

Employment Checking Procedure

CONTROLLED DOCUMENT

CATEGORY:	Procedure
CLASSIFICATION:	Human Resources
PURPOSE	To set out the Trust procedure for carrying out pre-employment and ongoing employment checks for all staff (including permanent, fixed-term or temporary, such as agency or Locate (in-house Bank) staff, volunteers, students, trainees, and staff on honorary contracts).
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1. Purpose

- 1.1. This document sets out the procedure for undertaking pre and post employment checks for all applicants and employees. This procedure has been developed in line with the NHS Employment Check Standards which are mandatory for all applicants and employees for ongoing NHS employment.
- 1.2. This procedure provides a framework for all applicants and employees, irrespective of their contractual arrangements; it thus applies to all permanent, fixed-term and temporary staff such as agency or Locate (in-house Bank) staff, volunteers, students, trainees, and staff on (honorary) contracts.
- 1.3. The Recruitment and Selection Policy and its associated Procedural documents (Procedure for Recruitment and Selection to non-medical posts and the Consultant Recruitment Procedure) set out the duties and responsibilities for those involved in recruitment activities.

2. NHS Employment Check Standards

- 2.1. The NHS Employment Check Standards set out the checks that are to be undertaken to gain, and continue, in NHS employment. There are 6 checks that are required:
 - Verification of identity
 - Right to work
 - Professional Registration and qualifications
 - Employment history and reference checks
 - Criminal Record Checks
 - Occupational Health checks
- 2.2. This process will apply to applicants for all posts, however modified checks can be used for honorary contracts and internal staff in order to speed up transfers between departments and these modifications are stated within the separate sections of the procedure. New checks are not required for medical and dental staff on rotational training programmes, acting up or undertaking additional work for the Trust. Internal staff moving to a new post within the same department, i.e. promotions/ increasing band/changing role, also need not undergo any employment checks.

3. Verification of Identity

- 3.1. An identity (ID) check involves checking two elements of a person's identity:
 - 3.1.1. **Attributable:** the evidence of a person's identity that they are given at birth (including their name, place of birth, parent's names and addresses)

3.1.2. Biographical: 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.

These two elements should be in accordance with the list of acceptable ID documents which can be found in Appendix 1.

3.2. ID Verification checks are required in order to:

- determine that the identity of the applicant or employee is genuine and relates to a real person; and
- establish that the person owns and is rightfully using that identity.

3.3. The check of the original ID documents should corroborate:

- full name – forenames, middle and last name or change of name;
- date of birth; and
- full permanent address

3.4 Documents should be photocopied and signed and dated to verify that the original documents were produced by the applicant and seen by a member of Trust staff. These photocopies should then be stored on the personal file. This will be done by the Recruitment Teams for all employed staff.

3.5 For agency workers, please refer to the Locum Medical Booking Procedure and the Corporate and LOCATE Local Induction Procedure for staff employed via LOCATE regarding who carries out the required checks.

3.6 Internal staff, moving to new roles within the Trust, do not require an identity check as they will have been checked on appointment.

4. Right to Work Checks

4.1 Under the Immigration, Asylum and Nationality Act (2006) the failure of the Trust, in applying processes for checking a person's entitlement to work in the United Kingdom prior to appointment, and ongoing during the course of their employment with the Trust, could result in a civil penalty. However although the Trust must undertake pre-employment and ongoing checks, the onus to provide evidence of right to work is on the individual.

4.2 At recruitment stage the right to work checks can be carried out in conjunction with verification of identity checks; however a separate checklist entry should be completed to show that the right to work has been specifically assessed (see Appendix 7). The applicant will be asked to provide one document from the list in Appendix 7 to prove their right to work in the United Kingdom. The HR First Contact Team are responsible

for ongoing checks i.e. checks on internal staff and therefore there is no requirement to duplicate this process when staff move to new roles within the Trust.

4.3 Where a member of staff is recruited from outside the EU, the appropriate Recruitment Team will apply for a certificate of sponsorship directly or through the approved immigration route for the role.

4.4 The HR First Contact Team will carry out post employment checks where the individual's right to remain has an expiry date. The expiry date is captured on the first day via the HR1: Payroll Starter Form. The process for these on-going checks is set out below.

- On the 1st of each month the HR First Contact Team run a report from ESR to capture those individuals whose leave to remain expires within the next 3 months. An email/letter is then sent to the employee asking them to contact HR.
- If an employee is in the application process they are requested to show their UKBA confirmation letter; this permits them to work past the expiry date. They are requested to attend with their passport on receipt. The application process can take a significant amount of time and therefore the HR First Contact Team will check with these individual's on an ongoing and usually monthly basis.
- If an employee's limited leave to remain has been extended, or indefinite leave to remain has been granted, then they are asked to bring in evidence and ESR is updated accordingly.
- One week before the expiry of the visa, the Associate Director of Nursing and Matron/Head of Department (or Clinical Service Lead/Divisional Director for Medical Staff) are informed of the employee's situation if HR has not received any documentation. The employee will not be allowed to work in any capacity beyond the expiry of the visa if proof to remain can not be provided (see below for further details).
- If an employee has not provided the relevant documentation either within 6 months of application or the day after the expiry date, they would usually be suspended from duty (without pay) and a letter sent to them to inform them that the Trust's continued employment of them may be in breach of s8 Asylum and Immigration Act 1996. They are requested to immediately provide documentary evidence of their right to remain within 5 days and attend a meeting, on a date (no more than a week from the letter), to discuss their immigration status and its impact on their employment. At the meeting they are informed that unless they are able to provide evidence of leave to remain/compliance with UKBA requirements the Trust will proceed to terminate their contract; A report will be

prepared documenting the employee's failure to prove the right to live and work in the UK and the individual will be invited to attend a meeting to consider the report and the recommendation of termination of employment.

- 4.5 For assistance on assessing the eligibility of a person's right to work in the UK, refer to Appendix 7 which shows the lists (List A and B) of specified documentation that should be requested for verification. For additional information reference should be made to the UK Border Agency website www.ukba.homeoffice.gov.uk

5. Professional Registration and Qualifications Checks

5.1 Professional Registration

- 5.1.1 Professional regulation is intended to protect the public, making sure that those who practise a health profession are doing so safely.
- 5.1.2 Checks for professional registration are undertaken during the recruitment checks and are ongoing throughout employment.
- 5.1.3 Human Resources are responsible for regularly checking the registration of health professionals with the relevant regulatory body. For further detailed information, please refer to the Professional Registration Policy and associated procedures which can be found on the Trust's Intranet.
- 5.1.4 For internal appointments, recruitment staff should check ESR/professional body website for the status of the registration and place evidence of checking on the file where applicable.

5.2 Qualifications Checks

- 5.2.1 The purpose of qualification checks is for the verification of information about educational or professional qualifications provided by the prospective employee.
- 5.2.2 For non-medical staff where specific qualifications form part of the essential requirements for the position, qualification checks should be conducted; the original certificate should be seen and a copy taken by the Recruitment Teams and kept in the individual's personal file.
- 5.2.3 Where qualifications have been gained overseas, these should be checked directly, where this is possible, with the awarding institution whether the qualification exists, is equivalent to the stated UK qualification and that the individual actually holds the qualification. Further guidance about whether qualifications are genuine can be sought from the National Academic Recognition Centre (NARIC) – website link: www.naric.org.uk

5.2.4 For nursing/AHPs and medical and dental staff, the NMC/HCPC, GMC and GDC check the suitability of primary qualifications and any qualifications required for those entering the NMC/HCPC Register and GMC/GDC Specialist Register (this includes overseas qualifications).

5.2.5 Where additional qualifications, are relied upon in the medical recruitment and selection process which undertaken by the Trust to appoint medical and dental staff, they are required to be additionally verified by the Medical Resourcing Team.

5.3 Internal staff

5.3.1 Where evidence is available to show that this check has already been undertaken, unless the qualifications for the new role are different from their current role, there is no requirement to re-check qualifications.

5.3.2 Where the professional registration remains the same as the employee's current professional body please refer the Trust's Professional Registration Policy and associated procedural documentation.

