

Pre and Post Employment Checks Policy

Table of Contents:

1. Introduction
 - 1.1. Quick Reference Guide
 - 1.2. Purpose
 - 1.3. Scope
2. Pre-employment Checks
 - 2.1. Pre-employment Checks
 - 2.1.1. Pre-Appointment Health Assessment
 - 2.1.2. Identity
 - 2.1.3. Right to Work Checks
 - 2.1.4. Professional Registration
 - 2.1.5. Qualifications
 - 2.1.6. References and Employment History
 - 2.1.7. Disclosure and Barring Service (DBS) Checks
 - 2.2. Volunteers and Governors
 - 2.3. Agency Workers
 - 2.4. Work Experience Students
 - 2.5. Healthcare Students attending Trust premises as part of their studies
 - 2.6. Employment of 16 – 17-year-olds (Bank, Substantive or Fixed Term Contracts)
 - 2.7. Appointment of Executives, Deputy/Associate Directors and Non-Executive Directors
 - 2.8. Pre-employment checks completed during a national incident e.g. Pandemic
 - 2.8.1. Bank Workers
 - 2.8.2. Students
 - 2.8.3. Others, e.g. Retuner Placement Scheme
 - 2.9. Retire and Return
 - 2.10. Individuals moving post within the Trust
3. Post-employment Checks
 - 3.1. Occupational Health and Risk Assessment
 - 3.2. DBS Checks
 - 3.3. Provide References
 - 3.4. Concerns about the Safety of Patients and Staff and Fitness to Practice
 - 3.5. Renewal of Professional Registration
4. Fraud Act
5. Risk Assessment
6. References
7. Equality Impact Assessment for Policies

Version details

Version No.	Updated by	Updated On	Description of Changes
.	Jenny Hair	14/08/2006	
2.0	Jenny Hair	19/05/2008	To make policy more explicit about what would happen if the necessary check was not received or was negative.
3.0	Jenny Hair	31/07/2008	Fast track PoCA removed, Forms updated, DBS check risk assessment form added, Change in reference requirements
4.0	Jenny Hair	31/07/2008	Revised using NHS Employer Standards issued 31st March 2008
5.0	Jenny Hair	18/01/2011	Forms updated Minor amendments to appendices
6.0	Deputy Director of Human Resources	25/03/2011	Major review and update of policy and appendices.
7.0	Bank HR Advisor	28/02/2013	All appendices formatted and updated, new Equality Analysis completed, Privacy Impact Assessment completed, and Implementation Plan completed, renaming throughout from personnel to HR and all appendices changed from numbers to letters
8.0	Bank HR Advisor	26/02/2014	Amended throughout to comply with NHS employment standard checks July 2013
8.1	Deputy Director of OD&P	25/08/17	No Changes - due to undertaking a whole system review for our HR policies we would like to defer all outstanding review dates to February 2018 (June 2017 OMB)
8.2	Deputy Director of OD&P	31/05/18	"There are no material changes to employment legislation or practice that would make these policies invalid for the period requested, up to September 2018. Where other changes are necessary, we will amend them for presentation to the OMB in August for ratification / approval "May 2018 OMB
9.0	Recruitment Team Leader	16/09/18	Full review and update. Removal of appendices as now included in the Recruitment Toolkit available on the Trust's Intranet (SALi)
10.0	Head of Resourcing	30/04/2020	Full review and update. Additional section added to cover appointment to Executive, Deputy/Associate Director and Non-Executive Directors.
11.0	Head of Resourcing	30/11/2020	Additional sections added 2.6, 2.7 and 2.8 as an action from an audit undertaken by PWC. Additional amendments made to paragraphs under Section 2.1.3 to reflect legislative changes as a result of the new immigration system effective from 1 December 2020 and 1 January 2021 (EU Settlement Status, Employing EU Citizens after 01.01.21, Sponsorship and Visas)
12.0	Resourcing Manager	02/05/2023	Section 2.1.3 updated to include Share Code details, additional guidance on student visa requirements. New Section 4 added on Fraud Act 2006. New Section added on employing 16 – 18-year-old Section 2.5

1. Introduction

1.1. Quick reference guide

This policy and procedure bring together the various elements of NHS requirements and employment law relating to the checks which must be undertaken before Salisbury NHS Foundation Trust (the Trust) appoints any person as an employee, bank worker, volunteer, governor, student or trainee and also during their employment should they move position within the Trust. These checks are a fundamental element of our recruitment, selection and appointment process.

