not appropriate for family members or friends to provide work referees. However, there may be occasions where candidates do not have access to work references and, in such situations, character references can be accepted. In exceptional circumstances where no referees are available, the recruiting manager should discuss this with their designated Human Resources Manager to agree what action is required (eg in such a situation, it may be acceptable for a friend to provide a character reference).

References will be taken up for the preferred candidate only, following interview, using the confidential referee's report form (**Appendix 3**).

Verbal references should not be taken up except in exceptional circumstances. The confidential referee's report form must be used when taking up verbal references. These will be taken up by the chair of the interview panel who will discuss the reference's merits with the designated Human Resources Manager before any offer of appointment is made. Verbal references must be followed up by written references.

The Human Resources Department will be responsible for ensuring that the references are held in a sealed envelope in the personal file. This will be done using a checklist to ensure that all the necessary documentation is obtained for the employee.

4 Qualifications

Qualifications must be checked for the following groups:

- ⊕ Prospective employees
- ⊕ Existing employees changing post
- ⊕ Employees appointed to any NHS Borders bank
- ⊕ Employees appointed through locum agencies
- ⊕ Locums employed directly by NHS Borders
- ⊕ Employees on honorary contracts

Process and documentation required:

When shortlisting, recruiting managers are responsible for ensuring that candidates have the appropriate qualifications which are relevant to the post for which they are applying.

Qualifications must be checked before any offer of employment is made. All shortlisted candidates will be asked to provide proof of qualifications. The chair of the interview panel is responsible for checking these qualifications at interview. The qualifications should be originals and not photocopies and should be checked for authenticity and appropriateness for post and be in date.

The Human Resources Department will be responsible for ensuring that a copy of each relevant qualification is held in the personal file. This will be done using a checklist to ensure that all the necessary documentation is obtained for the employee.

5 Registration with regulatory bodies

Registration with regulatory bodies (where applicable) must be checked for the following groups:

- ⊕ Prospective employees
- ⊕ Existing employees changing post
- ⊕ Employees appointed to any NHS Borders bank
- ⊕ Employees appointed through locum agencies
- ⊕ Locums employed directly by NHS Borders
- ⊕ Employees on honorary contracts

Documentation required:

As with qualifications, applicants must have the appropriate registration for the post for which they are applying. When shortlisting, recruiting managers are responsible for ensuring that candidates have the appropriate registration.

All shortlisted candidates will be asked to provide proof of registration. The chair of the interview panel is responsible for checking this registration at interview. The registration documents should be originals and not photocopies and should be checked for authenticity and appropriateness for post and be in date.

The Human Resources Department will be responsible for ensuring that a copy of the relevant registration is held in the personal file. This will be done using a checklist to ensure that all the necessary documentation is obtained for the employee. Additionally, the Human Resources Department will, prior to the candidate taking up employment, check with the appropriate regulatory body to ensure that the candidate has current registration.

Note: managers have an on-going duty to ensure that employees maintain their professional registration after appointment. Failure to maintain professional registration can result in an employee being temporarily or permanently suspended from duty and/or having their salary reduced.

Web addresses for checking professional registration can be found in Section 14 - “useful links”.

6 Pre-employment / pre-placement health assessments

Pre-employment / pre-placement health assessments must be carried out for the following groups:

- ⊕ Prospective employees
- ⊕ Existing employees changing post
- ⊕ Employees appointed to any NHS Borders bank
- ⊕ Locums employed directly by NHS Borders
- ⊕ Employees on honorary contracts
- ⊕ NHS Borders Volunteers

For the undernoted categories, the manager supervising the professional placement must obtain proof that appropriate pre-placement assessment, immunisation and screening has been carried out by the appropriate agency/university or college:

- ⊕ Students undertaking professional placements
- ⊕ Employees appointed through locum agencies

Process and documentation required:

The purpose of the pre-placement health assessment is to ensure that a prospective employee is:

- ⊕ Suitable from a health perspective to undertake the duties of the post for which they have applied
- ⊕ Not suffering from a medical condition which may be exacerbated by the duties of the post for which they have applied or may cause them to endanger either their own or others' health; **and**
- ⊕ That the organisation is provided with advice on any adjustments that may be required to accommodate a health need

The pre-employment / pre-placement health assessment also provides NHS Borders with a base line for future health surveillance.

An assessment of fitness to work will be made at the pre-employment / pre-placement stage for all new employees taking up post with NHS Borders, together with existing employees changing post. All shortlisted candidates will be required to complete a health questionnaire and bring this to their interview, in a sealed envelope provided for this purpose. The successful candidate **might** subsequently be invited to an interview with an occupational health nurse or doctor.

Suitability for post will be assessed using the information given on the health declaration form along with the physical and mental requirements of the post as identified by the Occupational Health – Job Analysis Form (**Appendix 4**). This will highlight the specific requirements of the post including the need to undertake exposure prone procedures and exposure to any workplace hazards. Where a risk assessment has indicated that hazards are present in the workplace, further health surveillance may be required.

Every effort will be made to ensure that all necessary health checks are undertaken before employment / placement commences.

Occupational Health Service clearance may not have been finalised before a candidate takes up employment and, in such cases, temporary restrictions may be placed on the employee (eg preventing them from undertaking Exposure Prone Procedures (EPPs)). Where the Occupational Health Service places a temporary restriction on an employee, the Human Resources Department will notify the appropriate line manager. In the rare event that an individual cannot be cleared to perform EPPs, NHS borders Policy on Blood Borne Virus Infected Health Care Workers will apply.

Wherever possible the Occupational Health Service will provide managers with advice which will help them to place prospective employees in suitable posts in accordance with the Disability Discrimination Act 1995 (as amended). In addition, managers will be informed of the need to undertake any further risk assessments, for example for new or expectant mothers and young people.

The Occupational Health Service will be responsible for sending confirmation of suitability to work (the “fit slip”) to the Human Resources Department.

The Human Resources Department will be responsible for ensuring that a copy of the confirmation of suitability to work is held in the personal file and for notifying the appropriate line manager once any temporary restrictions are lifted. This will be done using a checklist to ensure that all the necessary documentation is obtained for the employee.