5.4 Alert Notices

5.4.1 Alert notices are sent to Professional leads i.e. Chief Nurse, Medical Director within the Trust and Deputy Director of HR/Head of Medical Resourcing. These are then kept on an electronic database within the Non-medical Recruitment Team and are searched prior to recruiting an individual as part of the pre-employment checking process. If an alert notice has been issued for an individual already within employment or within the recruitment application process then a check will be undertaken, through the relevant professional lead, in order to decide if they are suitable to be employed into the position offered.

5.4.2 If a suspension alert is received for a currently registered member of staff, the Professional lead and Deputy Director of HR/Head of Medical Resourcing are notified. The member of staff will not be permitted to remain on duty and a meeting with the individual concerned will take place in line with the appropriate Investigation/Disciplinary Procedure, if such a meeting has not already taken place.

6. Employment History and References Checks

- 6.1. In order to check the prospective employee's employment history, previous employers will be asked to give a reference on behalf of their organisation.
- 6.2. For non-medical staff, one written reference to cover the last 3 years of (employment) history is sought for all candidates including internal staff. Where a 3-year history is not covered in the reference, another reference should be sought. Where a 3 year history is not covered by the 2nd reference others need only be sought to cover the whole 3-year period where there is a need to highlight and check specific expertise or employment. At least one reference must be obtained from the last or most recent employer (or educational establishment if the person has not previously worked). Character references may be taken up if candidates are not able to provide an employer, however these must not be friends or family members, but of a professional standing e.g. doctor, social worker.
- 6.3. For Medical and Dental staff recruited by the Trust, 3 references will be sought, one of which should be from the current or most recent employer (or an educational establishment as appropriate). Where the individual has had a number of posts within a 3 year period, it is anticipated that the 3 references will normally be from within the last 3 years unless there is a need to highlight and check specific expertise or employment. Where the individual has had less than 3 employers in 3 years, other appropriate references will be sought by the Medical Resourcing Team. Advice should be sought for appropriate references from the Head of Medical Resourcing or the MR Manager.
- 6.4. For medical and dental staff recruited by the Deanery and placed within the Trust for training purposes, further reference checks are not required as these are undertaken by the Deanery as part of the requirements of the national training system.
- 6.5. References are required to be approved by the Recruiting Manager. If the Recruiting Manager does not feel that the reference provided is satisfactory, does not contain sufficient information or where there are doubts about the authenticity, then guidance should be sought from the HR First Contact Team for non-medical staff and the Medical Resourcing Team for medical and dental staff.
- 6.4. Interview panel members should not solicit information concerning the applicant from persons other than nominated referees. Verbal references are discouraged; however where this will speed up the process, or allow an otherwise unattainable reference to be gained, the individual gaining the reference should document the discussion and where possible confirm the information in writing with the referee as appropriate.

- 6.5 For registered nurses only - Prospective employees would generally not commence employment until their references have been received and assessed as satisfactory. However, in circumstances where the references have not been received prior to the candidate's start date they may be allowed to start work (under supervision if appropriate) if a risk assessment has taken place and signed off by the Associate Director of Nursing. Where information provided by the referees does not agree with that provided by the applicant, this should be discussed in confidence with the applicant before reaching any decision about the offer of employment. This discussion will need to be with HR and the Recruiting Manager.
- 6.6 Under the Data Protection Act, candidates may request to see details written about them in a reference. If Recruiting Managers, or the Recruitment Teams, receive such requests, then advice must be sought from the First Contact Team/Medical Resourcing Team. Permission should be sought from the author of the reference, prior to disclosure, as this will have been given in confidence.

7. Criminal Records Checks

- 7.1. The Trust is fully committed to recruitment on the basis of an objective assessment of candidates against job related factors and having a criminal record will not necessarily prevent an individual from working at the Trust. This will depend on the nature of the position and the circumstances and background of the offence(s).
- 7.2. Certain positions require applicants to have been screened by means of a "disclosure" obtained from the Disclosure and Barring Service (DBS, previously CRB). A disclosure is an impartial and confidential document that details an individual's criminal record and, where appropriate, details of those who are barred from working with young people under 18 and vulnerable groups.
- 7.3. Under the Protection of Freedoms Act 2012 a criminal records check under the DBS is only applicable to those staff who undertake regulated activities (see Appendix 2 for definitions) or who fall into the following categories:
- Healthcare professional – a person who is regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002.
 - Any employment or other work which is concerned with the provision of health services and which is of such kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties
- 7.4 Employees who access confidential records only i.e. no patient contact as part of their normal duties are not eligible for a DBS check.

- 7.5 The following table shows the forms and disclosures that candidates must complete as part of the pre-employment process. Existing staff, changing roles, are not required to have another DBS check where one has already been undertaken whilst in employment at the Trust. For internal staff, evidence of the outcome of the DBS and a new declaration form will suffice (see 7.12).

Table 1

Level	Description	Forms To Complete	DBS Level Of Disclosure
1	Staff who do not have access to patients	<ul style="list-style-type: none"> - Statement on Application Form Rehabilitation of Offenders Act 1974 (Exceptions Order) - Safer Declaration Form B – Non Direct Care Staff 	Not applicable
2	Staff who have access to patients in the normal course of their duties (non-regulated activities)	<ul style="list-style-type: none"> - Statement on Application Form Rehabilitation of Offenders Act 1974 (Exceptions Order) - Safer Declaration Form B - Non-Direct Care Staff - Disclosure and Barring Service Disclosure Application Form 	STANDARD
3	Direct Care staff undertaking regulated activities	<ul style="list-style-type: none"> - Statement on Application Form Rehabilitation of Offenders Act 1974 (Exceptions Order) - Safer Declaration Form A – Direct Care Staff - Disclosure and Barring Service Disclosure Application Form 	ENHANCED

- 7.6 DBS checks will only be made once the preferred candidate has been selected. A list of posts requiring DBS Checks is in Appendix 2; the list was compiled based on the decision that a check is both proportionate and relevant to the position concerned.
- 7.7 Having a conviction, caution, reprimand, warning or final warning will not necessarily bar someone from employment with the Trust. This will depend upon the history, circumstances and background to the offence(s) and the nature of the work or position being sought. The Trust will only take a criminal record into account when the conviction is relevant or poses significant risk. A statement relating to the Trust's stance on employment of those with criminal records is contained in Appendix 8.
- 7.8 Candidates will be asked to make a written declaration about their criminal record before a DBS Disclosure Application form is submitted. However, all candidates may be given the opportunity to discuss any convictions, cautions, reprimands, warnings and final warnings they have, spent or unspent, with a Trust Manager which could be within a Positive Disclosure meeting. Where information contained on a DBS disclosure is inconsistent with information already supplied by the candidate, this can lead to offers of employment being withdrawn or

disciplinary action being taken against individuals already employed by the Trust.

- 7.9 DBS checks for all posts where one is required are undertaken via the E-Bulk system maintained by Capita Resourcing. Access is via a login and password as issued by Capita Resourcing.
- 7.10 Doctors in training grades, who can produce an original DBS certificate from another NHS employer (or a higher education institution) from a training post within the preceding 3 years, will not be required to be rechecked. Where staff are recruited from overseas, an overseas police check in accordance with that country's justice system should be undertaken. Where the individual can show an original Certificate of Good Practice from that country's police/justice system within the preceding 12 months (e.g. as for GMC registration), a further police check will not be necessary. In a small number of cases, overseas criminal records are held on the Police National computer (PNC) which would be revealed as part of the criminal record check and therefore it is often appropriate to also undertake a DBS check. Guidance on how to access information from a list of countries can be found on <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/dbs-checks-organisations1/checks-overseas/>
- 7.11 Prospective employees would generally not commence employment until the disclosure information has been received and assessed as satisfactory. However, in circumstances where the completed disclosure has not been received prior to the candidate's start date they will be allowed to start work (under supervision if appropriate) if a risk assessment has taken place and signed off by the Divisional Director of Operations/Divisional Director (or their nominee). Where information provided by the DBS does not agree with that provided by the applicant, this should be discussed in confidence with the applicant before reaching any decision about the offer of employment. This discussion will need to be with HR and the Recruiting Manager.
- 7.12 Internal applicants

A new criminal record check is not required where an existing member of staff moves jobs within the Trust and their roles and responsibilities have not changed. The trigger for a new check is where:

- They have never had a criminal record check before and are moving to a position that requires them to have a check. The level of check is dependent on the roles and responsibilities of the job
- Their role has changed and they require a higher level of check, or a check against the barred list