1.2 Purpose

Written in accordance with NHS Employment Check Standards, this policy and procedure describes the checks and enquiries that the Trust are required to undertake by law, those that are Department of Health policy (Standards for Better Health) and those required for access to the NHS Summary Care Record (SCR). The Trust is committed to the fair treatment of its staff or potential staff regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

It is essential that all persons working in the NHS are trustworthy and reliable. Many problems can be avoided if thorough pre-appointment checks are undertaken before a position is filled. Failure to carry out these checks could put the safety and even the lives of patients, staff or the public at risk.

Failure by an individual to provide accurate and truthful information at the time of applying for their position will be considered a disciplinary matter. Where it is found that an individual knowingly withheld or recklessly provided false or misleading information that is relevant to their appointment they can be dismissed and/or prosecuted.

Persons whose services are hired by Salisbury NHS Foundation Trust and who are not employees of the Trust e.g. agency workers are subject to the same level of pre-employment checks but these are undertaken by the employing agency and reviewed by the Trust on commencement (see Section 2.3)

Individuals engaged on an honorary contract are also subject to the same pre-employment checks as detailed in this policy.

The following policy and procedure cover the appointment of all persons working within Salisbury NHS Foundation Trust and applies to all applicants for employment/working on the bank. It outlines the various checks which must be carried out and gives details of how this takes place and who is responsible. All pre and post appointment checks have been designed to be implemented in compliance with the General Data Protection Regulations (2018), the Data Protection Act (2018) the Equality Act (2010) and all related anti-discrimination legislation.

The Trust will record the outcome of all pre- and post-employment checks using electronic technology where available or a written checklist in the e-personal file. The Trust makes it clear to prospective employees that appointment to any position is conditional on the necessary checks being satisfactory and that any information disclosed on the application form will be checked.

All prospective employees are also informed that any offer of appointment may be withdrawn if they knowingly withhold information or provide false or misleading information, and that employment may be terminated should any subsequent information come to light once they have been appointed.

There may be occasions where due to a national incident e.g. pandemic a requirement to implement a fast track recruitment process which would also include pre-employment checks and the way these are sought and checked. This revised process would only remain in situ during the incident. Further information can be found in Section 2.6.

1.3 Scope

This policy and procedure outlines responsibilities for all those who support or participate in any areas of the recruitment process.

2. Pre-employment Checks

2.1 Pre-employment Checks

Pre-employment checks are required on all potential employees, bank workers, volunteers and governors. Pre-employment checks include:

- Pre-appointment health assessment
- Identity checks
- Right to work check
- Professional registration
- Qualifications
- References and employment history
- Disclosure and Barring Service (DBS) checks

2.1.1 Pre-Appointment Health Assessment

A pre-appointment health assessment must be carried out by the Occupational Health and Safety Services to determine fairly, objectively and in accordance with equal opportunities legislation and good occupational health practice whether the applicant is fit to carry out the duties of the post they have applied for.

The purpose of the health assessment is to assess whether new employees:

- Have a health condition or disability that requires adjustments in the workplace to enable them to undertake the post offered; or
- Have a health condition or disability that requires restrictions to their role (eg exposure prone procedures (EPP) workers with a blood-borne virus).

All assessments will consider the requirements of the Equality Act 2010 and reasonable adjustments will be recommended to enable people to work in the Trust regardless of their disability.

If this is the case, you should seek further advice from your People Business Partner. The Trust is required to obtain Occupational Health clearance prior to an individual commencing employment.

The Recruitment Team will issue all preferred candidates with a workplace online assessment form, which must be completed. If a face to face meeting is required by the Occupational Health Department then the candidate will be notified and required to attend this prior to being offered an unconditional offer of employment.

The prospective manager will be informed of the timescale if there is any delay in achieving occupational health clearance.

Until Occupational Health clearance has been given to the Recruitment Team an applicant will not be provided with an unconditional offer of employment nor will they be able to start work.

Where it is deemed appropriate, a risk assessment could be undertaken by the Recruiting Manager with support from Occupational Health Department to identify any risks with the development of an action plan to address any specific risks raised.

2.1.2. Identity

The Recruitment Team must check the identity of all prospective **employees prior to an unconditional offer of employment and before they can commence work**. All documents received will be photocopied, signed and retained electronically and in the individual's e-personal file. The Trust records the outcome of these checks using Trac which then feeds into Electronic Staff Record (ESR).