7 Disclosure Scotland criminal records checks

Disclosure Scotland criminal records checks must be carried out for individuals undertaking duties that fall within the criteria detailed on pages 14 and 15 of this document who also fall within the following groups:

- ✦ Prospective employees
- ✦ Existing employees changing post
- ✦ Employees appointed to any NHS Borders bank
- ✦ Locums employed directly by NHS Borders
- ✦ Employees appointed through locum agencies
- ✦ Employees on honorary contracts
- ✦ NHS Borders Volunteers

For the undernoted category, the manager supervising the professional placement must obtain proof that a Disclosure Scotland check has been carried out by the appropriate agency/university or college:

- ✦ Students undertaking professional placements
- ✦ Employees appointed through locum agencies

Process and documentation required:

A satisfactory Disclosure Scotland certificate must be received prior to the candidate taking up employment. The purpose of the Disclosure Scotland check is to assist recruiting managers to make safer decisions and, as such, places obligations on recruiting managers to thoroughly consider all information received throughout the interview process.

The key pieces of legislation in relation to criminal records checking of potential employees and those employees changing post are:

- ✦ Rehabilitation of Offenders Act 1974
- ✦ Rehabilitation of Offenders Act 1974 - (Exclusions and Exceptions) (Scotland) Order 2003 (as amended)

- ⊕ Part V of the Police Act 1997
- ⊕ Protection of Children (Scotland) Act 2003
- ⊕ Serious and Organised Crime and Police Act 2005

Further information on the above legislation is provided at **Appendix 5**.

The Human Resources Department will be responsible for liaising with Disclosure Scotland to obtain a disclosure certificate. To facilitate this, recruiting managers must inform the Human Resources Department whether the post involves working with adults at risk and/or children. This is done by ticking either box 1 or box 2 on the identity check form within the recruitment paperwork (**Appendix 6**) which indicates that an enhanced disclosure check is required. If box 3 is ticked, a standard disclosure is required. NHS Borders will meet the cost of all standard and enhanced disclosure applications.

Recruiting managers must be aware that applicants from overseas will not have their record in their home country checked by Disclosure Scotland. Should the recruiting manager have any concerns over the suitability of a candidate for employment, they should discuss these with their designated Human Resources Manager to agree what action is required.

Should an applicant refuse to complete a disclosure application form, the recruiting manager should discuss this with their designated Human Resources Manager to agree what action is required.

For employment purposes, Disclosure Scotland provides 2 levels of disclosure check.

Standard disclosure:

A standard disclosure is the intermediate level of disclosure check. This relates to convictions held on central records and includes spent convictions. This means that even minor convictions, perhaps dating from years ago, are included on this disclosure. The standard disclosure is available on payment of the appropriate fee, subject to it being countersigned by a registered person (usually the potential employer or voluntary organisation). Within NHS Borders, a standard disclosure will be obtained for those individuals applying for work in the following categories:

- ⊕ Professional groups in health (eg allied health professionals) and pharmacy
- ⊕ Senior managers in financial services

Enhanced disclosure:

In addition to the details included in standard disclosures, enhanced disclosures may contain information which Chief Constables choose to disclose if they feel it is relevant to the job or voluntary work sought. Within NHS Borders, under the Serious and Organised Crime and Police Act 2005, an enhanced disclosure is obtained wherever an individual is working in childcare positions and/or with adults at risk (as defined below).

The Protection of Children (Scotland) Act 2003 defines a childcare post as a post where the postholder's normal duties will include:

- a. Working in a hospital or ward which is exclusively or mainly for the reception and treatment of children; **or**
- b. Caring for, training, supervising or being in sole charge of children; **or**
- c. Unsupervised contact with children under arrangements made by a responsible person; **or**
- d. Supervising or managing an individual who works in a position mentioned in (a) to (c) above

The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 defines adults at risk as follows:

- ⊕ A person aged 18 or over who has a learning or physical disability; a physical or mental illness (chronic or otherwise), including addiction to alcohol or drugs; or a reduction in physical or mental capacity; **or**
- ⊕ A person, who, through a disability, has a dependency upon others or requires assistance in the performance of basic physical functions; or who has a severe impairment in the ability to communicate with others; or who has an impairment in the ability to protect themselves from assault, abuse or neglect

and, who is receiving any of the following services:

- ⊕ Care home services
- ⊕ Personal care or nursing or support to live independently at home
- ⊕ Services provided by an independent hospital, clinic, medical agency or health body
- ⊕ Social care services, or any services provided in an establishment catering for a person with learning difficulties

Countersignatories

Before disclosure forms can be processed, they will be checked and signed by an authorised countersignatory within the Human Resources Department. The countersignatories are legally bound to ensure that NHS Borders complies with all legislation relating to criminal records checking as well as ensuring compliance with the Disclosure Scotland Code of Practice and the NHS Borders policy on the management of disclosure information. There is a lead countersignatory who liaises with Disclosure Scotland on all aspects of disclosure checking (eg advising Disclosure Scotland of incidences of non-compliance with the legislation or of incidences of unauthorised disclosure of information received from Disclosure Scotland).

Making a decision on a disclosure certificate

Disclosure Scotland will send a certificate detailing their findings to the person named on the certificate and to the authorised countersignatory within the Human Resources Department. Whenever 'positive' disclosure checks are received, the Human Resources Manager will contact the recruiting manager to discuss what action is required.

Appendix 7 provides guidance for recruiting managers on how to deal with 'positive' disclosure checks.

Handling and storage of disclosure information

Disclosure information should be used for no other purpose than that for which it was provided. **Unauthorised disclosure of information is a criminal offence.** Disclosure certificates will therefore be kept in a locked cabinet within the Human Resources Department at all times.

The Human Resources Department will shred the disclosure certificate no later than 6 months after the date when the candidate was advised that they were successful or no later than 6 months after the date of resolution of any dispute about the content of the disclosure certificate. Under no circumstances will the certificate be retained in the personal file.

However, the Human Resources Department will retain a summary record showing the name of the individual for whom a disclosure certificate was received, the issue date of the certificate, the type of disclosure, the unique number issued by Disclosure Scotland and the recruitment decision. This information will be held on the Northgate Staff Governance Information System (SGIS). A record of all those to whom the content of the certificate was disclosed must also be kept.

Consistency and fairness

It is important that there is consistency and fairness in the application of this protocol. To support this, the Human Resources Managers will generate reports detailing trends and decisions. They will also feed back guidance and good practice to line managers as required.

Existing employees

Where an existing employee is charged with an alleged offence, they have a contractual obligation to report this to their line manager. Where the charge is likely to have an impact on NHS Borders, then the designated Human Resources Manager must be informed and a decision will be made on any action required in conjunction with other Human Resources Policies and Protocols. All information will be treated in confidence.

Where an existing employee is applying for a different post within NHS Borders, they will be required to complete a disclosure application form for the post regardless of previous checks (unless these checks have taken place within the previous 6 months).