7.13 Applicants with Previous Convictions

- 7.13.1 The existence of a criminal record will not automatically bar an applicant from an appointment. In some instances it may be acceptable for judgments to be made about the level of risk posed by the existence of previous convictions for 'minor' offences committed some time ago, particularly if these are admitted during the recruitment process.
- 7.13.2 Where an applicant has previous conviction(s), which are considered to have been pre-risk assessed as medium or high risk, they will normally be invited to a Positive Disclosure meeting where a senior manager and an HR representative will discuss the convictions with the applicant before determining whether the application can progress any further. Internal applicants are welcome to be accompanied by a trade union representative. This form can be found in Appendix 3. The completed form will be kept on the applicant's personal file. The matrix of pre-risk assessed offences can also be found in Appendix 3.
- 7.13.3 For medical and dental staff, the Medical Resourcing Manager will assess any convictions etc identified and discuss the information where required with the Divisional Director/ Medical Director. The assessment will identify if further action is needed. The assessment form can be found in Appendix 4).
- 7.13.4 However, there are some convictions which would automatically be a bar to recruitment. Under the Protection of Children Act 1999 and Criminal Justice and Court Services Act 2000 and the Safeguarding Vulnerable Groups Act (2006) it is a criminal offence for an individual to apply, accept or continue to work with children or vulnerable adults in the knowledge that they are disqualified from working with children or vulnerable adults.
- 7.13.5 Convictions which the Trust would normally consider a bar to employment are: - murder, manslaughter, rape, paedophilia activities or any sexual offences against children/adults, child pornography offences, grievous bodily harm (GBH).
- 7.13.5.1 Under the Rehabilitation of Offenders Act 1974 (ROA) any conviction will become spent after a specified period of time provided that the conviction did not involve a custodial sentence of more than two and a half years and provided there are no further convictions within the rehabilitation period. However, the exemptions to the ROA are:
- Health service appointments.

- Professions that have legal protection, for example nurses, doctors, dentists, chemists, accountants;
- Work that brings the person into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under the age of 18;
- Work involving matters of national security, for example some civil service posts, defence contracts, etc;
- Posts concerned with the administration of justice, for example police officers, lawyers, probation officers, traffic wardens;

7.13.5.2 For this purpose all applicants, internal or external, must disclose all convictions, cautions, warnings or reprimands regardless of when the offence took place as the ROA legislation does not apply to any posts in this Trust.

7.13.6 In applying this procedure, the Trust will continue to promote equality of opportunity for all and will ensure that people with a criminal record are not discriminated against unfairly. However, where background information received through the DBS is considered to be relevant and constitutes a level of risk which the Trust will not accept, then an appointment will not be made and/or any conditional offer of employment withdrawn by reason of unsatisfactory pre-employment checks.

7.14 Criminal Record Risk Assessment

7.14.1 Where the criminal record check is still outstanding and other checks have been received, a risk assessment can be undertaken if the individual's absence in post will have a direct impact on patient care. The risk assessment must be signed off by the Divisional Director of Operations/Divisional Director (or their nominees) and a Professional lead prior to the employee commencing in post. The employee would then start in post (under supervision where appropriate) until their DBS check is received by the Trust and cleared. Refer to Appendix 6 Risk Assessment Form for Medical Staff and Appendix 5 for all other staff.

7.16.2 For training grade doctors on deanery authorised training programmes, a global risk assessment is agreed each year by the Executive Medical Director and the Chief Operating Officer.

7.15 Handling of Disclosure Information

- 7.15.1 In line with the DBS Code of Practice, information contained within Disclosures will only be available to those who need to have access in the course of their duties.
- 7.15.2 The information provided by the DBS is confidential and available only to those who will need to assess the information for employment purposes.
- 7.15.3 Disclosure information will be retained via the E-Bulk System via Capita Resourcing for 6 months.
- 7.15.4 Evidence detailing the outcome of the DBS check will be kept on the individual's personal file.
- 7.15.5 Where an individual has previous conviction(s), the DBS disclosure certificate will be kept by Recruitment securely for a period of 6 months after which time it will be destroyed.

8. Occupational Health Checks

- 8.1 All NHS staff are required to have a pre-employment health check. These checks are carried out in order to:
 - Ensure that prospective employees are physically and psychologically capable of doing the work applied for, taking into account any current or previous illness,
 - Identify anyone likely to be at excess risk of developing work-related diseases from hazardous agents present in the workplace,
 - Identify any risks for those working at night, unsocial hours or long hours i.e. long days
 - Ensure, as far as possible, that the individual does not represent a risk to patients, staff or general public
 - Ensure that the individual will be doing work that is suitable and safe for them.
- 8.2 With the conditional offer of employment, the successful candidate will be sent a pre-employment health questionnaire by the Recruitment Teams to complete and return directly to the Occupational Health department. Medical staff may also need to be screened for additional health checks e.g. Blood Borne Viruses where appropriate.
- 8.3 The Occupational Health Department are responsible for assessing the details given in the questionnaire against the job role. In some instances, a report from the individual's GP or medical specialist may need to be requested.
- 8.4 Where restrictions have been identified then these must be considered in line with the Equality Act 2010 considering reasonable adjustments that

may be required. Further advice should be sought from the HR First Contact Team.

- 8.5 A screenshot from the Cohort system confirming the outcome of the Occupational Health check will be kept on the individual's personal file.
- 8.6 For internal staff, where the post is not substantially different from the individual's current post and there is no evidence of an unacceptably high sickness record, an Occupational Health clearance within 5 years is considered to be valid and a re-check not required.

9.0 Offers of Employment

- 9.1 Any offers of employment made will be conditional and subject to satisfactory pre-employment checks. Offers may be withdrawn if it is discovered that the individual has knowingly withheld information, or provides false or misleading information. For internal applicants this can lead to disciplinary action up to and including dismissal.
- 9.2 Once there is evidence that all checks have been satisfactorily received or risk assessments are in place, the offer of employment may be progressed and where appropriate an unconditional offer of employment can then be made to the prospective employee. Please see Section 7 re: DBS checks.
- 9.3 Withdrawal of offer
 - 9.3.1 The Trust reserves the right to withdraw an offer of employment where any of the pre-employment checks are considered to be unsatisfactory by the Recruiting Manager.
 - 9.3.2 In such a situation, the Trust will advise the candidate that the offer of employment has been withdrawn. Where this has been done verbally, this will then be followed up in writing and a copy stored in recruitment.
 - 9.3.3 Where an employee fails to satisfy a post-employment check, they may be subject to disciplinary action and ultimately dismissal.

10.0 Employment checking of staff employed on honorary contracts, students and contractors

For staff on honorary arrangements, suitable checks are undertaken by the substantive employer as appropriate. The Trust's checks will therefore be adapted as appropriate in accordance with guidance from the Head of Medical Resourcing/Recruitment Managers. For students and contractors, the related organisations procedures will be sought to ensure that they are consistent with this procedure.

11.0 Employment Checking and use of Locate (in-house Bank) and agency staff

- 11.1 For LOCATE (in-house Bank) staff or agency staff recruited via the LOCATE team, please refer to the Corporate and LOCATE Local Induction Procedure for details on how all relevant employment checks are carried out.
- 11.2 For Agency Locum Medical staff, please refer to the Locum Medical Booking Procedure for details on how all relevant employment checks are carried out.
- 11.3 The Trust will normally use agencies that have committed to the Government Procurement Service (GPS) (previously Buying Solutions Framework). GPS undertake a range of audits and checks on the employment agencies to ensure that they provide a safe and effective workforce. The Trust will seek evidence from the agencies used on a rolling 3-year programme to verify their checking processes e.g. audit reports
- 11.4 The evidence will be requested as follows:
- Nursing, AHP and administrative staff via Locate
 - Medical and Dental Staff via Medical Resourcing
 - Pharmacy staff via Pharmacy department
- 11.5 On the renewal of any procurement agreement, the requirement to comply with the NHS Employment Check Standards should be included.