The Centre for the Protection of National Infrastructure (CPNI) sees identity verification as the most fundamental of all pre-employment checks and requires two elements of a person's identity to be checked:

- **Attributed identity:** the evidence of a person's identity that they are given at birth including their name, place of birth, parents' names and addresses.
- **Biographical identity:** a person's personal history including registration of birth, education and qualifications, electoral register information, details of taxes and benefits paid by or to the person, employment history, interactions with banks and utilities providers.

Please note that these checks do not deal with the legal right to work in the UK. Once these checks are complete and the Trust is satisfied that a prospective employee is the person they say they are, a right to work check must also be carried out. (see the Right to work section of this document.)

Verification of identity checks are designed to:

- Determine that the identity is genuine and relates to a real person.
- Establish that the individual owns and is rightfully using that identity.

Prospective employees will need to provide either of these two combinations:

- Two forms of photographic personal identification (such as a passport or UK driving licence) and one document confirming their address (such as bank statement or utility bill)
- One form of photographic personal identification and two documents confirming their address.

All documents must be originals, or copies of originals certified by a solicitor, a person of good standing or a person of some standing in the community.

Should the checks return information that contradicts the details provided by the applicant and raises concerns the matter must be discussed with the Head of Resourcing who will aim to address the Trust's concerns directly with the candidate and may take advice from the Police/Home Office before proceeding. The commencement of employment will be deferred pending these discussions.

2.1.3 Right to Work Checks

<https://www.gov.uk/check-job-applicant-right-to-work>

The Immigration, Asylum and Nationality Act 2006 (amended 2008), makes it a criminal offence for employers to knowingly employ illegal migrant workers and reinforces a continued responsibility on employers of migrant workers to check their ongoing entitlement to work in the UK. Employers risk breaking the law if they do not check the entitlement of all prospective employees to work in the United Kingdom. Failure to do so could result in a civil penalty of up to £20,000 per illegal worker.

If an illegal migrant is employed because the individual supplied fraudulent documents, which could not have been detected as fraudulent, the Trust can establish a statutory excuse ('the excuse') against payment of a civil penalty if it can show that it followed due process in accordance with stated regulations.

These checks are concerned only with an individual's right to work in the UK and will therefore be done in conjunction with verification of identity checks so that the Trust can satisfy itself that the applicant is the rightful owner of the documents that they present.

In most cases, as part of their recruitment, prospective employees will have identified if they require right to work documents so that these can be sought as a requirement for commencing employment.

The Trust will assess the eligibility of an individual's right to work in the UK by verifying specific documents for all prospective employees, as part of the pre-employment check process **prior to the individual starting work.**

A list of these documents can be provided by the Recruitment Team if required.

If the applicant's indefinite leave to remain is contained within an expired passport, the applicant must have applied to replace the visa with a biometric residence permit:

<https://www.gov.uk/biometric-residence-permits/replace-visa-brop>

In the absence of the biometric residence permit the Trust will complete a right to work check using the employer checking service:

<https://www.gov.uk/employee-immigration-employment-status>

To do this the applicant will need to provide a reference number from the application they have made to apply for a biometric residence permit. The documents must show that the holder is entitled to do the type of work being offered.

All applicants who have a visa, Biometric resident permit or an EU citizen must also provide a share code. This is a 9 digit code, made up from letter and numbers which they must obtain from the Home Office website: <https://www.gov.uk/view-prove-immigration-status>. This code must be provided to the recruitment team who will verify it on the Gov.UK website.

The Recruitment Team will carry out all of the following checks on all documentation:

- Check photographs, where available, to satisfy themselves that they are consistent with the appearance of the individual
- Check that the date of birth is consistent with the individual's identity documents.
- Check that expiry dates of any limited leave to enter or remain in the UK are still valid
- Check any government stamps or endorsements to ensure the individual is entitled to do the work being offered
- If documents issued have different names, further documentation will be requested to explain the reason for this (marriage, divorce etc)
- Dates will be cross-referenced with identity documents and work permits or confirmed by contacting appropriate embassies and consulates.
- Check share code information on the Home Office website

All documents provided will be photocopied and retained electronically and, on the individual's, e-personal file to provide an ongoing defence against a penalty. The Recruitment Team will then sign and date the copy to show it has been certified. Although the Trust will request to see and take copies of other documentation of an individual's identity, only those highlighted in the Recruitment Toolkit will be eligible for submission to establish a statutory excuse against a civil penalty.