Non-compliance with the Disclosure Scotland Code of Practice

Where non-compliance has been identified, this must be reported to the lead countersignatory within the Human Resources Department immediately. An appropriate investigation of the issues will be carried out in order to rectify the non-compliance. Examples of non-compliance include unauthorised disclosure of information received from Disclosure Scotland (this constitutes a criminal offence).

Disclosure Scotland has the right to carry out ad hoc and planned compliance checks.

A chronological guide to the disclosure checking process is attached at **Appendix 8**.

8 Work permits and working visas

This is a complex area. However, in general, prospective employees who are not EU citizens are likely to require a work permit to allow them to take up employment in the United Kingdom.

Work permits (where applicable) will be required for the following groups:

- ⊕ Prospective employees
- ⊕ Existing employees changing post
- ⊕ Employees appointed to any NHS Borders bank
- ⊕ Employees appointed through locum agencies (***subject to confirmation***)
- ⊕ Locums employed directly by NHS Borders

Process and documentation required:

Proof of an individual's legal right to work in the United Kingdom must be checked before any offer of employment is made. This requires all candidates to provide documentation which is in accordance with the Asylum and Immigration Act 1996. See **Appendix 9** for further information.

The chair of the interview panel is responsible for checking the documents at interview. For a legal defence, reasonable steps must be taken to verify that the documents are correct and allow the individual to work in the United Kingdom. This includes:

- ⊕ Checking any photographs, where available, to ensure that these are consistent with the appearance of the candidate
- ⊕ Checking the dates of birth listed to ensure that these are consistent with the appearance of the candidate
- ⊕ Checking that the expiry dates have not been passed

- ✦ Checking any United Kingdom Government stamps or endorsements to see if the candidate is able to do the type of work on offer

Once these checks have been undertaken, the chair of the interview panel should complete the identification documentation checklist.

The Human Resources Department will be responsible for ensuring that a copy of the documentation seen is held in the personal file. This will be done by obtaining copies of the documentation seen by the chair of the interview panel (as indicated on the identification documentation checklist). In particular, a copy will be kept of the front cover, all pages which give the candidate's personal details (including the page with the photograph and the page with his or her signature) and any page containing a United Kingdom Government stamp or endorsement which allows the candidate to do the type of work on offer.

If the candidate is unable to produce any of the documents requested on the checklist, then the chair of the interview panel must contact their designated Human Resources Manager. A further combination of documents will be required (see **Appendix 10**) and the Human Resources Manager will provide further information and assistance.

9 Statutory requirements

Checks on statutory requirements (where applicable) must be carried out for the following groups:

- ✦ Prospective employees
- ✦ Existing employees changing post
- ✦ Employees appointed to any NHS Borders bank
- ✦ Employees appointed through locum agencies
- ✦ Locums employed directly by NHS Borders
- ✦ Employees on honorary contracts
- ✦ Students undertaking professional placements
- ✦ NHS Borders Volunteers

Process and documentation required:

The recruiting manager will be responsible for identifying which statutory requirements are required, eg where an employee is required to undertake driving as part of their normal duties, then they will be required to hold the appropriate driving licence for the class(es) of vehicle which they would be expected to drive.

Checks of the statutory requirements must be carried out before any offer of employment is made. The chair of the interview panel is responsible for checking any statutory documents at interview. The documents should be checked for authenticity and appropriateness for post and be in date.

The Human Resources Department will be responsible for ensuring that a copy of the documentation seen is held in the personal file. This will be done using a checklist to ensure that all the necessary documentation is obtained for the employee.

10 Training

Training in the necessary legal and procedural requirements will be available to all recruiting managers. This will be an integral part of the Recruitment and Selection Training.

11 Monitoring

Monitoring of the application of this policy and protocol will be undertaken by the Staff Governance Committee and the Board Executive Team (via the Performance Review process).

The lead countersignatory will also carry out audits of the procedures on a regular basis.

12 Summary of roles and responsibilities

The responsibility of NHS Borders Board is to:

- ⊕ Make sure that this policy and protocol are implemented consistently across NHS Borders

The responsibility of the Director of Nursing, Midwifery and Workforce is to:

- ⊕ Ensure compliance with this protocol and, with the assistance of the NHS Borders lead countersignatory, ensure that the legal standards and the standards in this protocol are put into practice

The responsibilities of the lead countersignatory are to:

- ⊕ Work with the Director of Nursing, Midwifery and Workforce to ensure compliance with this protocol and to ensure that NHS Borders meets its legal obligations in relation to disclosure checking
- ⊕ Liaise with Disclosure Scotland on all aspects of disclosure checking (eg advising Disclosure Scotland of incidences of non-compliance with the legislation or of incidences of unauthorised disclosure of information received from Disclosure Scotland)
- ⊕ Carry out audits of the procedures on a regular basis

The responsibilities of all recruiting managers in NHS Borders are to:

- ⊕ Ensure that they are familiar with this policy and the timescales within it
- ⊕ Ensure that employees are treated fairly and consistently
- ⊕ Ensure that the protocol is complied with throughout the recruitment process **in all cases** in their area
- ⊕ Clearly identify those employees working with adults at risk and/or children
- ⊕ Identify the key components of a job, including any hazards, using the Occupational Health – Job Analysis Form as part of the recruitment paperwork
- ⊕ Clearly identify which statutory requirements are required, eg where an employee is required to undertake driving as part of their normal duties
- ⊕ Ensure that employees are registered, qualified and deemed safe to carry out the posts to which they have been appointed
- ⊕ Liaise with the Human Resources Department to ensure that decisions on suitability for employment or promotion are fair and equitable across the service
- ⊕ Check all relevant documentation at interview and complete the relevant paperwork
- ⊕ Ensure that employees maintain their professional registration after appointment
- ⊕ Store all information in line with the Data Protection principles
- ⊕ Contact the designated Human Resources Manager where an existing employee is charged with an alleged offence that is likely to have an impact on NHS Borders

The responsibilities of the Human Resources Department are to:

- ⊕ Inform recruiting managers of the outcomes of the relevant checks
- ⊕ Process all Disclosure Scotland applications timeously
- ⊕ Hold a record of the disclosure outcome on the Staff Governance Information System (SGIS)
- ⊕ Use the Staff Governance Information System to provide statistics on pre-employment / pre-placement checks as required
- ⊕ Ensure that copies of each relevant qualification is held in the personal file
- ⊕ Ensure that the references are held in a sealed envelope in the personal file
- ⊕ Ensure that a copy of the relevant registration is held in the personal file
- ⊕ Store all information in line with the Data Protection principles
- ⊕ Ensure all disclosure checks are destroyed after 6 months in line with Data Protection legislation

