



Workforce

Employment Checks Policy: guide

This guide will help employees and new applicants understand the Employment Checks Policy.

The following guide forms part of the standard for workforce policies. These policies apply to all eligible staff within NHSScotland, regardless of the board they are employed by. The guide covers:

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What is the purpose of the Employment Checks Policy?

The Employment Checks Policy provides a framework for the following:

- Undertaking employment checks and reviewing the suitability of candidates starting employment with NHSScotland.
- Staff moving to a new role within NHSScotland.

Who is covered by this policy?

This policy applies to all employees and preferred candidates for employment. It also applies to current and future bank, agency, sessional workers, volunteers, contractors, secondees and those on placement or work experience, including trainees and students.

Manager's responsibilities

As a manager, you are responsible for:

- Providing full job-related information for occupational health service (OHS) screening.
- Checking where a significant change to roles has occurred to determine whether membership of the Protecting Vulnerable Groups (PVG) scheme, a disclosure check, OHS, or other screening is required.
- Considering information received as a result of checks and take appropriate action.
- Checking continued registration status as required.
- Checking continued right-to-work status as required.

Recruitment lead's responsibilities

A recruitment lead will coordinate the employment checks. You, as the manager, may undertake some checks.

The recruitment leads are responsible for:

- Confirming what employment checks are required.
- Confirming who will undertake each employment check.
- Providing advice to the manager when decision-making.
- Confirming who will liaise with statutory and regulatory bodies.

Procedure

The level of employment checks required for an individual may vary depending on the:

- role applied for
- location of the role
- applicant's work history

You should not make a final decision until all checks have been undertaken and, if required, a risk assessment has been carried out.

Verification of identity and address

This employment check must be undertaken for all candidates who are:

- Being recruited into a role within an NHSScotland Board for the first time.
- Returning to employment within an NHSScotland Board following a break in employment or a change of employer.

This employment check does not need to be repeated for internal candidates moving into a different role within their existing NHSScotland Board.

An individual's identity and address should be reviewed to corroborate their:

- full name, including first and last names
- signature
- date of birth
- full permanent address

Individuals should provide 2 documents:

1. An official document containing their photograph, such as a passport or driving licence, will allow you to compare the photograph with the individual presenting it. This is to prevent instances of imposters or 'look-a-likes'.
2. A document providing their current address.

The ideal document:

- is issued by a trustworthy and reliable source
- is difficult to forge
- is dated and current

- contains the owner's name, photograph and signature
- requires evidence of identity before being issued

There is no definitive list of identifying documents, and not all documents are of equal value. However, ideal documents include passports, driving licences, and national identity cards.

Documents that you might consider requesting include the following:

- A current signed full passport, national identity card, or other valid documentation relating to immigration status and permission to work.
- A current UK photocard driving licence.
- A current UK paper counterpart driving licence.
- A current biometric residence permit.
- A full birth certificate.
- An adoption certificate.
- A marriage or civil partnership certificate.
- A divorce, dissolution, or annulment papers.
- A gender recognition certificate.
- Current evidence of entitlement to Department for Work and Pensions (DWP) benefits.
- A recent His Majesty's Revenue and Customs (HMRC) tax notification.
- A building industry sub-contractor's certificate issued by HMRC.
- A current firearms certificate.
- A police registration document.
- An HM Armed Forces identity card.
- Proof of residence from a financial institution.
- A recent utility bill or certificate from a utility company confirming the arrangement to pay for the services at a fixed address on pre-payment terms.

The following documents can also be considered. However, the date should be within the last 12 months:

- A council tax bill.
- A recent mortgage statement from a recognised lender.

The following documents can also be considered. However, the date should be within the last 6 months unless there is good reason for it not to be.

They should also contain the name and address of the applicant:

- A bank, building society, credit union statement, or passbook with a current address.
- Confirmation from an electoral register search that a person of that name lives at the address provided.
- A current local council rent card or tenancy agreement.
- A record of an official home visit.
- A court order.

Where a signature has not been provided, the individual should be asked to provide it at a later date to check against relevant documentation.

