



Workforce

Employment Checks Policy

Aim

The Employment Checks Policy aims to define the essential checks required before and during employment or paid and unpaid placements.

Scope

This policy applies to all employees and 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.

References to employees apply to all other groups unless otherwise stated.

This policy complies with current legislation and meets the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

Definitions

A **candidate** is someone who has been shortlisted for a post within an NHSScotland organisation.

Exposure-prone procedures are invasive procedures such as surgery, midwifery, or dental care where the employee may expose the patient to infected body fluids.

A **recruitment lead** is an employee who oversees recruitment and selection activities within an NHSScotland Board. Recruitment leads may be part of a wider recruitment team or service.

Secondary employment is where an employee has more than one job with either the NHS or another organisation. This includes work undertaken on a self-employed basis.

Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

Employer

The employer should make sure that systems are in place for the necessary checks to be made.

Manager

As a manager, you are responsible for:

- Providing full job-related information for occupational health service (OHS) screening.
- Checking where a significant change to a role 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 taking appropriate action.
- Checking continued registration status as required.
- Checking continued right-to-work status as required.

Employee

The employee should:

- Promptly inform their manager of any change in health or the status of other employment checks.
- Maintain registration where applicable.
- Maintain right-to-work status where applicable.

Recruitment leads

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

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.

Candidates

The candidate must provide full, accurate information and documentation in relation to employment checks.

Procedure

The level of employment checks required for an individual may vary depending on a range of factors, including the following:

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

Managers must only make a final decision to employ a preferred candidate once all employment checks have been completed and the information has been reviewed.

Where the review of information has not resulted in a satisfactory outcome to make an informed decision, managers should use the [Employment checks risk assessment](#).

All recruitment decisions must be communicated to the relevant department in line with the employing organisation's policies and procedures.

This policy outlines the standards of employment checks required by all employing organisations within NHSScotland. If an employing organisation undertakes additional employment checks, they must be necessary, proportionate, and transparent. If the employing organisation has no justifiable reason for conducting additional employment checks, they should not be performed.

All employment checks must be recorded on the approved and agreed systems within the employing organisation.

All information must be handled in line with the relevant data protection rules.

Employment checks

Employment checks support a manager in deciding an individual's suitability for employment in a job role.

Employment checks are not limited to new employees but may also be required for individuals moving between job roles within an employer.

The application of employment checks will vary between job roles.

A suitable level of employment checks must be applied to all individuals regardless of contract type.

Legislation, particularly the Human Rights Act 1998, Immigration, Asylum and Nationality Act 2006, Data Protection Act 2018, and Rehabilitation of Offenders Act 1974, must be complied with. By doing so, employers can make sure that employment checks do not:

- Interfere with the individual's right to privacy.
- Process or disclose any information employers may obtain inappropriately or without due cause.
- Use the information in a discriminatory way.

When conducting employment checks, wherever possible, all documentation should be original.

More details on employment checks are provided in the [Employment checks guide](#).

Employees and candidates should be aware that falsifying information or documentation or undertaking secondary employment during contracted hours may be considered fraudulent. Such cases may be referred to NHSScotland Counter Fraud Services (CFS) and could result in criminal proceedings and relevant conduct processes.

For concerns about suspected fraud, employers should [contact NHSScotland Counter Fraud Services](#).

Verification of identity and address

Identity and address verification are fundamental employment checks. They should be the first checks performed. Employers should not proceed with other employment checks until an individual's identity is proven.

The candidate must provide the employer with the following:

- photographic identification
- proof of their current address

Original documents should be used wherever possible. Employers should not accept copies unless they have been certified by a solicitor.

If the candidate cannot provide copies of their identification containing a photograph, they should provide additional documents and a certified passport-sized photograph.

For more detailed information on how to carry out these checks, please see the [Employment checks guide](#).

Right to work in UK

An employer must confirm that the candidate has the right to work in the UK for the duration of their employment. This check may need to be repeated periodically during employment. Failure to carry out this employment check makes the employer liable for a civil penalty or criminal conviction.

For more detailed information on how to carry out these checks, please see the [Employment checks guide](#).