11. References

Centre for the Protection of National Infrastructure – www.cpni.gov.uk

Disclosure and Barring Service – <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/>

Home Office UK Border Agency – www.ukba.homeoffice.gov.uk

NHS Employment Check Standards
<http://www.nhsemployers.org/RecruitmentAndRetention/Employment-checks/Employment-Check-Standards/Pages/Employment-Check-Standards.aspx>

National Academic Recognition Centre – www.naric.org.uk

12. Associated Documents

Disciplinary Policy and Maintaining High Professional Standards Policy

Locate Local Induction Procedure

Locum Medical Booking Procedure

Professional Registration Policy

Procedure for monitoring GMC and GDC registration of medical and dental staff

Procedure for Registration of Practitioners registered with the Health Professions Council

Procedure for Registration of Registered Qualified Nurses

Procedure for the Registration of Practitioners registered with the General Pharmaceutical Council

Recruitment and personal file checklists

Recruitment and Selection Policy

Appendix 1

ACCEPTABLE PERSONAL IDENTIFICATION DOCUMENTS

Some documents are more reliable than others and only certain documents, in certain combinations, are acceptable for verification of identity. These will not always be the same documents as those permitted by the Criminal Records Bureau.

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

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

All documents from each of the lists below must be valid, current and original. Photocopies and documents downloaded from the internet (e.g. bank statements) must not be accepted.

Official copies of original documentation may be accepted where signed by a solicitor.

Where identity documents are provided in a foreign language, an independently verified translation must be obtained. Identity documents of a foreign equivalent must not be accepted if listed as 'UK' on the list of acceptable forms of identification.

At least one document must show the individual's signature, where a signature has not previously been provided, for example because of an e-application the individual should be asked to provide it at interview for checking against relevant documentation.

All documents provided must be photocopied and retained on file. The person taking the copy must sign and date the copy to show it has been certified.

List of acceptable photographic personal identification

Acceptable documents of photographic personal identification include:

- UK (Channel Islands, Isle of Man or Irish) passport or EU/other nationalities passport passports of non-EU nationals, containing UK stamps, a visa or a UK residence permit showing the immigration status of the holder in the UK*
- UK full or provisional photo-card driving licence (must include paper counterpart); or an EU/other nationalities full photo-card driving licence (providing that the person checking is confident that non-UK photo-card driving licences are bona fide)
- ID cards carrying the PASS accreditation logo (UK) for example a UK Citizen ID card. This card can be applied for by residents of the UK and is verifiable with similar security marks to passports and driving licences.
- an EU national ID card and/or other valid documentation relating to immigration status and permission to work – a current Biometric Resident Permit (formerly the Identity Card for Foreign Nationals) is acceptable*.
- A UK HM Forces photo ID card is acceptable but employers should bear in mind that such cards must be surrendered upon leaving the forces so only those individuals currently in the forces will hold such a card.

- Any other document that is not listed above (for example, organisational ID card) must not be accepted.

What to do if no acceptable photographic personal identification documents are available

If an individual seems genuinely unable to provide any acceptable photographic personal identification, then employers should request each of the following:

- two forms of non-photographic personal identification
- two documents confirming their address
- a passport-sized photograph of themselves.

All documents must be from a different source and photographs must be endorsed on the back with the signature of a 'person of standing' in their community, who has known them for at least three years. A 'person of standing' may be a magistrate, medical practitioner, officer of the armed forces, teacher, lecturer, lawyer, bank manager or civil servant.

The photograph should be accompanied by a signed statement from that person, indicating the period of time that the individual has been known to them. Always check that the signature on the statement matches with the one on the back of the photograph and that it contains a legible name, address and telephone number.

A copy of each of the documents should be taken and retained on file. All copies should be signed, dated and certified by the person taking the copy. It is good practice to contact the signatory to authenticate the details of the statement.

List of acceptable confirmation of address documents

Acceptable documents for confirmation of address include:

- utility bill (gas, water, electricity or land-line (not mobile) telephone), or a certificate from a utility supplier confirming the arrangement to pay for the services on pre-payment terms at a fixed address. More than one utility bill may be accepted if these are from two different suppliers and utility bills in joint names are also permissible*
- local authority tax bill (i.e. council tax)**
- UK full or provisional photo-card driving licence (must include paper counterpart); or a full old-style paper driving licence (if not already presented as a personal ID document). Old style provisional driving licences are not acceptable
- most recent HM Revenue & Customs tax notification (i.e. tax assessment, statement of account, notice of coding)** a P45 or P60 is not acceptable
- financial statement (for example, bank, building society, credit card or credit union statement) containing current address*
- mortgage statement from a recognised lender**
- local council rent card or tenancy agreement*
- benefit statement, book or card; or original notification letter from Department of Work and Pensions (DWP) confirming the rights to benefit (for example, child allowance, pension)**

- confirmation from an electoral register search that a person of that name lives at the claimed address*.

List of acceptable non-photographic proof of personal identification documents

Acceptable non-photographic documents include:

- full birth certificate (UK & Channel Islands) issued at the time of birth, including those issued by UK authorities overseas, such as Embassies and HM Forces
- full birth certificate (UK & Channel Islands) issued after the time of birth by the General Register Office / relevant authority, for example, Registrars
- UK full old-style paper driving licence. Old-style provisional driving licences are not acceptable
- residence permit issued by the Home Office to EU Nationals on inspection of own-country passport
- adoption certificate (UK)
- marriage/civil partnership certificate (UK)
- divorce/annulment or civil partnership dissolution papers (UK)
- deed poll certificate
- police registration document
- certificate of employment in HM Forces
- benefit statement, book or card, or original notification letter from the Department of Work and Pensions (DWP) confirming legal right to benefit (for example, child allowance, pension)**
- most recent tax notification from HM Revenue and Customs (i.e. tax assessment, statement of account, notice of coding, P45 or P60 document) **
- UK firearms licence
- grant letter or student loan agreement from a Local Education Authority.

*Documents must be dated within the last three months. (Unless there is a good reason for it not to be, for example, clear evidence that the person was not living in the UK for three months or more). These documents must contain the name and address of the applicant.

**Documents must be dated within the last 12 months.

When appointing someone who has recently left school or further education, in addition to photographic personal identification, employers should ask for at least one of the listed documents below as sufficient proof of their identity:

- full birth certificate (UK & Channel Islands) issued at the time of birth, including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
- full birth certificate (UK & Channel Islands) issued after the time of birth by the General Register Office / relevant authority, for example, Registrars
- National Insurance (NI) number card or proof of issue of an NI number
- a letter from their Head Teacher or College Principal can be requested, verifying their name and any other relevant information, for example, address or date of birth.

What if the applicant has changed their name recently and cannot provide identity documents in this new name?

Employers must only accept identity documents in the applicant's previous name where they are able to provide legitimate documentary evidence of the recent name change because of:

- Marriage/civil partnership
- Divorce/civil partnership dissolution
- Deed poll

Appendix 2

DEFINITIONS AND ELIGIBILITY FOR DISCLOSURE AND BARRING SERVICE (DBS PREVIOUSLY DBS) DISCLOSURE

Regulated activity

The new definition of regulated activity relating to adults and children in the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, can be summarised as follows:

Adults

Any activity involving working or volunteering with **adults** that is of a **specific nature**. An adult refers to any individual who is aged 18 years or over.

There are six categories within the new definition of regulated activity, these are:

i. Providing health care

Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.

ii. Providing personal care

Anyone who:

- provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability;
- prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting or supervision; or – trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

(Personal care, excludes any physical assistance provided to an adult in the relation to the care of their hair. For instance a hairdresser based on a hospital site, or who comes onto a ward to cut patients hair would not be in regulated activity.)

iii. Providing social work

The activities of regulated social workers in relation to adults who are clients or potential clients are a regulated activity. These activities include assessing or reviewing the need for health or social care services, and providing ongoing support to clients.

iv. Assistance with cash, bills and/or shopping

The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf.

- v. Assistance in the conduct of a person's own affairs
Anyone who provides various forms of assistance in the conduct of an adult's own affairs, for example by virtue of an enduring power of attorney.
- vi. Conveying
Drivers and their assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving: health care, personal care or social care, for the purpose of enabling them to receive these services, as outlined above. This does not include family and friends or licensed taxi drivers or licensed private hire drivers; and does not include trips taken for purposes other than to receive health care, personal care or social work, for example, trips for pleasure. Examples of those providing conveying services include: emergency care assistants (ECA's), ambulance technicians and Patient Transport Service drivers (PTS's).