Wherever possible, original documents should be used for identification purposes. You should not accept copies unless they have been certified by a solicitor. If documents issued via the Internet have been presented to you, they can be used with other independently issued documents to verify an address. Examples include utility bills or a bank or building society statement.

If the individual cannot provide photographic documentation, they should be asked to provide additional documents and a passport-sized photograph. This should be endorsed on the back with the signature of a 'person of standing' in the individual's community. The person must have known the applicant for at least 3 years. [Further details on 'person of standing' can be found on the UK Government website.](#)

A signed statement from that person should accompany the photograph. It should indicate the period of time that the applicant has been known to them. You should check the statement to make sure the signature matches the one on the back of the photograph. It should also contain a legible name, address, and telephone number. You must then contact the signatory to confirm that they did write the statement.

Verifying an individual's address confirms that the address exists and relates to real property. It also establishes that the applicant permanently resides or previously resided at that address.

To verify an address, you should ask the individual to provide documentation to confirm residence at their given address.

You must not withdraw an offer of employment if the individual cannot provide documentation to satisfy the identity verification and address employment check. This risk must be considered in line with the other employment checks outlined in the [Employment checks risk assessment form](#).

Right to work in UK

Establishing, documenting, and maintaining an individual's right to work is a statutory requirement. This applies to all UK and non-UK citizens.

This employment check must be undertaken for all candidates who are:

- Being recruited into a role within an NHSScotland Board for the first time.
- Returning to employment within an NHSScotland Board following a break in employment or a change of employer.

It is considered a break in service if an employee has been out of employment with a recognised NHS organisation for more than one week. A week is measured from Sunday to Saturday. There should be a break of one full week from Sunday to Saturday for the break to be considered a break in service.

There may be a requirement for this employment check to be repeated for internal candidates moving into a different role within their existing NHSScotland Board.

NHSScotland Boards may be liable for a civil penalty or criminal conviction for employing an individual subject to immigration control. However, this does not apply if at least one of the following statements is true:

- The individual has been authorised to be in the United Kingdom by the Government and is permitted to take the job in question.
- The person comes into a category where employment is permitted.

This check must be undertaken before the employee commences employment within an NHSScotland Board.

Recruitment leads must refer to the current Employer's Guide to Right-to-Work for more information on how to undertake a right-to-work check. The UK Home Office publishes and updates it.

You must consider withdrawing an offer of employment if the individual cannot satisfy the right-to-work employment check. [Download the Employment Checks Policy: Risk assessment](#).

If you have reasonable cause to believe that an existing employee no longer has the right to work, you must establish the facts by carrying out full and thorough investigations as quickly as possible. You should refer to the [NHSScotland Workforce Policies Investigation Process](#).

Criminal record checks

This employment check must be undertaken for all individuals working in a role requiring a criminal record check or membership of the Protecting Vulnerable Groups (PVG) scheme.

A criminal record check relates to the data held about a person's criminal history. The information included in a criminal record may vary between countries and jurisdictions within the same country. In Scotland, [criminal record checks are obtained through Disclosure Scotland](#).

Disclosure Scotland helps employers make safer recruiting decisions. It also makes sure that unsuitable people do not work with vulnerable groups, including children.

Disclosure Scotland provides 4 levels of criminal record disclosure:

- Level 1
- Level 2
- Level 2 with barred list check
- PVG Scheme

Level 1 is the most common type of criminal record check and the lowest level of disclosure. It shows any unspent convictions an individual has.

Under the Rehabilitation of Offenders Act 1974, some criminal convictions can be treated as spent after a certain length of time. Spent convictions are not included in a basic disclosure. [Find out more about spent convictions](#).

Disclosure Scotland does not monitor people as part of a Level 1 disclosure. The disclosure only shows the information available on the date it was created.

Level 2 disclosures involve a higher level of checks. They are for people doing certain types of work, such as care workers and accountants. All

Level 2 disclosures show information on unspent and certain spent convictions and other relevant information held by the police.

All Level 2 disclosures show:

- Unspent convictions.
- Certain spent convictions.
- Certain spent childhood convictions and children's hearings outcomes.
- Any notification requirements, including instructions someone must follow if they are placed on the Sex Offenders Register.
- Unspent cautions, excluding childhood cautions.
- Other relevant information held by the police.