In the case of a passport or other travel document, the following parts will be photocopied or scanned:

- for passports and travel documents, a copy will be taken of the document's front cover and any page containing the holder's personal details. In particular, a copy of any page that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details
- any page containing UK Government endorsements, noting the date of expiry and any relevant UK immigration endorsement which allows the prospective or current employee to do the type of work you are offering.

Other documents will be copied in their entirety.

Copies of the documents will be kept securely for the duration of the individual's employment and for a further six years after their employment has ceased in their personal file. Information

regarding any expiry dates for leave to remain or visas will be recorded on the individual's electronic staff record (ESR).

EU Settlement Scheme

Existing EU, EEA or Swiss citizens and their family members who were living in the UK before 1 January 2021 were required to apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021.

Employing EU Citizens

EU citizens applying for a skilled worker visa will need to show they have a job offer from an approved employer sponsor to be able to apply. The Trust is a licence holder to sponsor those applicants from outside the UK requiring certificates of sponsorship who we wish to employ.

The Home Office points-based immigration system changed on 1 December 2020 and further details linked to this can be found using the following link: <https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>

Visas

Individuals may need entry clearance before they can travel to the UK. The entry clearance process for the UK is carried out by the Home Office (UK Visa and Immigration), through a network of visa application centres around the world.

The Recruitment Team will inform the Recruiting Manager following the interviews, as to whether a visa is required.

It is the responsibility of the appointed individual to obtain and meet the cost of any visa required. Unless it has been previously agreed that the Trust will reimburse the initial visa cost as part of the relocation package offered at the time of appointment. This would need to be agreed in advance and information contained in the conditional offer of employment.

Individuals who currently hold a visa are responsible for applying for renewal prior to the end of their existing visa; this should ideally be 3 months in advance. At the point they reapply for their visa the Trust will have to assign a new certificate of sponsorship. Individuals needing to renew their visa should email sft.peopleops@nhs.net . More information on how to renew an existing visa can be found using the following link <https://www.gov.uk/skilled-worker-visa/extend-your-visa>

Students

As a student holding a Student visa, the number of hours they can work is restricted during term time to a maximum of 10 or 20 hours per week (Monday-Sunday), as listed on their passport, biometric residence permit, or digital status. This working hour restrictions includes any type of paid, unpaid or voluntary work.

The UK Government requires employers to prevent illegal working and uphold the work restrictions detailed on Student visas. The Recruitment team will issue a form to the individual

to complete and return which indicates their student status and they will also be asked to provide the required evidence to ensure we are aware of the hours they are legally allowed to work. Notification will also be sent to the Recruiting Manager.

All Employees

If, after carrying out these checks, it is established that the applicant is not permitted to work in the UK, then they will not be able to commence employment and will not be allowed to start work. Their manager will be notified accordingly by the Recruitment Team.

If there is no evidence that such permission is going to be promptly forthcoming the Trust may withdraw the offer of employment. However, if a person is likely to obtain the relevant permission within an acceptable time period, e.g. within two weeks, then a conversation should occur between the Recruiting Manager and People Business Partner to decide whether the offer of employment is to be withdrawn.

2.1.4 Professional Registration

For specific posts, registration with a professional organisation may be required e.g., General Medical Council (GMC), Nursing and Midwifery Council (NMC) etc. In these circumstances, the Trust will always check the status of the registration prior to any appointment being made. The Recruitment Team will carry out this check on the regulatory body's website. **The appointee will be unable to start work in a post requiring registration without confirmation of registration being received directly from the regulatory body.**

The checks that are made are:

- that the individual is registered to carry out the proposed role
- whether the individual is subject to any current restrictions on their registration that might affect the duties proposed
- if the individual's fitness to practise is being/or has been investigated and the regulatory body has a duty to disclose this information

Each regulatory body has different procedures for disclosing fitness to practise information. Further information can be found in the NHS Employers' document 'Professional Registration and Qualification checks. (<http://www.nhsemployers.org/>)

2.1.5 Alert Notices

The National Health Service Litigation Authority (NHSLA) now operates the Healthcare Professional Alert Notices (HPAN) system. (<http://www.nhsemployers.org/>) An alert notice is a way of notifying NHS bodies about registered health professionals whose performance or conduct could pose a significant risk of harm to patients, staff or the public.