Conveying may also include hospital porters where they are transporting adults - this would not include porters who provide non-patient transport – for example those who purely have responsibility for transporting laundry or samples to a laboratory, for instance. There is no requirement for a person working or volunteering with adults to do the activities outlined above a certain number of times within a certain period before they are regarded as engaging in regulated activity.

For a more detail description and examples please see: www.dh.gov.uk/health/2012/08/new-disclosure-and-barring-services-definition-of-regulated-activity/

The following shows a list of posts, which may be eligible for a DBS Check; however the duties of the post holder must be explored to determine eligibility. The main criteria for determining eligibility of a DBS is whether the individual will have contact with patients as part of their duties (standard) or carry out a regulated activity (Enhanced) (see above). Where there is access to patient/staff data only, a DBS check is not permitted.

Job Title	DBS Disclosure Level (E = Enhanced, S = Standard)
Admin staff (non-clinical areas)	None
Admin & Clerical (Clinical Areas only)	S
Catering staff – ward based	E
Catering staff – restaurant based	None
Chiropodist/Podiatrist	E
Dietetics	E
Divisional Management Staff	S
Domestics	E
Drivers – Patient Transport	E
Drivers – Non Patient Transport	None
Equipment or stores personnel	None
Executive Directors exception is those with professional clinical registration i.e. Chief Nurse, Medical Director	None
Finance Managers (unless a position regulated by Financial Service Authority)	None

Job Title	DBS Disclosure Level (E = Enhanced, S = Standard)
Finance Manager (regulated by Financial Service Authority only)	S
Health Care Scientist	E
HR Staff including recruitment	None
Interpreter	E
IT Staff	None
Laboratory Staff (No patient contact)	None
Laboratory Staff (Patient contact – no regulated activities)	S
Maintenance staff	None
Medical Records staff	None
Medical Secretary	S
Medical Staff – all areas	E
MLSOs (only if have patient contact)	E
MTO's (only if have patient contact)	E
Nursing Staff – all areas including students	E
Occupational Therapist	E
Payroll / Pensions Staff	None
Pharmacist	E
Phlebotomists	E
Physicians Assistant	E
Physiotherapist & Helpers	E
Porters	E
Radiographers	E
Senior Management staff (unless have contact with patients)	None
Speech Therapists	E
Theatre Staff ODO, Auxiliary, Practitioners	E
Volunteers (unsupervised only)	E

STANDARD SCRIPT FOR POSITIVE DISCLOSURE MEETINGS

- Welcome and Introductions
- Inform of reason for the meeting today
- As part of the Trust's recruitment process, prior to the employment of any individual we review all the employment checks to establish if there could be any risks to our patients, staff, property etc. I'm sure you would want us to do this if any of your family members were to be treated by this Trust.
- We note from your recruitment file that you have declared a conviction/caution or we note from the DBS disclosure that you have a conviction/caution – The DBS disclosure (if available) – the information we get from the DBS can often look worse than it is and doesn't tell us anything about the situation, so the meeting is an opportunity to explore the situation around your criminal record and give you the opportunity to talk to us about what happened. We will then ask you some questions to enable us to undertake a risk assessment. Is that OK?
- Opportunity now to be honest with us and tell us what happened
- Applicant to talk through situation
- Panel can ask any follow up questions to re-assure themselves that the applicant is being honest and establish the likelihood of re-offending (see questions on attached form)
- Thank for honesty and full co-operation in the process.
- Tell candidate that we need to understand that they understand their responsibility for informing the Trust that if anything happens during their employment that they must tell us
- Ask candidate if there is anything else they want to tell us.
- Tell candidate that they now need to sign to say that they are confirming that the information they have given during the recruitment process, and this meeting, is accurate, true and to the best of their knowledge. That the information is **accurate & up to date** and they are not undergoing any pending investigations. That they understand that if any information comes to light following this meeting that is inconsistent with the information they have given that their offer of employment will be withdrawn or if in employment that they will face disciplinary proceedings that could include their dismissal.
- Tell them that the panel will now consider the information they have just given and will make a decision on whether to continue with their recruitment process/offer of employment. They will be contacted within 48 hours of the decision.
- Any questions?
- Thank applicant for attending.
- Close meeting

Positive Disclosure Meeting Pro-forma (Non-Medical staff)

Name of Applicant				
Post applied for:				
Recruitment status	Pre-interview <input type="checkbox"/>	Post interview <input type="checkbox"/>	Post - Offer <input type="checkbox"/>	Checks complete <input type="checkbox"/>

Offences for consideration					
Declarations made:	Pre-application <input type="checkbox"/>	Application <input type="checkbox"/>	Interview <input type="checkbox"/>	Declaration form <input type="checkbox"/>	DBS form <input type="checkbox"/>
DBS declaration	Received <input type="checkbox"/>	Awaiting <input type="checkbox"/>	No application made <input type="checkbox"/>		
Copy of DBS provided by applicant	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Differences, if any		

Interview panel				
Explanation from candidate				
Continue on blank sheet if required				

I confirm that the information I have given during the recruitment process, and this meeting, is accurate, true and to the best of my knowledge. I can confirm that the information is **accurate & up to date** and I am not undergoing any pending investigations. I understand that if information comes to light following this meeting that is inconsistent with the information I have given that my offer of employment will be withdrawn or if in employment that I will face disciplinary proceedings that could include my dismissal.

Signed Date:

Panel notes:

Date of latest offence:		Time since offence	Years Months
Age at latest offence:		Under 18?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Punishment given:			

Questions to assess assurance	Answer	Provide details, if any
Is there a history of re-offending:	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are the types of offences relevant to the post applied for?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are any of the convictions considered to be high risk i.e. violence, drugs, theft, deception, abuse of vulnerable adults?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Do any of the other employment checks show concern?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Did the applicant appear genuine in their explanation?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Were you assured that the applicant had learnt from their experience?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
When questioned did the applicant respond consistently?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Was the explanation given by the applicant consistent with any written documentation given?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
What is the likelihood of the individual re-offending? (See risk assessment matrix)	A Rare B Unlikely C Possible D Likely E Almost certain	
What would be the consequence of the individual offending whilst in our employment? (See risk assessment matrix)	1 Insignificant 2 Minor 3 Moderate 4 Major 5 Catastrophic	
Do the risks of employment outweigh the risk from the individual?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Appointment Decision? Notes, if any	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Signatures of Panel:

Manager 1:

Manager 2:

Human Resources:

Likelihood	Consequence				
	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
1- Rare	1	2	3	4	5
2- Unlikely	2	4	6	8	10
3-Possible	3	6	9	12	15
4- Likely	4	8	12	16	20
5- Almost Certain	5	10	15	20	25

Rating 6 or above is considered to be considered too high a risk and the candidate should be rejected.

PROCESS FOR THE MANAGEMENT OF APPLICANTS WITH CRIMINAL CONVICTIONS

1. Introduction

The Trust is fully committed to supporting those with a criminal record and as such possession will not necessarily prevent an individual from working with our patients or staff. However, due to the close contact with vulnerable adults/young people/children in the majority of healthcare roles, this will depend on the nature of the position, the circumstances and background of the offence(s).

However, whilst the Trust is supportive of individuals who wish to gain employment or experience and be rehabilitated from their crimes, the Trust must consider its responsibilities towards its patients, staff and resources and the potential risk that some applicants pose.

2. Assessment of the relevance of criminal records

Where an applicant discloses a criminal record, an assessment to decide the relevance of the criminal record and the suitability of the individual to carry out the duties of the post will need to be made. To reach a fair and balanced decision this assessment will involve an evaluation of the associated risks. Protection of the applicant's rights and interests must be weighed against the rights and interests of the Trust, its employees and those bodies or members of the public with whom a member of the workforce may come into contact.

The normal risk assessment process is to undertake a Positive Disclosure Meeting (PDM) with the preferred candidate and details of these are set out within the Trust's Employment Checking procedure. However, some minor offences have been pre-risk assessed and in these cases, unless the offence is considered relevant to the post, a PDM may not need to take place.

3. Pre-Risk Assessed offences

Table 1 below shows offences that have been pre-risk assessed and show the likely outcome of a PDM, if one were to take place.

Those offences shown as green, which took place outside the time specified, do not need a PDM meeting.