Level 2 with barred list check disclosures is for roles which require additional checks. As well as the baseline information that's included on all Level 2 disclosures, they also show:

- If the individual is on the [barred lists for work with children or adults](#).
- If the individual is under consideration for inclusion on the [barred lists for work with children or adults](#).
- If the individual has had any prescribed civil court orders.

The Protecting Vulnerable Groups (PVG) scheme is known as a 'Level 2 with PVG' in legislation. It is a legal requirement for people in a regulated role working with children or protected adults, such as a nurse. Individuals need to join the PVG scheme and keep their membership updated.

In addition to the baseline information shown for all Level 2 disclosures, the PVG scheme disclosure shows:

- Unspent convictions.
- That the individual is a member of the Protecting Vulnerable Groups (PVG) scheme.
- If the individual is under consideration for inclusion on the [barred lists for working with children or protected adults](#).
- If the individual has had any prescribed civil court orders.

There is also a product called a confirmation of PVG scheme membership. This replaces the statement of scheme membership. It does not include conviction information.

Disclosure Scotland will check criminal history information held in the UK. They will also check criminal history information from the candidate's country of nationality if their nationality is one of the following:

- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Lithuania
- Netherlands
- Poland
- Portugal
- Romania
- Spain

Overseas police records

Overseas police checks must be in accordance with the relevant country's justice system. Some police authorities overseas will only provide a certificate of good conduct or standing. Any such certificates issued by a police authority are valid and can be accepted.

Certificates should cover the 5 years before appointment. A certificate of good standing issued by an overseas regulator is not equivalent to a police check. However, it may still be helpful to inform the overall assessment of suitability for a role.

The UK Government provides guidance on who can apply, how to apply and contact details for [criminal record checks for overseas applicants](#).

Applicants with time spent overseas

Employers should consider whether an overseas police check may also be required when recruiting individuals who have spent time overseas. This applies when applicants declare they have spent 6 months or more, continuously or in total, overseas within the last 5 years.

The UK Government provides guidance on who can apply, how to apply and contact details for [criminal record checks for overseas applicants](#).

Unable to obtain an overseas police check

Not all countries have mutual arrangements to share information about an individual's criminal record history for employment purposes. The country concerned may not be listed in the [Home Office guidance](#).

Employers should ask applicants to show any attempt made to seek an overseas police check and any reasons given as to why one could not be obtained. Where it is genuinely not possible to get an overseas police check, employers will need to base their recruitment decision on the wider range of evidence presented to them as part of the recruitment process, including character and other references.

Military service records

If an applicant declares that they are serving in the Armed Forces, employers can ask them to present an extract from their military service record instead of obtaining an overseas police check. This applies when applicants declare they have spent 6 months or more, continuously or in total, overseas within the last 5 years.

Assessing criminal record information

A conviction, whether spent or unspent, does not automatically exclude the individual from employment. Employers must assess the criminal record information.

Employers should consider the following:

- Whether the offence would cast doubt on the applicant's integrity or your reputation.
- Whether the offence would affect the applicant's ability to do the job.
- Whether the conviction is relevant to a particular post.
- The length of time since the offence occurred.
- The age of the applicant at the time.
- The nature and background of the offence.
- Seriousness of the offence.
- Whether there is a pattern of offences.
- The conduct and character of the applicant since the offence.
- The explanation offered by the applicant.

You must consider withdrawing an offer of employment if the individual is listed as unsuitable to work with children or protected adults, as notified by Disclosure Scotland.

You must not withdraw an offer of employment if the individual cannot provide documentation to satisfy the criminal records employment check. This risk must be considered in line with the other employment checks outlined in the [Employment checks risk assessment form](#).

Qualifications

This employment check must be undertaken for all candidates who are:

- Being recruited into a role within an NHSScotland Board for the first time, which requires a prescribed qualification or an equivalent qualification.
- Returning to employment within an NHSScotland Board following a break in employment or a change of employer which requires a prescribed qualification or an equivalent qualification.
- Existing employees within an NHSScotland Board recruited into a role that requires a prescribed qualification or equivalent qualification.