Criminal record checks

Depending on the post that the individual is applying for, there may be a requirement to undertake criminal record checks or disclose convictions. If the nature of the employee's job or location changes during their employment, a criminal record check may be required.

For more detailed information on how to carry out these checks, please see the [Employment checks guide](#).

Under the Rehabilitation of Offenders Act 1974, most convictions and alternatives to prosecution will be classified as unspent for the duration of their disclosure period.

Applicants must declare these unspent convictions or alternatives to prosecution during the recruitment process.

Some offences must always be disclosed regardless of how much time has passed since the conviction or whether the offence is classified as spent. For further information, candidates should [contact Disclosure Scotland](#).

Qualifications

Employers must make sure individuals hold the professional or educational qualifications essential for the role. A qualification check will verify the educational or professional qualification information provided by the individual when they applied for the role.

For more detailed information on how to carry out these checks, please see the [Employment checks guide](#).

Professional registration

Employers must check the registration status of all healthcare professionals with the appropriate regulatory body before the individual starts employment and for the duration of employment in that role.

For more detailed information on how to carry out these checks, please see the [Employment checks guide](#).

References

Before a recruitment decision can be made, previous employment and training history must be checked and satisfactory references received. Reference checks allow employers to check the accuracy of an individual's previous employment and training history.

References should only be sought after an individual has been advised that they are the preferred candidate for a particular role.

Employers must always seek the candidate's consent before approaching the candidate's current employer.

Employers should check at least 3 years of previous employment or training history.

Any gaps of more than 30 days in a candidate's employment or training history need to be explored with them.

Employers should aim to check a period which covers 2 separate employers where possible. One reference should be from the candidate's current or most recent employer.

One reference may be sufficient when an individual has been with one employer for 3 years or more.

Where the candidate has had more than 2 employers in the preceding 3 years, Employers should seek additional references if this will help to support the decision-making process.

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 if they have 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.

There may be situations where consideration of alternatives to references is required. For example, there may be relationship issues between the parties or previous work may not be sufficiently consistent or of sufficient duration to allow a reliable reference to be given.

Pre-employment health check

All candidates joining an NHSScotland Board must complete a pre-employment health questionnaire, which will be used to inform the pre-employment health check process.

To comply with the Equality Act 2010, the candidate must not be asked to provide this information until a conditional offer of work or placement has been made.

For more detailed information on how to carry out these checks, please see the [Employment checks guide](#).

When an employee takes on a new or additional job, they may be required to undergo a pre-employment health check. It will depend on whether the level or type of risk has changed. For example, where the new role involves:

- exposure-prone procedure (EPP) working
- a change in job family
- a change in manual handling requirements

Secondary 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

Employees must notify their manager of any secondary employment they will be undertaking or plan to undertake. Any further change to this secondary employment, such as a change in work pattern or the number of hours worked, should also be notified.

Any secondary employment must not:

- Present an actual or potential conflict of interest.
- Have any health and safety implications for employees, their colleagues, patients, or service users.
- Adversely impact the employee's ability to maintain a satisfactory level of attendance at work. [For more information, see the Attendance Policy.](#)
- Take place during contracted hours of work with the NHS.
- Have an adverse impact on the employee's ability to fulfil the requirements of their role.
- Make the employee vulnerable to bribery and the organisation to corruption.

In relation to any secondary employment, employees must ensure they meet the provisions laid out in legislation, including the following:

- [Health and Safety at Work etc. Act 1974](#)
- [Working Time Regulations 1998](#)

Where additional employment has impacted the above categories, this may require investigation under the [NHSScotland Workforce Investigation Process](#).

Employees should also notify their manager of any volunteering or unpaid work if it has the potential to have an impact under the following:

- Present an actual or potential conflict of interest.

- Have any health and safety implications for the employee, their colleagues, patients, or service users.
- Adversely impact the employee's ability to maintain a satisfactory level of attendance at work. [For more information, see the Attendance Policy.](#)
- Take place during contracted hours of work with the NHS.
- Have an adverse impact on the employee's ability to fulfil the requirements of their role.
- Make the employee vulnerable to bribery and the organisation to corruption.