4. Exceptions

A PDM meeting will be required where;

- The pre-risk assessment is amber or red
- The offences are within 3 years of application for the role
- An offence is considered of relevance to the post i.e. fraud for finance posts, driving offences for driving roles.
- Multiple offences across a significant time period

5. Initial Assessment

The assessment against these criteria can be undertaken by senior HR staff i.e. Director and Deputy Director of HR, Head of Medical Resourcing, Senior HR Manager.

6. Positive Disclosure Meetings

Where a meeting is required, a panel consisting of at least a senior manager from a relevant profession (Band 8a and above) and HR representative is required. The panel will assess the level of risk posed by the candidate and decide whether their application should continue accordingly. An appeal can be made to the Deputy Director of HR.

Table 1

This table sets out a pre-risk assessed list of criminal activity and should be used as a guide to manage the expectations of applicants and to reduce the requirement for PDM meetings where considered low risk. Where a red rating is shown, the level of risk is considered to be high and it is unlikely that an offer of employment or placement will be made.

Tariff	Offence(s)	Notes / Likely Risk Rating
A.	Shoplifting/disorder/ breach of peace	PDM not required unless within 3 years of application
B.	Alcohol related offences incl. drunk & disorderly	PDM not required unless within 3 years of application
C.	Major motoring offences including reckless/ dangerous driving/ theft of motor vehicle and drunk driving	PDM not required unless within 3 years of application or applicant for driving position
D.	Prostitution/Soliciting	PDM not required unless within 5 years of application
E.	Fraud/Deception/Misrepresentation i.e. benefits fraud	PDM not required unless within 5 years of application
F.	Breaking & Entering /Burglary	PDM not required unless within 5 years of application
G.	Robbery/Aggravated burglary	
H.	Serious fraud i.e. identity theft, embezzling	Risk likely to be Red for Finance posts
I.	Affray	
J.	Arson	
K.	Possession of drugs	
L.	Assault/ABH	
M.	Menacing or threatening behavior	
N.	Drugs – dealing, smuggling or supplying	
O.	Imprisonment, including Young Offenders	
P.	Violence including battery and GBH	
Q.	Murder or Manslaughter	
R.	Armed robbery	
S.	Inclusion on sex offenders register	
T.	Sex offences incl. rape, indecent assault, child pornography	

U.	Abuse of vulnerable adults or children incl. kidnap	
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Notes: Please note that this list is not exhaustive, therefore, please gain guidance from Human Resources.



Appendix 4

**ASSESSMENT OF DECLARATION OR DBSCONVICTIONS/INFORMATION
(Medical Staff)**

NAME:

GRADE: **SPECIALTY:**

ISSUE DECLARED: _____

TRUST ANALYSIS: _____
Please record any contact or discussions with DD/CSL/HR etc

Risk Assessment Needed: Yes/No

Signed: **Date:**

Name: **Designation:**

Authorised:

Name:

Date:

Appendix 5

RISK ASSESSMENT REQUEST FOR COMMENCEMENT INTO POST PRIOR TO CRIMINAL RECORDS BUREAU CLEARANCE (Non Medical Staff)

Criminal Records Bureau checks are required to assist the Trust to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work; especially work that involves children or vulnerable adults.

There are 2 levels of checks (standard and enhanced) and the level required is dependent on the nature of the position. An enhanced check is needed for those who require direct and unsupervised access to patients where there is substantial access to children and vulnerable adults.

These checks are carried out in accordance with national guidelines and are conditional for the appointment. In the event of urgent service needs, it may be necessary for an individual to commence employment prior to the DBS clearance being received. This can only be done when all the other clearances have been obtained, are satisfactory and after the Recruiting Manager has assessed the level of risk.

DBS Risk Assessment Form

This form should be used for where a new member of staff may be asked to work prior to DBS clearance. The assessment should establish whether the risk to the service from the individual not commencing in post is greater than the potential risk from the individual. The form is pre-populated and must be amended where risks are higher or lower than the stated position.

DBS Risk Assessment Framework

This form needs to be completed for each member of staff who the Trust needs to commence work prior to their DBS check clearance. The form will be pre-populated by the Recruitment Centre who can confirm the checks already undertaken. The Recruiting Manager will verify the information on the pre-populated form and will forward to the relevant Divisional Director of Operations or corporate equivalent (or other nominated individual) to sign off.

DBS Risk Assessment Form - Guidance

This form has been produced to help you, as a Trust Manager, to collate and review all risks in your area in relation to employees commencing employment without DBS clearance. The form must be retained in the employee's personal file (for nursing staff only the form should be sent to Recruitment Centre).

1. **Date** - You must put in the date you undertook each risk assessment.
2. **Divisional Director of Operations (or more senior) or equivalent**. - must agree the assessment and sign it accordingly.
3. **Hazard** - A hazard in the DBS context is any process, action or inaction that could cause harm to a person, or damage to property or equipment. For commencement of work without DBS checks this may include:
 - Potential harm to service due to lack of staff member
 - Potential harm to patients from employee not of good standing
 - Potential harm of an employee without a DBS check who has a conviction who may cause damage to property/equipment/patients etc
 - Potential harm to organisational reputation
4. **Potential Dangers/Harms of Hazard** - This column is for you to list any other potential dangers or harm that the hazard you have identified may cause - the main hazards identified above are pre-printed.
5. **Current Controls** - List any controls already in place to protect staff/patients/visitors from this hazard. The current controls will affect your risk rating e.g.:
 - Putting in place supervision
 - Other mandatory employment checks that have been carried out
 - Restricted/limited duties
 - Length of time risk likely to the present for
6. **Risk** - The Risk is the likelihood of something happening set against the severity of the incident if it did happen. If for example a process is likely to fail and the consequences of failure are major then the risk is 16 (very high).

When doing your Risk Assessments use the Risk Matrix below to decide the risk. It leads you to consider in each case the likelihood and the potential severity of an incident. Use the numbers for consequence and likelihood to fill in columns C & L and multiply to get your CxL risk rating.

Likelihood	Consequence				
	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
1- Rare	1	2	3	4	5
2- Unlikely	2	4	6	8	10
3-Possible	3	6	9	12	15
4- Likely	4	8	12	16	20
5- Almost Certain	5	10	15	20	25

7. **Agreed Action** - Having highlighted the hazards identified the associated dangers and having assessed the risks; you need to use this column to record your actions, if any, to reduce, eliminate or control risks as far as possible e.g. putting individual on limited duties.
8. **Action Date** - You must put in an agreed date when the action/s (where appropriate) will have to be carried out.
9. **Review Date** - After completing each risk assessment you must set a date when that assessment needs reviewing, usually fortnightly. When the Recruitment Centre notify you that DBS disclosure has been received and is satisfactory these assessments end, and any risk management/working under supervision should end. If the disclosure is unsatisfactory the HRM/A will contact you and give advice.

RISK ASSESSMENT FORM

Division/Department: _____ Site: _____ Date¹: _____
 Manager (Risk Assessor): _____ Divisional Director of Operations or equivalent²: _____

Hazard ³	Potential Dangers/Harm of Hazard ⁴	Current Controls ⁵	Risk ⁶ <i>Use the Risk Matrix</i>			Agreed Action ⁷	Action Date ⁸	Review Date ¹⁰
			C	L	CxL			
Employee without DBS check or clearance	1. Harm to patients/service through reduction of staff members unable to work prior to DBS clearance.	Locate/Locum, good will of current workforce, non-delivery of areas of work	3	4	12	Allow member of staff to commence without DBS	Action By (Initials)	
Employee without DBS check or clearance	2. Harm to patients/service if employee has a criminal record and/or cautions/bind-overs ineligible to work with children and vulnerable adults e.g. on POCA/POVA lists	All other pre-employment checks valid.	3	3	9	Put controls in place i.e. supervision, limited or restricted duties		
Employee without DBS check or clearance	Harm to UHB property and equipment by an employee with a criminal record	As 2	3	3	9	As above		
Employee without DBS check or clearance	Harm to UHB reputation if an employee works prior to DBS clearance and has a criminal record	Damage limitation if all other checks made	3	3	9	As above		

Risk Assessment Framework regarding the Disclosure of Criminal Background

	Yes	No	Comment
Is the individual from the EU or spent time working in the UK prior to this appointment?			
Has the individual declared information regarding a criminal offence? (If yes see Procedure for Employment Checking, see intranet) Has the individual been asked about convictions/cautions and reminded that the failure to declare spent or unspent convictions may result in dismissal?			
Is there a current DBS check available? How old and where was it obtained? Please attach copy to this risk assessment.			
Is the level of DBS check the same as the level you need i.e. Standard / Enhanced / POCA/POVA?			
Is the position for which the previously issued DBS check was obtained similar to the position for which you need a DBS check now? What is the position?			
Have all the non DBS checks that you need been carried out? <input checked="" type="checkbox"/> tick to verify checks			<input type="checkbox"/> ID checks <input type="checkbox"/> References <input type="checkbox"/> OH Clearance <input type="checkbox"/> Professional registration <input type="checkbox"/> Alert list <input type="checkbox"/> Qualifications <input type="checkbox"/> Citizenship/visa
Have you validated and authenticated the person's identity to ensure that the person presenting the DBS check is the person on whom the check was done (i.e. confirm address)			
Has the individual completed a Safer Declaration, Form A/B? Please retain a copy on the personal file.			
Is the employee able to commence employment pending DBS clearance? If Yes, where are they to work (list all areas)?			
What level of supervision will the post holder receive prior to full DBS clearance is received?			
If it is an enhanced check, have you confirmed from the previous counter signatory if any additional information was released by way of a separate letter?			
Have you obtained the consent of the applicant to approach the other organisation?			