You must identify which qualifications are essential or desirable for any given role. The criteria for each job role, and any flexibility around essential or desirable requirements, should be agreed by you, as the manager, and the recruitment lead before advertising. This supports a fair and consistent recruitment process.

When recruiting registered healthcare professionals, regulatory and licensing bodies carry out pre-registration checks. These bodies must verify that the healthcare professional has the relevant qualifications to be on the required register and can practise in their chosen profession. Additional checks on qualifications to practise are not normally necessary.

Any other qualifications prescribed as essential to the role you are recruiting must be verified.

A qualification check verifies information provided by the individual on their application form for educational or professional qualifications. It should confirm all the following:

- The establishment attended.

- Course dates.
- Title of the course. If the applicant has included course details, it is advisable to check them.
- Grades awarded.

You must request that individuals provide original documentation.

You are responsible for checking that all certificates appear genuine and relate to a real qualification. This may include checking basic security features and the presentation of the document. The certificate must match other documentation that has been previously seen.

Sufficient time must be factored into the recruitment process to allow for obtaining qualification information and to avoid unnecessary delays.

Individuals may not always have the original documentation. In such cases, you must make a risk-based assessment of the priority given to the qualification and any assurances that need to be gained.

Where there is any discrepancy or concern about the authenticity of documentation, you should contact the awarding body directly. This could be used to confirm attendance on the course and the grade awarded. You will be required to provide a copy of the individual's consent to obtain any such information.

For qualifications awarded by a body outside the UK, advice may be requested from the relevant country's UK embassy, consulate, or high commission. The Foreign, Commonwealth & Development Office (FCDO) provides contact details for UK-based embassies, consulates, and high commissions. [Find out more about the FCDO](#).

The UK National Information Centre for the recognition and evaluation of international qualifications and skills provides a degree comparison table to help employers recruit from overseas. If there are doubts about whether an overseas qualification or its UK equivalent is genuine, further [information can be obtained from the UK National Information Centre](#).

If you have serious concerns about the validity of a qualification, you should [contact NHS Scotland Counter Fraud Services](#).

You must not withdraw an offer of employment if the individual cannot provide documentation to satisfy the qualifications employment check. This risk must be considered in line with the other employment checks outlined in the [Employment checks risk assessment form](#).

Professional registration

This employment check must be undertaken for all candidates who are:

- Being recruited into a role within an NHSScotland Board for the first time, which requires registration with a professional society or a regulatory body.
- Returning to employment within an NHSScotland Board following a break in employment or a change of employer, which requires registration with a professional society or a regulatory body.
- Existing employees within an NHSScotland Board who are being recruited into a role which requires registration with a regulatory body or professional society.

Regulated professions

A regulated profession is a term which is defined in the [Professional Qualifications Act](#). It means a profession which is regulated by law in the UK or a part of the UK. A regulatory body, or regulator, carries out a range of functions in relation to the professions they regulate. This could include making sure individuals have the qualifications and experience to practise the profession and taking any necessary enforcement action.

NHSScotland employs a range of professionals who are regulated by a regulatory body. These include:

- Driver and Vehicle Standards Agency
- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health and Care Professions Council
- Health and Safety Executive
- Scottish Social Services Council
- The General Council of the Bar
- The Law Society of Scotland
- The Nursing and Midwifery Council

The UK Government maintains a full [list of UK-regulated professions and their regulators](#).

Each regulator holds a live register of regulated professionals. You must check an individual's registration with the respective regulator if it is an essential requirement of the role.

This will verify that:

- The individual is the person registered with the relevant regulatory body.
- There are no restrictions to their registration that would affect their ability to undertake the duties of the role.
- There are no pending investigations on their fitness to practise that must be considered by the employer.

You must have the individual's consent and registration number to check their registration and fitness to practise. It may also be necessary to check the individual holds the correct registration level for the specialty required for the role. For example, to confirm the following:

- a consultant anaesthetist holds their registration on the Specialist Register with the General Medical Council
- a mental health nurse holds their mental health nurse registration with the Nursing and Midwifery Council

Checking an individual's professional registration does not guarantee their suitability for a role. You must always seek the necessary assurances by carrying out this policy's full range of checks.