The responsibilities of the Human Resources Managers are to:

- ⊕ Proactively advise, support and guide all staff in this policy and protocol
- ⊕ Be knowledgeable of previous decisions on positive disclosures to ensure that decisions taken by recruiting managers are fair and equitable
- ⊕ Report any non-compliance with the Disclosure Scotland Code of Practice and/or the NHS Borders policy on the management of disclosure information to the lead countersignatory
- ⊕ Liaise with the lead countersignatory to feedback trends and share experience in order that a fair and equitable procedure is maintained throughout the service

The responsibilities of Occupational Health Service are to:

- ⊕ Ensure identification of any risk to the organisation or in relation to an employee's fitness to undertake the duties of their post
- ⊕ Ensure that employees are fit and deemed safe to carry out the posts to which they have been appointed
- ⊕ Check prospective employees as well as existing employees changing post
- ⊕ Provide managers with advice, particularly in relation to reasonable adjustments compatible to individual's health needs, which will help them to place prospective employees in suitable posts

The responsibilities of all employees are to:

- ⊕ Inform the recruiting manager if they are likely to require a work permit to allow them to take up employment in the United Kingdom
- ⊕ Provide NHS Borders with all the necessary documentation
- ⊕ Maintain their professional registration after appointment
- ⊕ Notify their line manager if they are charged with an alleged offence

The responsibilities of Training and Professional Development are to:

- ⊕ Train and develop the skills of managers and staff representatives to allow this policy and protocol to be put into practice effectively

The responsibilities of all staff representatives are to:

- ⊕ Act at all times in line with their responsibilities under the Partnership Agreement

13 Resolution of disagreements

Should a disagreement arise as a result of this policy and/or protocol, employees have the right to raise a formal grievance. However, it may be preferable, in such circumstances, for the manager to seek advice on resolving the matter from their designated Human Resources Manager and a staff-side representative.

14 Useful Links

Work Permits (UK) (a department of the Home Office) – www.workpermits.gov.uk

Disclosure Scotland – www.disclosurescotland.co.uk

Chartered Institute of Personnel and Development – www.cipd.co.uk

Professional Registration can be checked on-line at the following addresses:

General Dental Council – www.gdc-uk.org

General Medical Council – www.gmc-uk.org

Health Professions Council – www.hpcuk.org

Nursing and Midwifery Council – www.nmc-uk.org

Royal Pharmaceutical Society of Great Britain – www.rpsgb.org.uk

Policy working group membership:

Irene Bonnar	Occupational Health Services
Geraldine Bouglas	Human Resources Policy Development
Karen Di Cara	Staff-Side
Trudy Gane	Mental Health and Learning Disabilities Management
Colin Graham	Occupational Health Services
Ann Green	Estates and Facilities Management
Karen Merchant	Human Resources
Julie Roberts	Human Resources Policy Training
Caroline Thompson	Staff-Side
Cynthia Wise	Community Services Management

Appendix 1

Record keeping guidance

The 8 data protection principles:

1. Personal data shall be processed **fairly** and **lawfully**.
2. Personal data shall be obtained only for one or more **specified** and **lawful** purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be **adequate**, **relevant** and **not excessive** in relation to the purpose for which they are processed.
4. Personal data shall be accurate and, where necessary, **kept up to date**.
5. Personal data processed for any purpose or purposes shall **not be kept for longer** than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the **rights** of the data subjects under this Act.
7. Appropriate **technical** and **organisational** measures shall be taken against unlawful processing of personal data and against loss or destruction of, or damage to, personal data.
8. Personal data shall **not be transferred** to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The 6 Caldicott principles:

1. Justify the purpose(s) for using confidential information
2. Only use it when absolutely necessary
3. Use the minimum that is required
4. Access should only be on a strict need to know basis
5. Everyone must understand his or her responsibilities
6. Understand and comply with the law

Appendix 2

Pre-employment / pre-placement checks – quick guide for recruiting managers

Pre-employment / pre-placement checks – quick guide for recruiting managers

Check	Identity checks	References	Qualifications	Registration with regulatory body	Pre-employment / pre-placement health assessment	Disclosure Scotland	Work permit and working visa	Statutory checks
Recruitment stage	Before offer of employment is made	Before offer of employment is made	Before offer of employment is made	Before taking up post	Ideally before taking up post	Before taking up post	Before offer of employment is made	Before offer of employment is made
Prospective employees	✓	✓	✓	✓	✓	✓	✓	✓
Existing employees changing post	✓	✓	✓	✓	✓	✓	✓	✓
Employees appointed to any NHS Borders bank	✓	✓	✓	✓	✓	✓	✓	✓
Employees appointed through locum agencies								
Employees on honorary contracts	✓		✓	✓	✓	✓		✓
Students on professional placements	✓				✓			✓
NHS Borders Volunteers	✓				✓	✓		✓

Appendix 3

Confidential referee's report

Confidential referee's report

Candidate's name:

Post applied for:

Please note that, under the terms of the Data Protection Act 1998, the candidate may have access to this report at a later date.

Current or previous employers - please complete parts one and two.

Referees providing a character reference - please complete part one only.

Part One

How long have you known the candidate?

In what capacity do you know the candidate (please tick appropriate box or complete details under "other")?

- Workplace supervisor
- Workplace professional colleague
- University or College tutor
- Personal friend
- Other (please specify)

Please use the space below to describe the candidate's main qualities and attributes. Give your views on his or her suitability for the above post as outlined in the enclosed job description. If you wish to attach an additional sheet, please do so:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Part Two

Candidate’s current (or former) job title:

Dates of employment:

From To

Current salary (or salary on leaving):

Current grade (or grade on leaving):

Summary of main duties:

.....

.....

.....

.....

.....

.....

.....

Previous grades (if applicable):

Grade	Date from	Date to	Salary

Please comment on the candidate’s performance under the following headings by ticking the appropriate boxes:

Please rate the candidate as:	Superior	Acceptable	Moderate	Unacceptable
Quality of work				
Performance in the job				
Relationships with others				
Unsupervised work				
Attendance				
Timekeeping				
Ability to perform the requirements of the enclosed job description				

In your opinion, what are the candidate's strengths?

.....
.....
.....
.....

In your opinion, what are the candidate's development needs?

.....
.....
.....

Has the candidate been the subject of any disciplinary investigations?

Yes No

If yes, please describe:

.....
.....