This enables the Trust to make an informed decision about individuals who are the subject of an alert letter, who are seeking to return to the NHS in a position which does not require registration with a regulatory body. The check is performed prior to a written offer of appointment being made to a prospective employee. If an applicant is identified from the list, this will be referred by the Recruitment Team to the Head of Resourcing/People Business Partner to consider the follow up action required, in liaison with the Recruiting Manager.

2.1.6 Qualifications

For all staff, qualifications which are an essential requirement on the person specification for the post applied for must be verified prior to interview, unless the qualification requires a check to be made with a regulatory body (see section 2.1.4). If this is the case then it will not be necessary to verify qualifications separately. It is the responsibility of the manager chairing the interview panel to validate such qualifications.

Qualifications essential for the position must be verified using original certificates. The Recruiting Manager must check that the details on the certificate match those the candidate provides as part of their application.

If the qualification was gained overseas, where possible the Recruiting Manager will need to check with the awarding institution that the qualification exists, that it is equivalent to the stated UK qualification and that the candidate does in fact hold that qualification. Where this is not possible the Recruiting Team will seek advice from the relevant country's UK embassy or equivalent.

Should the checks return information that contradicts the details provided by the applicant and therefore raises concerns the matter must be raised with the Head of Resourcing who will aim to address the Trust's concerns directly with the candidate and may take advice before proceeding. This would be done in conjunction with the recruiting manager.

2.1.7 References and Employment History

Previous employment history and references will be checked for all prospective employees to obtain information about an applicant's employment and/or training history to ascertain whether they are suitable for a particular position.

The Recruitment Team will seek written references for all selected candidates (both internal and external) prior to a conditional offer of employment being made. References will be sought using Trac. Whilst verbal references can be sought this should not take the place of a written reference. Any verbal references sought must be authorised by the Recruiting Manager as suitable and copies of the verbal references retained on the employee's e-personal file. Ideally verbal references will be followed up in writing which would be obtained by the Recruitment Team.

The Recruitment Team is required to make all reasonable efforts to check that referees are bona fide, and references are genuine. If there are apparent inconsistencies, this could include checking that the organisation exists (using the telephone book/internet or business directories) and telephoning the associated HR department to confirm employment dates.

The Trust will check a minimum of three years of previous employment and/or training (five years is preferable). As a minimum, references will be obtained from the two most recent employers. For the purposes of checking employment history, references must provide details on dates of employment and the position held. The Trust's electronic reference request form also asks for details of the duties the person carried out and on skills and personal qualities.

If an applicant has worked only as a volunteer, or is a school, college, or university leaver, or has been unemployed the references should be obtained from a person in a position of authority/responsibility relative to the applicant e.g. a person with managerial responsibility. The references must not be from friends, relatives, clergy or their GP, or from anyone else who the applicant knows in a similar capacity.

An applicant will not be allowed to start work until satisfactory references have been received. For candidates moving from another NHS organisation one satisfactory reference will be accepted from their current Trust. For any other posts, a risk assessment will be carried out by the recruiting manager if only one reference is received.

If there has been a lengthy delay in receiving references the Recruitment Team will contact the applicant and inform them that it is their responsibility to pursue a response.

Where there is a lack of sufficient evidence on which to base an offer of employment, any conditional offer that has been made will need to be withdrawn. However, if references are unobtainable for a **legitimate** reason, a member of the Recruitment Team will discuss this with the Recruiting Manager. The decision they make will be recorded by the Recruitment Team via Trac.

The Trust has discretion as to how many references are required for volunteers, governors, work experience and student placements. Routinely one will be requested for work experience and ad hoc student placements and two for volunteers and governors.

The Recruiting Manager is responsible for exploring any gaps in employment history with the applicant at interview.

Depending on the individual's circumstances, other types of references may also be required if:

- They have been overseas for a single spell of three months or more, or a cumulative total of six months or more, then every effort should be made to obtain a relevant reference from overseas (see below)
- They have been in full-time education in the last three years, then a reference should be obtained from the relevant academic institution.
- They have served in the Armed Forces or Civil Service during the previous three years, then employer's references should be obtained from the relevant service or department.

It is the responsibility of the Recruiting Manager to ensure that the referees given on the application form meet these requirements.