If a Standard or Enhanced check is needed and this is not received prior to set date of commencement in employment then complete the above form and consider the option of placing the individual in a temporary position where Enhanced check is not necessary.

The risk assessment is completed and I assess the risk in this case to be low/medium/high (delete as appropriate) and I do/do not authorise the individual to commence employment.

Signed: (Area/Department Manager) Date:

Signed: (Divisional Director) Date:

RISK ASSESSMENT FOR MEDICAL STAFF REQUEST FOR COMMENCEMENT IN POST PRIOR TO CRIMINAL RECORDS BUREAU CLEARANCE

Criminal Records Bureau checks are required to assist the Trust to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work; especially work that involves children or vulnerable adults.

There are 2 levels of checks (standard and enhanced) and the level required is dependent on the nature of the position. An enhanced check is needed for those who require direct and unsupervised access to patients where there is substantial access to children and vulnerable adults.

These checks are carried out in accordance with national guidelines and are conditional for the appointment.

The DBS check process can take some time to clear and in the event of urgent service needs, it may be necessary for an individual to commence employment prior to the DBS being received e.g. Junior doctors on rotation. This can only be done when all the other clearances have been obtained, are satisfactory and after the recruiting manager has assessed the level of risk.

DBS Risk Assessment Form

This form should be used for each grade of staff in all speciality areas where a new member of staff may be asked to work prior to DBS clearance. This will only happen where staff are needed urgently and it will assess whether the risk to the service is greater than the potential risk from the individual. Only one risk form is usually needed per grade of staff in any one speciality area.

DBS Risk Assessment Information Framework

This form needs to be completed for each member of staff who the Trust seeks to allow commencing work prior to their DBS check clearance*. The form will commence with the recruitment lead for the staff group who will verify or attach all the information from the pre-employment checks and who will forward to the CSL of the speciality area (or other nominated individual) and DDOps/nominated managers to sign off in the light of the risk assessment in the area of work.

***To note:** Medical Staff in training grades on educationally approved training programmes in the UK and who can supply an original DBS clearance document within the last 36 months from another NHS employer or a higher education institution for training purposes may be considered DBS cleared.

Risk Assessment Form

This form has been produced to help you, as a Trust Manager, collate and review all risks in your area in relation to employees without DBS clearance.

1. **Date** - You must put in the date you undertook each risk assessment.
2. **Form Number** - Please number your risk assessments with a unique number which will make it easier for you and others to cross-reference risk assessments. For DBS risk assessments use DBS - M (for Medical) J (for Junior) followed by a number.
3. **Divisional Director /Divisional Director of Operations.** - must agree the assessment and sign it accordingly.
4. **Hazard** - A hazard in the DBS context is any process, action or inaction that could cause harm to a person, or damage to property or equipment. For commencement of work without DBS checks this will be:-
 - Potential harm to service due to no doctor available at that grade
 - Potential harm to patients from doctors not of good standing
 - Potential harm from a doctor without a DBS check who has a conviction who may cause damage to property/equipment/patients etc

- Potential harm to organisational reputation from harm to services/patients/equipment

(Other hazards may be apparent.)

5. **Potential Dangers/Harms of Hazard** - This column is for you to list the potential dangers or harm that the hazard you have identified may cause - the main hazards identified above are pre-printed.
6. **Current Controls** - List any controls already in place to protect staff/patients/visitors from this hazard. The current controls will affect your risk rating e.g.:
 - limited duties
 - supervision arrangements
 - Other ID checks/ references. Use risk framework for this
 - length of time risk likely to the present for
7. **Risk** - The Risk is the likelihood of something happening set against the severity of the incident if it did happen. If for example a process is likely to fail and the consequences of failure are major then the risk is 16 (very high).

When doing your Risk Assessments use the Risk Matrix below to decide the risk. It leads you to consider in

each case the likelihood and the potential severity of an incident. Use the numbers for consequence and likelihood to fill in columns C & L and multiply to get your CxL risk rating.

Likelihood	Consequence				
	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
1- Rare	1	2	3	4	5
2- Unlikely	2	4	6	8	10
3-Possible	3	6	9	12	15
4- Likely	4	8	12	16	20
5- Almost Certain	5	10	15	20	25

8. **Agreed Action** - Having highlighted the hazards identified the associated dangers and having assessed the risks; you need to use this column to record your actions, if any, to reduce, eliminate or control risks as far as possible e.g. restricted duties.
9. **Action Date** - You must put in an agreed date when the action/s (where appropriate) will have to be carried out.
10. **Review Date** - After completing each risk assessment you must set a date when that assessment needs reviewing. As a general rule risk assessments must be reviewed at least annually.

RIGHT TO WORK DOCUMENTS

To confirm that an applicant has the legal right to work in the UK, employers must see one of the documents or combinations of documents specified in **List A** or one of the documents or combinations of documents specified in **List B**. No other documents or combinations of documents are acceptable. If a document or combination of documents is provided from List A there is no need to ask for documents from List B.

All documents must be valid, current and original. However, since 2 August 2010, following an amendment to UKBA policy, employers are able to accept evidence of indefinite leave to remain where it is produced in a passport that has expired. This exception is only in relation to proof of indefinite leave to remain, employers must undertake the same checks to verify an out-of-date passport as they would for a valid (in-date) passport and copies of documentation will need to be kept on file to avoid a penalty notice.

Photocopies must not be accepted. The documents must show that the holder is entitled to do the type of work being offered.

List A

Employers must see one of the original documents or combinations of documents specified in this list. If the individual cannot provide documents from this list, ask for documents from **List B**.

- A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies, having the right of abode in the United Kingdom.
- A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
- A residence permit, registration certificate or document certifying or indicating permanent residence that has been issued by the Home Office or the UKBA to a national of a European Economic Area country or Switzerland.
- A permanent residence card issued by the Home Office or the UKBA to the family member of a national of a European Economic Area country or Switzerland.
- A Biometric Immigration Document issued by the UKBA to the holder that indicates the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
- A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
- An Immigration Status Document issued by the Home Office or the UKBA to the holder, with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination with an official document issued by a

Government agency or a previous employer, giving the person's permanent National Insurance number and their name.

- A full birth certificate issued in the United Kingdom, which includes the name(s) of at least one of the holder's parents, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A full adoption certificate issued in the United Kingdom, which includes the name(s) of at least one of the holder's adoptive parents, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A letter issued to the holder by the Home Office or the UKBA indicating that the person named in it is allowed to stay indefinitely in the United Kingdom, when produced in combination with an official document, issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.

List B

Only use this list if the individual can not provide documents from **List A**.

If a prospective employee shows you one of these original documents, or combinations of documents, it indicates that they only have limited leave to work in the UK. You must therefore carry out these checks at least once every 12 months and record the date on which you carried out these checks. At this point the employee must produce new documents from **List A** or **B** or leave your employment. Where the individual provides a document or documents from List A, no further checks are required for the duration of their employment.

- A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
- A Biometric Immigration Document issued by the UKBA to the holder, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
- A work permit or other approval to take employment issued by the Home Office or the UKBA, when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office or

the UKBA to the holder or the employer or prospective employer confirming the same.