You must consider withdrawing an offer of employment if the individual is not listed with the respective regulator, and it is an essential requirement for the role.

If the individual is registered with the respective regulator but has restrictions on their rights to practise, you must not withdraw an offer of employment. This risk must be considered in line with the other employment checks outlined in the [Employment checks risk assessment form](#).

If you have reasonable cause to believe that an existing employee no longer has the required registration with the respective regulator, you must establish the facts by carrying out full and thorough investigations as quickly as possible. You should refer to the [NHSScotland Workforce Policies Investigation Process](#).

Professional membership

If it is essential that an individual holds professional membership with a named society or association, even if the profession is not regulated, you must check the individual's registration with the respective society or association.

You should follow similar guidance as outlined within the qualifications section of this guide.

You must not withdraw an offer of employment if the individual does not hold membership with the required society or association. This risk must be considered in line with the other employment checks outlined in the [Employment checks risk assessment form](#).

If you have reasonable cause to believe that an existing employee no longer holds membership of the required society or association, you must establish the facts by carrying out full and thorough investigations as quickly as possible. You should refer to the [NHSScotland Workforce Policies Investigation Process](#).

References

This employment check must be undertaken for all candidates who are:

- Being recruited into a role within an NHSScotland Board for the first time.
- Returning to employment within an NHSScotland Board following a break in employment or a change of employer.
- Internal candidates moving into a different role within their existing NHSScotland Board.

References are undertaken to check the accuracy of an individual's reported previous employment and training history. They should not be used to seek assurance of an individual's qualifications, integrity, or track record.

An employer does not have to give a reference by law unless it is:

- In writing that the employer will provide one, for example, in an employment contract.
- For [controlled function jobs](#). These are regulated by the Financial Conduct Authority (FCA) or Prudential Regulation Authority (PRA).
- Agreed in some other circumstances, for example, as part of a settlement agreement.

For candidates being recruited into NHSScotland for the first time or following a break in NHSScotland employment, you should seek one of the following options:

- One reference from the candidate's most recent employer is required if the candidate has been continuously employed within the same organisation for a minimum of 3 years.
- A minimum of 2 references covering at least 3 years of employment.

Additional references should be requested if the candidate has had more than 2 employers in the preceding 3 years. These additional references could help to support the decision-making process.

For candidates being recruited into a different board within NHSScotland or employees being recruited internally to a different role within their employing board, you should seek the following:

- One reference from their current line manager.

Any gaps over 30 days in an individual's employment or training record must be explored and verified.

If you use a third-party provider to support this employment check, you, as the manager, are responsible for it.

You should make sure the organisation employs the referee and they are authorised to provide a formal employment reference. If candidates provide details for someone not in such a position, you must request an alternative referee.

Written references should be obtained that are signed and dated by the referee. The reference must include the referee's name, position, and employer contact details. You should check that referees and references are genuine.

Managers could confirm the employer's existence by referring to relevant business directories and contacting them to confirm that they have provided the reference and discuss its contents. A record of any conversation should be made. Telephone numbers supplied by the applicant should not be wholly relied upon.

If required, you can confirm the employer's existence, for example, that it appears in relevant business directories, and contact them to confirm that they have provided the reference and discuss its contents. A record

of any conversation should be made. Telephone numbers supplied by the applicant should not be wholly relied upon.

In general, you should not accept pre-prepared references supplied by the candidate. However, individuals leaving a European employer may be provided with a written reference when they leave an organisation. This official document is recognised as a reference in the countries where it is issued.

In some European countries, every worker will possess a government-issued labour book. It contains information on an employee's employment history, including changes in roles, leaving an employer, and joining a new one. Employers in these countries may not issue a separate reference. You should, therefore, ask the applicant to produce their labour book.

Gaps in employment and training history

Where there is a gap in a candidate's employment or training history, verification of whatever explanation is given must be obtained

Overseas references

Employers should obtain a relevant reference from overseas if a candidate has been employed overseas in the past 3 years for either:

- a single period of 3 months or more
- a cumulative total of 6 months or more

The following documentation can be requested as an assurance of time spent overseas:

- passport and travel documentation
- proof of residence for time spent abroad
- overseas academic references

References from UK departments and agencies based overseas, for example:

- [Foreign, Commonwealth & Development Office \(FCDO\)](#)
- [missions](#)
- [British Council](#)
- non-government departments
- agencies

Information on time spent overseas should always be requested early to prevent unnecessary delays in the recruitment process. Date confirmation should be cross-referenced with other documentation, including passports and work permits.