Has any formal action, such as a written warning, been taken within the last 12 months?

Yes No

If yes, please describe:

.....
.....

Please provide information on the total number of days sickness absence in the last 2 years (please exclude any periods of pregnancy-related sickness absence):

.....
.....

What was the candidate's reason for leaving (if applicable)?

.....
.....

Would you re-employ the candidate?

YES/NO

Signed:

Designation:

Telephone number: Date:

(For office use only)

Verbal reference (if appropriate)

Signed:

Designation:

Telephone number: Date:

Appendix 4

Occupational Health – Job Analysis Form

Occupational Health – Job Analysis Form

Job title Department Employer

Post No Date

Please indicate choice	N	O	F	C
Environmental Exposures				
Outside work				
Extremes of temperature				
Potential for exposure to blood or body fluids				
Noise (greater than 80dba - 8hrs twa)				
Vibration				
Exposure to hazardous substances (e.g. solvents, liquids, dust, fumes, biohazards). Specify.....				
Other hazards - e.g. hazardous or dirty waste. Specify.....				
Frequent hand washing				
Ionising radiation (State if classified worker Yes/No)				
Equipment/Tools/Machines used				
Food handling				
Driving, e.g. car / van / LGV / PCV / Transport of clients				
Computer use				
Client/Patient handling equipment. Specify.....				
Use of latex gloves				
Vibrating tools				
Psychosocial Issues				
Face to face contact with public				
Exposure to verbal aggression				
Exposure to physical aggression				
Lone working				
Ability to control pace of work				
Ability to control own workload				
Responsible for managing/supervising staff				
Vulnerable clients - children / emotionally disturbed / elderly				
Exposure to distressing or emotional circumstances				
Shift work / night work / on call duties				
Physical Abilities (If loads are handled, enter load size in box)				
Client/Patient manual handling. Specify				
Load manual handling. Specify.....				
Crouching				
Kneeling				
Pulling				
Pushing				
Lifting				
Sitting				
Standing				
Stooping				
Walking				
Climbing - i.e. step stools, ladders				
Fine motor grips				
Gross motor grips				
Reaching below shoulder height				
Reaching at shoulder height				
Reaching above shoulder height				

GUIDE:

Never: Never; **Occasionally:** up to 1/3 of time; **Frequently:** up to 2/3 of time; **Constantly:** more than 2/3 of time

Appendix 5

Background information on criminal records checking legislation

The Rehabilitation of Offenders Act 1974 (ROA) was established to create equal access to employment for ex-offenders. Under certain circumstances, the ROA enables ex-offenders to “wipe the slate clean” of their criminal record once a period of time, which varies dependent on the nature of the conviction, has elapsed from the date of their conviction. Provided that they have not been re-convicted for another offence, their conviction is said to become “spent” and, for the purpose of employment, it can be treated as though it never existed. This means that if the ex-offender is asked on an application form or at an interview if they have a spent criminal record, then they are entitled to say “no”. It is illegal for an employer to discriminate against the ex-offender on the grounds of their spent conviction.

However, certain posts, because of the nature of the work are exempt from the Rehabilitation of Offenders Act 1974 by the **(Exclusions and Exceptions) (Scotland) Order 2003 (as amended)**. Many, but not all, health service posts fall into this category, where disclosure of spent convictions is appropriate and required. In these circumstances, applicants for such posts are not entitled to withhold information about convictions which for other purposes are spent under the provisions of the ROA. Therefore, any such information must be disclosed on the application form or CV or during interview.

Disclosure Scotland was created for the purpose of issuing certificates under **Part V of the Police Act 1997**. Disclosure Scotland acts as the central point of access for organisations to obtain information on existing and prospective employees’ criminal history. This information is called a disclosure and will help organisations make safer decisions by releasing conviction information. There is also a system whereby, at enhanced level, other relevant information (eg non-conviction information) can be disclosed at the discretion of the Chief Constable to allow employers to make more informed employment decisions. Obtaining disclosures is not compulsory under this Act, but some checks may be compulsory under other relevant Acts (eg the Protection of Children (Scotland) Act 2003). In certain circumstances employees are within their rights to refuse to complete a disclosure application.

The Protection of Children (Scotland) Act 2003 came in to force in 2005 and established a Scottish list of adults Disqualified from Working with Children (DWCL). Individuals will be referred to the list either by the courts or by their employers (past and present). The Act also enables Disclosure Scotland to access the lists held in England and Wales. The Act makes it an offence for any organisation to offer work in a childcare position to a listed person unless the organisation did not know or could not reasonably be expected to know that the person concerned is listed. Therefore, where NHS Borders employs people to work in childcare positions (either paid or unpaid), the above lists must be checked via an Enhanced disclosure check. The lists are not routinely checked for every disclosure application made and the onus is on recruiting managers to make it clear that the position applied for is a childcare one. This is done using the identity check form (appendix 6).

Similar legislation is also planned for those people who work with **adults at risk**. In the meantime, Disclosure Scotland can check the English and Welsh lists of those adults disqualified from working with adults at risk. Again, the onus is on the recruiting manager to indicate that the position applied for includes working with adults at risk. This is done using the identity check form (appendix 6).

Appendix 6

Identity check form

**NHS BORDERS
DISCLOSURE SCOTLAND CHECKS**

IDENTITY CHECK FORM FOR USE BY CHAIR OF INTERVIEW PANEL

A Disclosure Scotland application form was sent to each candidate with his or her invite to interview letter. Candidates were asked to bring the completed form to interview along with at least 3 forms of identification. As Chair of the interview panel, you are responsible for satisfying yourself that all candidates are who they say they are, which in turn entitles the Human Resources Department to request a Disclosure Scotland check to be carried out on the successful candidate.

SECTION 1 - CHECKLIST FOR CHAIR OF INTERVIEW PANEL

The applicant should produce **at least 3 forms** of identity confirming their name, date of birth and current home address. If possible, at least one of these forms of identity should show their photograph. Examples of forms of identity include: birth certificate, driving licence, passport, bank statement and utility bill.

As Chair of the interview panel, for each candidate, you must:

- check the identification provided against Part B of the Disclosure Scotland application form to ensure the candidate's details match.
- check that the applicant has completed the Disclosure Scotland application form correctly. The applicant must complete Part B and Part C. **(Note: check that the applicant has provided the previous 5 years' addresses and that they have signed and dated the declaration in Part C1/C2.)**
- complete Part E13 (also E14 if another form of identification has been seen) of the Disclosure Scotland application form. Confirm that the corresponding details are entered in Part B.
- complete Section 2 on the reverse of this Identity Check Form. **You must complete either Box 1, Box 2 or Box 3 depending on the nature of the post. Box 4 must be completed in all cases.**
- attach each Identity Check Form to the appropriate Disclosure Scotland application form.
- contact the successful candidate to get verbal acceptance of the offer of employment (the offer is conditional until satisfactory completion of all pre-employment / pre-placement checks).
- return all forms to the Human Resources Department as soon as possible after the interview.