Doctors in Training

For doctors in training, reference checks are not made when moving from one NHS organisation to another as part of the training rotation. References are taken up by Health Education Wessex at initial offer of appointment to a training programme and these are forwarded to the first NHS trust where the rotation commences.

Executive Directors and Other Board Level Posts

The Trust are required to pay special attention to confirming appropriate employer references for the positions highlighted above. Specific details linked to this can be found in the Trust's [Fit and Proper Persons Policy](#) available on the Trust's Intranet (SALi)

Occasionally there may be a requirement to obtain references prior to interview for senior appointments such as medical consultants. Consent from applicants must be sought in advance.

Overseas Employment or Training

Prospective employees will need to give a reasonable account of any significant periods of time spent overseas (three months or more). The following documentation can be requested as an assurance of time spent overseas:

- Proof of residence for time spent abroad
- Overseas employer or academic references
- References from UK departments and agencies based overseas, for example the Foreign and Commonwealth Office (FCO) missions, British Council, non-government departments and agencies.

Information on time spent overseas should always be requested early to prevent unnecessary delays in the recruitment process. Confirmation of dates will be cross-referenced with passports, work permits and by contacting embassies and consulates, where appropriate.

Every effort will be made to obtain references from overseas employers or training providers, ensuring that the details of the candidate's previous employer are independently confirmed, and reference details are checked in the same way as local references.

Where an applicant has not been able to provide sufficient documentary evidence of their time spent abroad, the Trust will need to consider what additional assurances may be gained at the interview or through evidence of other relevant training and experience in the UK before making an offer of appointment.

2.1.8 Disclosure and Barring Service (DBS) Checks

It is mandatory for the Trust to carry out DBS checks on all eligible new staff. Further information linked to this process can be found in the Disclosure and Barring Service Policy available on the Trust's intranet (SALi) – [Disclosure and Barring Service Policy](#)

2.2 Volunteers and Governors

Volunteers are subject to all checks identified in section 2.1.

2.3 Agency Workers

The Trust have specified Service Level Agreements (SLAs) for temporary staffing with reputable Agencies using National Government and NHS Frameworks, who meet the NHS demand for this service.

The Agreements used provide quality candidates who have undergone pre-employment screening with agreed pay rates. Each Agency is monitored and audited under the Agreements to ensure quality standards are maintained and the Agencies and their temporary workforce are compliant with all national guidelines for occupational health and identification security. This includes the validation of qualifications, DBS checks, and each Agency's adherence to high standards for patient safety and clinical governance.

Only Temporary Staffing Agencies who have been awarded Agreements by the Trust and meet these standards are to be used. Any use of non-approved Agencies will run the risk of allowing temporary staff into the Trust without this protection and reassurance. This, in turn, could affect patient safety and the Trust's clinical governance.

The Trust have Agreements in the four key areas;

- Medical Locums
- Nursing and Health Care Assistants
- Allied Health Professionals and Health Science Service Workers (AHP & HSS)
- Non-Medical, Non-Clinical (Admin roles, IT, Facilities, SDU, Housekeeping, Transport).

Agencies will provide CVs of suitable candidates that meet the job description provided. CV's will be sent through with confirmation of pre-employment checks and mandatory training compliance. These should be re-checked by either Temporary Staffing, the Department Manager or a representative working on behalf of the Trust. References must be checked for authenticity and alongside the requirements detailed in Section 2.1.7. The Department should ensure that there are no gaps in employment of longer than three months and if these do exist that suitable explanations/accounts can be provided. Any issues arising from the pre-employment check or mandatory training compliance must be flagged with the employing agency which may result in the agency worker not being able to commence in the Trust.

Visa restrictions that apply to agency workers eg students must be notified to the Trust at the point of booking.

2.4 Work Experience Students

Work Experience students are not required to undergo checks but come with the knowledge of their school and parents. The school signs to agree the placement is suitable for each student placed and takes the place of a reference.

2.5 Healthcare Students attending Trust premises as part of their studies

DBS disclosures are requested by the higher education institute as part of their admissions policy for health care students. The level of disclosure required will be agreed with the Trust.

2.6 Employment of 16 – 17-year-olds (Bank, Substantive or Fixed Term Contracts)

Employment of 16 – 17-year-olds is now permissible; job roles must be non-patient facing or where there is no or limited exposure to a clinical environment eg procurement. Job roles could include but is not an exhaustive list: -

Excluding the cleaning or operation of unguarded equipment and the mixing/preparing of chemical solutions – applies to all posts.

