



# Pre-Employment Checks Policy

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## Document summary

This document provides guidance for obtaining evidence for required pre-employment checks and seeking waivers where appropriate.

## Enquiries

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## Key points

- In normal circumstances, pre-employment checks must be deemed as satisfactory before an unconditional offer of employment can be made
- Qualifications listed as essential in the person specification must be evidenced with a certificate
- The County Council requests two references as part of the recruitment and selection process
- An Assistant Director (or above) can authorise a start date to be agreed before some of the pre-employment checks are complete provided the checks are not legally required.

### 1. Pre-employment Checks

1.1. After the selection process, the successful candidate is informed that they are the preferred candidate and that a conditional offer of employment is being made to them. The offer is conditional upon the satisfactory completion of the required pre-employment checks. These include:

- two written references, one of which would normally be from the current or most recent, employer
- health check
- verification of qualifications
- verification of entitlement to work in the UK
- a Disclosure and Barring Service (DBS) check for people working with children or vulnerable adults.
- Protection of Children Declaration of Suitability check for anyone working in Children's Services or Adult Social Care and Health.

1.2. It is generally not recommended that people start work before all the necessary pre-employment checks are complete and deemed satisfactory.

1.3. Some checks are legally required, and the employee cannot commence work before these have been undertaken e.g. verification of right to work, verification of qualifications where these are legally required to undertake a particular role, such as Social Work etc.

1.4. If an employee commences employment before receipt of any pre-employment checks that are not legally required, the appointment is no longer conditional, and they will acquire contractual rights. Should any employment checks received after the start date be deemed unsatisfactory, the offer of employment can no longer be withdrawn. Instead, it would be necessary to undertake a dismissal process for a fair reason should you wish to end the employment.

1.5. Authorisation to start an employee before all the necessary pre-employment checks have been completed must be given by the relevant Assistant Director or above. Advice should be sought from the HR Advisory Team before seeking authorisation, which should be in writing.

## **2. Qualifications**

- 2.1. If a qualification is listed as an essential criteria for a role the candidate will need to evidence the qualification by providing a copy of the certificate from the exam body.
- 2.2. If a copy of the certificate is not available, the candidate will need to request a new copy from the exam body.
- 2.3. If the candidate cannot obtain a certificate, for example where the exam body no longer exists, alternative methods of verifying the qualification should be considered. Advice should be sought from the Recruitment Support Team.
- 2.4. If the qualification is not legally required a manager can request to start the employee before checks have been completed. Authorisation must be made by the relevant Assistant Director or above. Advice should be sought from the HR Advisory Team before seeking such authorisation and this should be in writing.
- 2.5. If the candidate does not hold the essential qualification which is legally required, or cannot evidence that they hold it, they should not be appointed to the role and the offer of employment withdrawn.
- 2.6. In principle, where an candidate does not hold the required essential qualification, that is not legally required, they should not be appointed to the post as they have not met the essential criteria. There may be circumstances where it would be appropriate to continue with the appointment and each case will need to be considered on the basis of its individual merits. In such circumstances, advice should be sought from the HR Advisory team.
- 2.7. The candidate can still be appointed but the authorisation of the relevant Assistant Director or above should be obtained after HR advice has been sought. Advice should also be sought from the Job Evaluation team about the implications and need to reword the person specification before authorisation is sought. For example, a qualification requirement could be replaced with relevant knowledge and experience, or a broader range of qualifications could be included.

## **3. Confirmation of legal name**

- 3.1. If documents to evidence right to work or essential qualifications do not match the candidates's legal name, the candidate will need to provide evidence that their legal name has changed. This could be a deed poll record, marriage, or civil partnership certificate, for example.

## **4. DBS Checks**

- 4.1. Where a role requires an enhanced DBS check, a candidate may start in the role prior to the DBS check being obtained provided they are not working unsupervised and must continue to do so until the DBS has been obtained and deemed satisfactory. For example, the candidate could undertake training, induction and job shadowing until the check is complete.

- 4.2. Guidance on DBS checks can be found in the [DBS Policy Statement, Supporting Trans Employees Guidance](#) and [Recruitment of Ex-offenders' policies](#) available on the intranet.