The Human Resources Department will contact you when the certificate is returned by Disclosure Scotland.

No candidate can take up post until a satisfactory Disclosure Scotland certificate has been received.

SECTION 2 – CHAIR OF INTERVIEW PANEL TO COMPLETE BOX 1, 2 OR 3 (AS APPROPRIATE) AND BOX 4

BOX 1 - TO BE COMPLETED FOR ALL POSTS WHERE THE POSTHOLDER WILL BE EMPLOYED IN A CHILDCARE POSITION:

I request that the Disqualified from Working with Children List is checked

I confirm that the postholder's normal duties will include (a) working in a hospital or ward which is exclusively or mainly for the reception and treatment of children, **or** (b) caring for, training, supervising or being in sole charge of children, **or** (c) unsupervised contact with children under arrangements made by a responsible person, **or** (d) supervising or managing an individual in the individual's work in any position mentioned in (a) to (c) above. (Definition of childcare position taken from the Protection of Children (Scotland) Act 2003.)

Signature of chair of interview panel:

BOX 2 - TO BE COMPLETED FOR ALL POSTS WHERE THE POSTHOLDER WILL BE EMPLOYED IN A POSITION WHICH INVOLVES CARING FOR ADULTS AT RISK:

I request that the English and Welsh Disqualified from Working with Adults at Risk Lists are checked.
 NB No Scottish list exists at present.

I confirm that the postholder's normal duties will include working with people who either (a) are aged 18 or over with learning or physical disabilities; physical or mental illness (chronic or otherwise), including addiction to alcohol or drugs; or a reduction in physical or mental capacity; or (b) through disability, have a dependency on others or require assistance in the performance of basic physical functions; or who have severe impairment in the ability to communicate with others; or who have impairment in the ability to protect themselves from assault, abuse or neglect. The individuals described in (a) and (b) will be receiving any of the following services: care home services, personal care or nursing or support to live independently at home, services provided by an independent hospital, clinic, medical agency or health body or social care services, or any services provided in an establishment catering for a person with learning difficulties.

Signature of chair of interview panel:

BOX 3

I confirm that the postholder's normal duties do not require that either the Disqualified from Working with Children List or the English and Welsh Disqualified from Working with Adults at Risk Lists require to be checked.

Signature of chair of interview panel:

Name of candidate:	Position applied for:
	Reference number:

Type of identification checked (please tick):

- Birth certificate UK Driving Licence (with photo) UK Driving Licence (no photo)
 UK Passport Other

If 'Other', then please state the other form of identification seen:

I confirm that the above items of identification for this candidate have been seen and match the details provided on the candidate's Disclosure Scotland application form.

Signature of chair of interview panel:

Date of signing Identity Check Form:

E-mail address:

(This should be the e-mail address for the post's line manager. The Human Resources Department will contact this person on receipt of the Disclosure Scotland check to confirm the outcome.)

Appendix 7

Making a decision on a positive disclosure

Making a decision on a positive disclosure

Where a disclosure certificate is received which includes conviction information (a positive disclosure), the designated HR Manager will bring this to the attention of the recruiting manager. The recruiting manager, together with the HR Manager, should meet with the applicant to discuss the issues in an open and honest way. The HR Manager will provide advice and support with this process. Additionally, should they wish, applicants are entitled to be accompanied at this meeting by a staff representative, colleague or friend.

Recruiting managers should be aware of the following:

- it may be that the disclosure certificate contains information of which the applicant is unaware.
- it may be that the applicant has been given inaccurate information and may be under the impression that their convictions are spent (court sentences can be extremely complex and it is frequently the case that offenders do not understand the nature of the sentence(s) they have received).
- it may be that the disclosure information is inaccurate or relates to someone else with the same name.

In any event the applicant should be given the opportunity to explain the situation before the final decision is made regarding their employment with NHS Borders.

The suitability for employment of a person with a criminal record varies depending on the nature of the job and the details and circumstances of any conviction. An applicant's criminal record should be assessed in relation to the tasks they will be required to perform and the circumstances in which the work is to be carried out.

It is recommended that consideration of the following is necessary when deciding on the relevance of offences for particular posts:

- Does the post involve one-to-one contact with adults at risk and/or children?
- What level of supervision will the postholder receive?
- Does the post involve direct contact with the public?
- Does the post involve direct responsibility for finance or items of value?
- Will the nature of the job provide any opportunities for the postholder to re-offend in the workplace?

The answers to these questions will help determine the relevance of convictions to specific posts. In some cases the relationship between the offence and the post will be clear, whilst in other cases this will be more difficult.

It is recommended that the following issues are taken into account as a minimum:

- The seriousness of the offence and its relevance to the safety of other employees, clients and property.
- The length of time since the offence occurred.
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed, eg the influence of domestic or financial difficulties.
- Whether the offence was a one-off or part of a history of offending.

- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely.
- The country in which the offence was committed as some activities are offences in parts of the UK only.
- Whether the offence has since been decriminalised by Parliament.
- There is evidence to support the fact that a change in behaviour has taken place.

After considering and discussing these aspects as appropriate with the candidate, the recruiting manager and the Human Resources Manager need to identify what risks might be involved and what precautions could be put in place in order to provide satisfactory safeguards. Where the risk is too great and there is no practical safeguard that can be put in place, the individual will not be employed. The individual should be advised of this in writing.