- NPLQ Qualified Lifeguard
- Leisure Assistant
- Cleaner (may work in outpatient departments, clinics and other non-clinical space, excluded from in-patient wards)
- Catering Assistant (excluding the cleaning of unguarded equipment)
- Gardener
- Waste/Recycling Operative (tug usage excluded)
- Tug driver - must hold a full driving licence
- Porterage (excludes patient facing duties, includes Post Room, logistics, notes and samples)
- Administrative type roles through the admin and clerical bank

Excluding apprenticeships who can work full time. When employing 16 – 17-year-olds the Trust must adhere to legal restrictions and requirements as detailed by the government. Further information is available from <https://www.gov.uk/child-employment>

They can work up to 40 hours a week and 8 hours a day

They can't do night work or opt out of this limit

They also need to be in part time education or training until they are 18

They are entitled to be paid at least the National Minimum Wage at the relevant rate

Pre-employment recruitment checks would apply to this age group, for references, these would be sought from a character reference and an educational referee.

On boarding of these individuals would follow the same process as for any other type of staff member joining the Trust eg attendance at Trust induction, mandatory training and IT training.

The types of job roles listed above would not require a DBS, however, should a standard DBS be required this is also obtainable.

2.7 Appointment of Executives, Deputy/Associate Directors and Non-Executive Directors

In addition to the normal pre-employment checks detailed above, there is a requirement to undertake additional pre-employment checks as part of the Fit and Proper Person Requirement (FPPR) for the appointment of Executives and Deputy/Associate Directors which include: -

- Disqualified Directors.
- Bankruptcy and insolvency
- Removed Charity Trustees
- A web search of the individual

Detailed information on the requirements can be found in the Trust's Fit and Proper Person Requirement (FPPR) policy.

2.8 Pre-employment checks completed during a national incident e.g. Pandemic

Should there be a requirement to respond to a national incident and implement this revised process, authorisation to do this would be requested in the first instance to the Chief People Officer before being submitted to the next OD and People Management Board for ratification retrospectively. This revised process would only remain in situ during the incident. The Trust reserves the right to undertake any additional pre-employment checks as necessary.

Bank Workers

- Identification
- Right to Work
- 1 verbal reference
- Disclosure and Barring Service check
- Occupational Health clearance

Any individual recruited to work on the bank through this route who wanted to remain in the Trust post incident would be required to have a full pre-employment check completed at that time.

Students

The Trust will accept pre-employment checks completed by the University but will in addition check the following (unless this has been completed previously by the Trust):-

- Identification
- Right to Work
- Disclosure and Barring Service check

Any individual that transitions to substantive employment post incident will be required to have elements of their pre-employment checks re-checked as follows:-

- Occupational Health
- Disclosure and Barring Service check (if expired)
- 1 reference

Others e.g. Returner Placement Scheme

As a result of government initiatives eg Returner Placement Scheme, where pre-employment checks have been completed by a central team, the Trust will accept these checks but will need to ask the individual to provide evidence of these as part of the on-boarding process. If the individual is unable to provide evidence of these, the Trust reserves the right to undertake any additional pre-employment checks as necessary. Should the individual wish to remain in the Trust post incident, the Trust will re-complete any pre-employment checks that are deemed appropriate. This could include seeking references, DBS and Occupational Health check.

2.9 Retire and Return

Individuals whose applications are accepted to retire and return may be subject to pre-employment checks which could include the following:-

- Registration check
- Disclosure and Barring Service check (if the new post requires a DBS check)
- Occupational Health check

Managers and individuals should also refer to the Trust's Retirement Policy for more detailed information.

2.10 Individuals moving post within the Trust

If individuals move position within the Trust as a result of a recruitment episode, they will be subject to the following pre-employment checks

- Occupational Health
- Disclosure and Barring Service check (if relevant to the new post)
- References as per Section 2.1.7

3. Post Employment Checks

Salisbury NHS Foundation Trust complies with the following once an appointment has been made:

3.1 Occupational Health and Risk Assessment

A pre-appointment health assessment will be carried out by the Occupational Health and Safety Services for any internal transfers where a staff member is moving to a different work area to ensure that the person is capable of carrying out the work proposed. The Recruitment Team will be notified of the outcome and a new contract will be issued, where one is required. As part of the assessment, account will be taken of any current or previous illnesses and the duties imposed by the Equality Act (2010) relating to Disability.