Every effort should be made to obtain references from overseas employers or training providers. You should make sure they independently confirm the details of the candidate's previous employer and check reference details as outlined within this guide.

A candidate may not be able to provide sufficient documentary evidence of their time spent overseas. If so, you must consider what additional assurances may be gained during the recruitment process.

Academic references

A reference should be obtained from the relevant academic institution if a candidate has been in full-time education in the last 3 years.

Military service

If a candidate has served in the Armed Forces or Civil Service during the previous 3 years, references should be obtained from the relevant military service or department.

Self-employment

For periods of self-employment, evidence should be obtained to confirm the candidate's business was properly conducted and, where applicable, terminated successfully. This could include information from HMRC or Companies House, bankers, accountants, solicitors, or client references.

Personal references

Where employer or academic references are not available, 2 personal references should be obtained from referees of some standing in the community who have known the individual for at least 3 years.

Referees of some standing in the community must:

- Work in or be retired from a recognised profession.
- Have known the applicant for at least 3 years, in a professional or personal capacity, and be able to confirm the individual's identity.

They should not:

- be closely related to the applicant by birth or marriage

- be involved with the applicant, for example, in a relationship
- live at the same address as the applicant

The UK government website lists the professions recognised as having some standing in their community. [Find out more about accepted occupations for countersignatories.](#)

You must not withdraw an offer of employment if the individual does not satisfy the reference employment checks. This risk must be considered in line with the other employment checks outlined in the [Employment checks risk assessment form.](#)

Pre-employment health check

This employment check must be undertaken for all candidates who are:

- Being recruited into a role within an NHSScotland Board for the first time.
- Returning to employment within an NHSScotland Board following a break in employment or a change of employer.
- Existing employees within an NHSScotland Board being recruited into a role which requires a different level of pre-employment health check.

All NHSScotland employers have a duty of care towards all workers. They also have a duty under the Health & Safety at Work etc. Act 1974 to protect others from risks to their health and safety arising out of, or in connection with, their activities. [Find out more about the Health & Safety at Work etc. Act 1974.](#)

Under the Control of Substances Hazardous to Health Regulations 2002, employers are required to assess the risks from exposure to hazardous substances, including biological agents or pathogens. They must also implement measures necessary to protect workers and others who may be exposed to those risks as far as is reasonably practicable. [Find out more about the Control of Substances Hazardous to Health Regulations 2002.](#)

Under the Equality Act 2010, employers are also required to make reasonable adjustments for disabled employees. For further information about how disabled employees can be supported in NHSScotland, [read the Reasonable adjustments guide.](#) You can also [find out more about the Equality Act 2010.](#)

The level of health checks undertaken will depend upon the nature of work or placement to be carried out. Occupational health providers will confirm which pre-employment health checks must be undertaken.

A review of the candidate's completed pre-employment health questionnaire should be undertaken.

The occupational health service will undertake any necessary health checks and advise on any support or adjustments the candidate requires for the proposed work or placement.

Following completion of the pre-employment health check process, there may be circumstances where a final offer of work or placement cannot be made. Such a decision should only be made where the occupational health service advice received suggests that one of the following applies:

- The individual will not be capable of performing the tasks required.
- The individual will not be able to perform the tasks required without risk to themselves or others. Also, there are no reasonably practicable adjustments that might overcome these concerns. For more information on reasonable adjustments, [read the Reasonable adjustments guide](#).

You are responsible for making the final decision. As the manager, you must make sure:

- The pre-employment health check process has been completed fully, with all relevant information considered.
- A risk assessment has been undertaken in relation to any adjustments required for the post.
- Advice has been requested from the occupational health service, health and safety, and human resources, including advice on reasonable adjustments if the applicant is considered to have a disability as defined under the Equality Act 2010.
- The candidate has been able to discuss issues raised with the occupational health service.
- Full consideration has been given to the facts of the applicant's circumstances.