Appendix 8

Chronological guide to disclosure checking process

Chronological guide to disclosure checking process

Order	Action	Who is responsible
1	Issue blank disclosure application forms to all candidates invited to interview as enclosure with interview letter. Inform candidates that the successful candidate will not be able to take up post until a satisfactory Disclosure Scotland certificate has been received.	HR Department
2	Bring completed disclosure application form and required identity proofs to interview.	All candidates
3a	Collect completed disclosure application forms from all interviewed candidates, checking the required 3 forms of identity for each and signing identity check forms.	Chair of interview panel
3b	If successful candidate forgets to bring completed disclosure application form to interview, ask candidate to bring it in within 7 days. If candidate still does not return form, consider offering post to another candidate.	Chair of interview panel
4	Notify successful candidate by telephone/face-to-face and get verbal acceptance of offer of employment.	Chair of interview panel
5	Send all completed disclosure application and identity check forms to Human Resources, along with details of successful candidate, as soon as possible after candidate has verbally accepted offer of employment.	Chair of interview panel
6	On day of receipt from chair of interview panel, send successful candidate's completed disclosure application form to Disclosure Scotland. Update SGIS. Send conditional offer of appointment and principal statement of terms and conditions to successful candidate.	HR Department
7a	Disclosure Scotland processes disclosure application form and returns certificate to Human Resources countersignatory and successful candidate.	Disclosure Scotland
7b	After 10 working days (current Disclosure Scotland standard), begin chasing Disclosure Scotland for any outstanding checks on a weekly basis.	HR Department
8a	If check is clear, Human Resources writes to chair of interview panel (by e-mail where possible, for speed) to confirm appointment.	HR Department
8b	If check contains convictions which may have implications on the candidate's employment, Human Resources Manager discusses the issues with the recruiting manager on a case-by-case basis.	HR Department
	Chair of interview panel and Human Resources Manager meet with successful candidate to discuss relevant convictions prior to taking decision about appointment. Existing candidates have the right to be accompanied to this meeting by staff representative, work colleague or friend.	Chair of interview panel

9a	If successful candidate's appointment confirmed at 8a above, send letter to candidate advising that their appointment is no longer conditional in terms of receipt of a satisfactory Disclosure Scotland certificate. Letter copied to recruiting manager. Shred all unsuccessful candidates' disclosure application forms.	HR Department
9b	If decision taken not to employ successful candidate at 8b above, send letter withdrawing offer of job.	HR Department

Note: Where additional information has been supplied to the Human Resources Manager and not to the individual (Enhanced Disclosures only) on no account must this be shared with the individual. Sharing of any such information with the individual constitutes a criminal offence.

Appendix 9

Prevention of illegal working checklist

NHS BORDERS IDENTIFICATION DOCUMENTATION CHECKLIST FOR COMPLETION BY CHAIR OF INTERVIEW PANEL

Candidate's Name:

The Asylum and Immigration Act 1996 sets out the law on the prevention of illegal working. To comply with this legislation, we are required to see and copy original versions of the documents described below. Please initial the appropriate box to indicate which documentation you have seen.

This form must be returned to the Human Resources Department with all other interview paper. On return of the form, the Human Resources Department will obtain copies of the documentation you have indicated which will be attached to this form and held in the personal file.

List 1 – Documents which can be produced alone

Type of Document	Original Seen by Chair of Panel (Initials)	Original Copied by HR (Initials)
A passport showing that the holder is a British citizen or has a right of abode in the United Kingdom.		
A document showing that the holder is a national of a European Economic Area country or Switzerland. This must be a national passport or national identity card.		
A residence permit issued by the Home Office to a national from a European Economic Area country or Switzerland.		
A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland who is resident in the United Kingdom.		
A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom or has no time limit on their stay.		
A passport or other travel document endorsed to show that the holder can stay in the United Kingdom and that this endorsement allows the holder to do the type of work you are offering if they do not have a work permit.		
An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.		

If the candidate is unable to produce one of these documents, then please contact your designated Human Resources Manager as a further combination of documents is required. No offer of employment should be made until all relevant checks have been undertaken.

Details of manager who verified documents

Signature:
Print Name:
Date:

Appendix 10

Prevention of illegal working – additional documentation

Prevention of illegal working – additional documentation

If a candidate is unable to produce any of the documents requested on the checklist (ie a List 1 document), then a further combination of documents will be required. These are known as List 2 documents.

First combination

- A document giving the candidate's permanent National Insurance Number and name. This could be a P45, P60, National Insurance card or a letter from a Government Agency.

together with checking and copying a document giving the candidate's National Insurance Number, NHS Borders must also check and copy only one of the following documents listed in sections A-G:

- A. a full birth certificate issued in the United Kingdom which includes the names of the holder's parents; **or**
- B. a birth certificate issued in the Channel Islands, the Isle of Man or Ireland; **or**
- C. a certificate of registration or naturalisation stating that the holder is a British citizen; **or**
- D. a letter issued by the Home Office to the holder which indicates that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay; **or**
- E. an Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay; **or**
- F. a letter issued by the Home Office to the holder which indicates that the person named in it can stay in the United Kingdom and that this allows them to do the type of work on offer; **or**
- G. an Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom **and** that this allows them to do the type of work on offer.

Second combination

- A work permit or other approval to take employment that has been issued by Work Permits UK.

together with checking and copying a document issued by Work Permits UK, NHS Borders must also check and copy one of the following documents listed at A-B:

- A. a passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment on offer; **or**
- B. a letter issued by the Home Office to the holder confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment on offer.

Additional Information

NHS Scotland application form

Candidate identification number (office use only):
--

Please ensure you complete the application form in full as we cannot accept CVs. Please complete with black ink and block capitals. This form will be kept in confidence when completed and returned to us.

Part A

Application for (job title):	Job reference number:
Location:	

Fair treatment statement

No applicant will be unfairly discriminated against. We are particularly alert to eliminating discrimination on account of age, cultural/religious/political belief, disability, ethnicity, gender, race, relationship status, sexual orientation, and/or Trade Union membership or stewardship.

Only 'Part C' of this form will be made available to short-listing panels. Parts A, B and C would then be used by the interviewing panel if you are selected for interview.

Personal details

Surname: _____ Forename: _____

Name known by (if different): _____ Title: _____

Address: _____ Contact telephone numbers(s):

_____ Day: _____

_____ Evening: _____

Postcode: _____ Mobile: _____

E-mail address: _____

If we need to, the best way for us to contact you is by: _____

Work permit

Do you need a work permit to take up this post? Yes No

Working in the UK

Are you eligible to work in the UK? Yes No

Health

Please give details of the number of episodes and the total days of sickness absence in the last 12 months.

Number of episodes: _____ Total days: _____

Date application received (office use only)

Part B

Candidate identification number (office use only):

Job reference number:

Declarations

Convictions

NHS Scotland is exempt from the 1974 Rehabilitation Of Offenders Act (Exclusions & Exceptions)(Scotland) Order 2003. This means that **unless stated in the job description, person specification or application pack**, you must tell us about any previous convictions either classed as ‘spent’ or ‘unspent’. If you are offered employment, any failure to disclose such convictions could result in dismissal or disciplinary action. Any information you give will be considered only in relation to the post for which this application form refers. **Information will be verified by Disclosure Scotland for relevant posts.**

I declare that I have: (a) No previous convictions (sign at the bottom of page)

(b) Previous convictions – details of which are:

.....