3.2 DBS Checks

It should not normally be necessary to carry out repeat DBS checks on staff already in post. Contracts for staff in exempt posts include a requirement for staff to disclose to the Trust any criminal conviction or caution incurred since their appointment.

A check on an existing employee may be required if they move from a non-exempt post to one that requires a check or to a position requiring a higher-level check. Similarly, if the new post involves working with children, and the previous post did not, an enhanced check including the children's barred list would be required. The Recruitment Team will identify where this may be required.

Detailed information on level of DBS checks can be found in the Trust's [Disclosure and Barring Service Policy](#)

[types-of-roles-within-the-trust-requiring-a-dbs-check-and-the-level-of-check-applicable-sept-2020.docx \(live.com\)](#)

Failure to maintain a current DBS check once in role may result in disciplinary action being taken by the Trust.

3.3 Providing References

The Trust will provide written references to other employers on request. All references must be written by a person with line management responsibility for the employee in question, be honest, fair, accurate and made with reasonable care. They should include an assessment of job-related competency and personal qualities.

Those employed in the following capacity are authorised to write references on behalf of the Trust:

- Executive Directors
- Directorate Managers
- Directorate Senior Nurses
- Clinical Directors
- Heads of Service
- Direct Line Managers or Supervisors of staff

3.4 Concerns about the Safety of Patients and Staff and Fitness to Practice

If there is a judgement that the fitness to practice of a health professional has been called into question, the appropriate Executive Director must inform the appropriate regulatory body and give notice in writing to the person who is subject of the referral of the decision to refer.

If the Trust has serious concerns about the risk of harm to patients, staff or the public posed by an individual currently or previously employed, who is thought to be seeking employment elsewhere in the NHS, then consideration must be given whether to request the National Health Service Litigation Authority (NHSLA) to issue an alert letter (see section 2.1.4). In order to request an Alert Notice the executive director should notify the National Clinical Assessment Service (NCAS), part of the NHSLA, at hpan@ncas.nhs.uk, or telephone 020 7972 2999.

The assessment of the degree of risk must be based on the circumstances of each case and further informed by the advice of the relevant Professional Lead. Advice for doctors can be obtained from the National Clinical Assessment Service (NCAS). In all cases careful consideration should be given as to what other measures could be taken to protect the public and the case must be referred to the relevant statutory regulatory body.

3.5 Renewal of Professional Registration

The Trust is required to regularly confirm that the registration of a health/social care professional whose registration is subject to periodic renewal remains effective, and for this purpose has a policy for dealing with lapsed registrants. Please refer to the Professional Registration policy for further guidance on this matter.

4. Fraud Act 2006

Any attempt to submit or present any document that is either fake or has been altered may be an offence under the Fraud Act 2006.

Similarly, any attempt, whether successful or not, to present false information such as a candidate stating that they have work experience or qualifications which are not true, could be an offence under the Fraud Act 2006.

The Trust takes fraud against the NHS very seriously and any suspicion of fraud will be referred to the Trust's Counter Fraud Specialist for investigation.

5. Risk Assessments

This policy sets out the required pre- and post-employment checks that have been designed to protect patients, the public and other staff from potential risks. However, in some cases where indicated, it is possible for someone to start without that check being concluded, e.g. DBS checks where a thorough risk assessment has been undertaken and taking into account the findings of all other pre-employment checks.

6. References

NHS Employment Check Standards (2023) -
<https://www.nhsemployers.org/recruitment/employment-standards-and-regulation>
Disclosure and Barring Service (DBS) -
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>
UK Visas and Immigration (Home Office) -
<https://www.gov.uk/government/organisations/uk-visas-and-immigration>
Right to Work - <https://www.gov.uk/check-job-applicant-right-to-work>

Trust policies:

[Recruitment and Selection Policy](#)

[Employment of People with Disabilities Policy](#)

[Professional Registration Policy](#)

7. Equality Impact Assessment for Policies

Salisbury NHS Foundation Trust aims to design and implement services and policies that meet the diverse needs of its services, population, and workforce, ensuring that none are placed at a disadvantage over others.

Post Holder /Author Responsible for Policy:	Senior Business Partner Employee relations
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