You must not withdraw an offer of employment if the individual does not satisfy the reference employment checks. This risk must be considered in line with the other employment checks outlined in the [Employment checks risk assessment form](#).

Secondary work activity, including additional employment

Employees are permitted to undertake secondary work activity in addition to their employment with their NHSScotland Board. Secondary work, whether paid or unpaid, may be an additional role:

- within their existing NHSScotland Board
- within a different NHSScotland Board
- outside of NHSScotland

Secondary work activity is permitted unless it will negatively impact the NHSScotland Board or the employee. For further information, please refer to the 'Secondary Employment' section within the [Employment Checks Policy](#).

Employees should be aware that they must consider the provisions outlined in the Health and Safety at Work etc. Act 1974 and the Working Time Regulations 1998.

Where secondary work activity has negatively impacted the NHSScotland Board or the employee, this should be investigated under the NHSScotland Workforce Investigation Process.

Delegated pre-employment checks

The recruitment lead may delegate responsibility for undertaking pre-employment checks to another organisation. This is acceptable where NHSScotland employers engage the individual carrying out the check and NHSScotland standards are met.

Examples may include:

- employment agencies
- education establishments providing healthcare workers, including nursing and medical students
- other NHSScotland Boards

The recruitment lead must make sure the originating organisation is fully appraised in relation to the required standard of checks. This includes the need to make sure a competent provider has undertaken the check.

Originating organisations must not place individuals within NHS employers unless:

- pre-employment checks have been completed to the required standard
- the individual is deemed suitable for placement

Both the NHSScotland employer and the originating organisation may have legal obligations. For example, they must make sure:

- disabled individuals are not discriminated against in relation to placement within the employing organisation
- reasonable adjustments are made

NHSScotland employers must seek assurance that originating organisations are complying with their obligations.

NHSScotland employers should also engage in discussion with the originating organisation, where it is considered that an individual may be suitable for placement if reasonable adjustments are made.

Such discussion should involve representation from:

- human resources
- occupational health
- health and safety
- hiring manager

Where pre-employment health check processes are delegated, employers may require an individual to attend a medical examination by their occupational health provider. It could be a condition of ongoing employment or placement within the board.

Additional employment checks

In certain circumstances, you may deem it necessary to conduct employment checks beyond those specified in this policy. Such additional checks must be undertaken with a clear, proportionate and genuine reason, ensuring they are both relevant and fair to the recruitment process.

Where you feel it is necessary to undertake additional employment checks, you should consult your recruitment lead in the first instance.

Examples of additional employment checks may include:

- Language capability, see [DL\(2023\)31 International English language testing system \(IELTS\) certificates – potential fraud risk – action for boards \(Revised 18 March 2024\)](#).
- Social media review.
- Financial background.

Decision making

You should always take a risk-based approach when reviewing employment checks. This is essential when completing all the employment checks outlined within the policy has not been possible.

You should refer to the Employment checks risk assessment when calculating the level of risk to be considered when deciding to continue the recruitment process.

The risk assessment will suggest a level of risk associated with the employment checks:

- **Low risk** – you should recommend the candidate progresses within the recruitment process.

- **Medium risk** – you should liaise with the recruitment lead or human resources to discuss the risk assessment and any mitigating factors before recommending the candidate progress within the recruitment process.
- **High risk** – you must liaise with the recruitment lead or human resources to discuss the risk assessment and any mitigating factors.
- **Very high risk** - you must liaise with the recruitment lead or human resources to discuss the risk assessment. The candidate should not progress within the recruitment process.

A further risk assessment should be undertaken if additional employment checks are received following an initial risk assessment.

Recording of checks

All employment checks must be recorded on the approved and agreed systems within your NHSScotland Board.

You and your recruitment lead should consult with your NHSScotland Board's data protection officer or information governance team to ensure that personal data retention is managed in accordance with the relevant legislation.

In addition to legislative requirements, your recruitment lead should make sure your recruitment policies meet the data retention principles outlined within the following:

- [Disclosure Scotland Code of Practice](#).
- [UK Visas and Immigration Sponsor guidance appendix D: keeping records for sponsorship](#).