.....

.....

.....

.....

(Please read the following points and sign below once you have completed the form)

- I have completed Parts A to D of this application form and the details I have supplied are, to the best of my knowledge, true and complete;
- I understand that if appointed to this post the information on this form will be kept as part of my personal file record;
- I authorise you to obtain references to support this application if I am identified as a preferred candidate;
- I understand that details of educational qualifications, membership of professional bodies and referee reports may be verified through the establishments and individuals I have indicated;
- I consent to my details being kept confidentially and used for specific and lawful purposes as specified in the Data Protection Act 1998;
- I declare that I have no previous convictions, or have identified any I have above.

Signature: **Date:**

Candidate identification number (office use only):			
Job reference number:			
Application for (job title):			
Location:			
Qualifications achieved			
Subject	Type of Qualification, for example Standard grade, Higher, BSc, S/NVQ	Grade achieved	
Qualifications currently studying or working towards			
Subject	Type of Qualification, Standard grade, Higher, S/NVQ, BSc	Grade anticipated	Dates anticipated
Membership of professional regulatory bodies			
Full name of organisation(s)	Registration number	Renewal date	

Part C

Candidate identification number (office use only): _____

Job reference number: _____

Present (or most recent) post

Job title: _____
 Grade: _____ Date of starting grade: _____
 Employer: _____
 Dates employment started and (if applicable) finished: _____
 Reason for leaving (if applicable): _____
 Notice period: _____ Current/most recent salary: _____

Role purpose / summary of responsibilities

(Continue on a separate sheet if necessary)

Employment History

List your most recent job first then work down page. If a job supports the position applied for, please say more about it in your 'support of application' statement on page 6

Job title and Grade	Employer	Dates (from)	Dates (to)

Candidate identification number (office use only):

Job reference number:

Referees

Your referees will include your present (or most recent) employer. Please identify below the person in your organisation (for current NHS Scotland employees this is your direct line manager) who is authorised to confirm your employment and the details given in your application. Please identify a second referee who may have knowledge of your skills, knowledge and abilities and who may offer opinion on your suitability for this post. You **should not** use family members or friends. Our pre-employment screening also includes, (only where appropriate), health and fitness for work, criminal records, qualifications and professional registration. **Note that references will only be taken up for preferred candidates following interview.**

Name: _____	Name: _____
Designation: _____	Designation: _____
Capacity in which known: _____	Capacity in which known: _____
Address: _____	Address: _____
_____	_____
Post code: _____	Post code: _____
Telephone: _____	Telephone: _____
E-Mail: _____	E-Mail: _____

Disability

The Disability Discrimination Act 1995 and Amended Regulations 2005 defines disability as follows: “any physical or mental impairment which has a substantial adverse effect on a person’s ability to carry out normal day to day activities”. NHS Scotland is “Positive about disabled people”, and as such we provide job opportunities for disabled people. NHS Scotland operates a **Job Interview Guarantee (JIG)**, which means that if you have a disability, **and meet the minimum criteria outlined within the person specification**, you will be guaranteed an interview. However, some disabled people prefer not to take this option, so please tick your preference if you are a disabled candidate.

Do you want to participate in the guarantee scheme? Yes No

Please specify any particular requirements you need if attending for interview (e.g. Induction Loop, Wheelchair Access, Signer)

Driving Licence (See job description – only complete if driving essential for post)

Do you have a driving licence? Yes No

If yes, which categories are you entitled to drive
For example - B, BE, CI

Candidate identification number (office use only):

Job reference number:

Statement in support of application

Please tell us your personal qualities, skills and attributes, experience and any major achievements and show how they match those needed for this job. If necessary please continue on a separate sheet and attach securely to this section. **Do not write your name or address on any separate sheets, if you were given a 'candidate identification number' please use it instead**

Please tell us where you saw the advertisement for this post?

- Newspaper (which one?).....
- Professional journal (which one?)
- Internal vacancy bulletin
- SHOW (Scotland's Health On The Web)
- Job Centre Plus
- Other (please specify).....

Part D

Candidate identification number (office use only):

Job reference number:

Equal opportunities monitoring

We want to ensure that our job opportunities are open to all. The only way we can ensure there is equal opportunity is to monitor applications we receive, and compare the profile of people who apply with those appointed. Therefore this form asks you for your ethnic origin, gender, disability, religion, sexuality and age. **The information you provide in this part of the form (Part D), is confidential and is not used in the selection process. It will be separated from the rest of the form when we receive it.**

1) If you are currently an employee of this NHS Board, will getting this job be a promotion?

Yes No

2) You are:

Female Male

3) Have you undergone, are you undergoing or do you intend to undergo gender reassignment? For example, this includes having changed your sex (gender).?

Yes No Prefer not to say

4) What is your age?

I am ___ years old, and my date of birth is: _ _ / _ _ / _____

5) Do you have a physical or mental health condition or disability that:

- has a substantial effect on your ability to carry out day to day activities?
- has lasted or is expected to last 12 months or more?

Yes No Prefer not to say

- If you answered 'yes' please tick if it is either of the following:

Learning Disability	<input type="checkbox"/>	Physical impairment	<input type="checkbox"/>
Long standing illness	<input type="checkbox"/>	Sensory impairment	<input type="checkbox"/>
Mental health condition	<input type="checkbox"/>		

Other (please describe):

- Again, if **yes**, please describe any particular arrangements you would need for your work location:

(Continued on next page)

Part D

Candidate identification number (office use only):

Job reference number:

6) What is your ethnic group?Choose **one** section from A to F, then **tick** the appropriate box to indicate your cultural background

A: White Scottish Irish Other British
 Any other White background

B: Mixed Any mixed background

C: Asian; Asian Scottish; Asian British

Pakistani Indian Chinese
 Bangladeshi Any other Asian background

D: Black; Black Scottish; Black British

Caribbean African
 Any other Black background

E: Other ethnic background

Any other background

F: Prefer not to answer

7) To which religion, religious denomination or body do you actively belong?

(Christianity)- Church of Scotland Hinduism
 (Christianity) - Roman Catholic Sikhism
 Christianity (Other) Judaism
 Other faith / belief Islam
 Buddhism No religion (none)
 Prefer not to answer

8) Which of the following best describes your sexual orientation?

Bisexual Gay Man
 Heterosexual Lesbian/Gay Woman
 Other Prefer not to answer

Thank you. Please follow the instructions we sent on how and where to send the form.