- A certificate of application that is less than six months old issued by the Home Office or the UKBA to, or for, a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the UKBA Employer Checking Service.
- A residence card or document issued by the Home Office or the UKBA to a family member of a national of a European Economic Area country or Switzerland.
- An Application Registration Card issued by the Home Office or the UKBA stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the UKBA Employer Checking Service.
- An Immigration Status Document issued to the holder by the Home Office or the UKBA with an endorsement indicating that the person named in it can stay in the United Kingdom and is allowed to do the type of work in question, when produced in combination with an official document issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.
- A letter issued to the holder or the employer or prospective employer by the Home Office or the UKBA, indicating that the person named in it can stay in the United Kingdom and is allowed to do the work in question, when produced in combination with an official document issued by a Government agency or a previous employer, giving the person's permanent National Insurance number and their name.

*Lists A and B were correct at the time of publishing but are subject to change. Always check the UKBA website before proceeding with document verification checks.

National Insurance numbers

Employers should note that the provision of a National Insurance number in isolation is not sufficient evidence for the purposes of having a statutory excuse and this must only be accepted when presented in combination with one of the appropriate documents specified in Lists A or B.

Biometric residence permits (formerly known as identity cards for foreign nationals)

Since 25 November 2008, the UKBA has changed the way it issues permission for leave to remain in the UK. Biometric residence permits replace the vignettes previously placed in passports. This only applies to foreign nationals of countries outside the EEA and Switzerland who are granted leave to remain in the UK. Employers may accept these permits, alongside the other recommended documents, to verify the individual's identity and right to work in the UK. For more information and details of how to access the online authenticity checking service (launched 31 May 2012) please refer to the UKBA website at: www.ukba.homeoffice.gov.uk or contact the UKBA helpline on 0300 123 4699.

Source: Right to Work Checks
NHS Employers
September 2012

Appendix 7

RIGHT TO WORK CHECKLIST

Name of person:	
Date of check:	
Type of check:	<input type="checkbox"/> First check before employment
	<input type="checkbox"/> Repeat check on an employee

STEP 1: ASK FOR ACCEPTABLE DOCUMENTS SHOWING RIGHT TO WORK

- You must be provided with one of the documents or combinations of documents in List A or List B below as proof that someone is allowed to work in the UK.
- You must only accept original documents.

LIST A

1.	<input type="checkbox"/>	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and colonies having the right of abode in the UK
2.	<input type="checkbox"/>	A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland
3.	<input type="checkbox"/>	A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a national of a European Economic Area country or Switzerland
4.	<input type="checkbox"/>	A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland
5.	<input type="checkbox"/>	A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
6.	<input type="checkbox"/>	A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK

7.	<input type="checkbox"/>	An Immigration Status Document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
8.	<input type="checkbox"/>	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
9.	<input type="checkbox"/>	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
10.	<input type="checkbox"/>	A certificate of registration or naturalization as a British citizen together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
11.	<input type="checkbox"/>	A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)

LIST B

1.	<input type="checkbox"/>	A passport or other travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work you are offering
2.	<input type="checkbox"/>	A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the UK and is allowed to do the type of work you are offering
3.	<input type="checkbox"/>	A residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland
4.	<input type="checkbox"/>	A work permit or other approval or other approval to take employment issued by the Home Office, the Border and Immigration Agency or the UK Border Agency together with either a passport or travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work you are offering or a letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder or to you confirming the same

5. <input type="checkbox"/>	A Certificate of Application which is less than 6 months old issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to or for the family member of a national of a European Economic Area country or Switzerland stating the holder is allowed to take employment together with a positive verification letter from the UK Border Agency's Employer Checking Service
6. <input type="checkbox"/>	An Application Registration Card (ARC) issued by the Home Office, the Border and Immigration Agency stating that the holder is 'ALLOWED TO WORK' or 'EMPLOYMENT PERMITTED' together with a positive verification letter from the UK Border Agency's Employer Checking Service
7. <input type="checkbox"/>	An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named on it can stay in the UK and is allowed to do the type of work you are offering together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
8. <input type="checkbox"/>	A letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder or to you as the potential employer or employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work you are offering together with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)

STEP 2: CHECK THE VALIDITY OF THE DOCUMENTS

- You must satisfy yourself that the documents are genuine and that the person presenting the documents is both the rightful holder and allowed to do the type of work you are offering.

- Are photographs consistent with the appearance of the person? Yes No N/A
- Are the dates of birth listed consistent both across documents and with the appearance of the person? Yes No N/A
- Are expiry dates for limited leave to enter or remain in the UK in the future i.e. they have not passed? Yes No N/A
- Do the endorsements (stamps, visas etc) show the person is able to do the type of work you are offering? Yes No N/A
- Are you satisfied that the documents are genuine, have not been tampered with and belong to the holder? Yes No N/A
- Have you asked for further documents to explain why you have been given documents with different names? Yes No N/A

STEP 3: TAKE A COPY OF THE DOCUMENTS

- **You must take a copy of the documents in a format which cannot later be altered.**

Is the document or one of the documents a passport or travel document? Yes/No

If **Yes**, then you must photocopy or scan:

- the front cover and any pages providing the holder's personal details; their nationality; photograph; date of birth; signature; date of expiry and biometric details; and
- any pages containing UK Government endorsements' showing the person is allowed to work in the UK and carry out the work you are offering.

All other documents should be copied in full, including both sides of a Biometric Residence Permit.

STEP 4: KNOW THE TYPE OF EXCUSE YOU HAVE

If you have correctly carried out the above 3 steps you will have an excuse against payment of a civil penalty if the UK Border Agency find the above named person working for you illegally.

However, you need to be aware of the type of excuse you have as this determines how long it is valid for.

Are the documents that you have checked and copied from List A or List B?

List A

- You have an excuse for the full duration of the person's employment with you.
- You are not required to carry out any repeat right to work checks on this person.

List B

- You have an excuse for **up to 12 months** from the date on which you carried out this check.
- To keep your excuse you **must carry out a repeat check** on this person **within 12 months**.
- If the person's leave expires within a 12 month period you should carry out your repeat check at that point to find out if they continue to have the right to work.

Date repeat check required:

Date leave/right to work expires:

Appendix 8

Statement on the Recruitment of Ex-Offenders

As an organisation who is committed to securing the safety of its staff, patients and property, as part of the NHS Employment Checking process, we use the Criminal Records Bureau (DBS) Disclosure service to assess applicants' suitability for positions of trust. University Hospitals Birmingham NHS Foundation Trust complies fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

UHBFT is committed to the fair treatment of its staff, potential staff or users of its services, regardless of sex, race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of backgrounds, including those with criminal records. We select all candidates for interview based on their ability, skills, qualifications and experience.

However all posts within healthcare are exempt from the provisions under the Rehabilitation of Offenders Act 1974 therefore, all applicants are requested to provide full details of their criminal record incl. cautions, reprimands, warnings, regardless of when they took place, at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Recruitment Centre and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

We ensure that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. The Trust values include honesty and therefore, failure to reveal information could lead to withdrawal of an offer of employment.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences. However, where background information received through the Criminal Records Bureau is considered to be relevant and constitutes a level of risk which the Trust will not accept, then an appointment will not be made and/or any conditional offer of employment withdrawn by reason of unsatisfactory pre-employment checks.

Appendix 9

Monitoring Matrix

MONITORING OF IMPLEMENTATION	MONITORING LEAD	MONITORING PROCESS	MONITORING FREQUENCY	REPORTED TO PERSON/GROUP	ACTION PLAN LEAD
Monthly reports against recruitment and selection key performance indicators (ethnicity & disability) and any issues are presented to the Trust's Strategic Delivery Group	Human Resources Department	Recorded via KPI reports	Monthly	Executive Director of Delivery at Strategic Delivery Group	Director of Human Resources
A member of the HR Team/ Medical Resourcing/ Recruitment management will undertake a file audit once a month to establish that the appropriate range of checks are being completed	HR Manager – Governance	Recorded via a matrix within the HR Shared Drive – results shared at quarterly Senior HRM meetings	Monthly	Senior HRM Groups	Director of Human Resources
Assurance from external agencies that they complete the full range of employment checks required	Human Resources Department	Annual audit reports	Every 3 years	Board of Directors via Annual Workforce Plan	Director of Human Resources