## 5. Covid-19 Vaccination Status

- 5.1. Candidates will be required to evidence that they have had a full course of an approved COVID-19 vaccine or that they have a medical exemption where the candidate's work base will be a CQC registered residential care home for residents requiring nursing or personal care. Vaccine status will be checked by the recruitment support team in HR as part of the pre-employment checking process but a copy of the vaccine status proof will not be retained on personnel files.
- 5.2. Vaccine status, including medical exemption, can be evidenced via:
- [The NHS App](#)
  - [the NHS website – NHS.uk](#)
  - the NHS COVID Pass letter (obtained by calling 119 to request it is posted)
- 5.3. Candidates whose role may require them to undertake work in a CQC registered care home as part of their duties may be asked to evidence their vaccine status as part of the pre-employment checking process. Managers should give consideration to the following before requesting that vaccine status is evidenced as a condition of employment:
- How frequently will the employee be required to go into a CQC registered care home to undertake work?
  - Could the work be redesigned so the employee does not need to enter the CQC registered care home?
  - Could another member of the team who has evidenced their vaccine status cover the duties of the employee at the CQC registered care home?
- 5.4. If you are not sure whether to require evidence of vaccine status please seek advice from the HR Advisory Service.
- 5.5. See the [Vaccination Policy for guidance on evidencing vaccine status when entering a CQC registered residential care home.](#)

## 6. Overseas checks – individuals who have lived or worked outside of the UK

- 6.1. As per the [Council's DBS Policy Statement](#), where candidates have lived or worked outside the UK over the past five years you should check the candidate's criminal record in that country, in addition to a DBS check in the UK.

- 6.2. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. For teaching positions, schools should also obtain a letter of professional standing from the professional regulating authority in the country in which the candidate has worked. Any documents not in English should be accompanied by a certified translation. Advice about which regulatory or professional body candidates should contact is available from the National Recognition Information Centre for the United Kingdom, at [enic.org.uk](http://enic.org.uk).
- 6.3. Some overseas qualified teachers can apply to the Teaching Regulation Agency (TRA) for the award of qualified teacher status (QTS) in England. More information about this is available from the GOV.UK page "[QTS – Qualify to teach in England](#)".
- 6.4. Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment. Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.
- 6.5. Further information can be found on the GOV.UK page "[Recruiting Teachers from Overseas](#)"

## **7. References**

- 7.1. The purpose of references is to obtain information, in confidence, from a third party, providing a factual check on a candidate's employment history, experience and/or an assessment of the candidate's suitability for the post in question. For jobs with the County Council, we request the contact details of two referees from all candidates: their current, or most recent employer and a second employer. If an candidate has not been employed, are self-employed, or has only worked for a single employer, we ask them to provide contact details for an academic and/or a character referee. In addition, where the candidate indicates that they have worked for the County Council before, we may also seek a reference from their former line manager.
- 7.2. For some posts covered by Warner recruitment, such as those in Children's Residential Services, we reserve the right to contact any and all previous employers.

- 7.3. References are generally taken up after interview. For some posts, such as those in Children's' Residential Services and teaching staff in schools, references may be sought at an earlier stage. Please note, if seeking a reference prior to a conditional offer of employment being made, this must not include questions about sickness absence or medical history. Candidates that state they do not wish us to contact their referees prior to interview should not be penalised in any way. The exception is candidates applying for residential posts in Children's Services whereby given the nature of these services, candidates cannot refuse permission for the County Council to contact their referees prior to interview.
- 7.4. References should be obtained directly from the referee. You should not rely on references provided by candidates or an open reference, ("to whom it may concern"), as there is no way of checking authenticity and accuracy.
- 7.5. If the referee has not completed the Council's reference pro forma, you should ensure that all the relevant questions have been covered in the reference provided and seek further clarification where necessary.
- 7.6. For corporate based appointments Employee Services will write to the candidates referees on the recruiting managers behalf, asking them to complete the Council's standard reference pro forma. The employment reference pro forma includes confirmation of job title and employment dates; information on the individual's sickness record (which may only be requested once a conditional job offer has been made) and any warnings/disciplinarys. For people that will be working with children or vulnerable adults, we also ask the referee to provide any information they have concerning convictions for the candidate under the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendments) Order 1986.
- 7.7. When the references are returned to Employee Services, the recruiting manager must confirm whether the references are satisfactory i.e. they verify the information given by the candidate during the selection process. If the references and other pre-employment checks are satisfactory, the recruiting manager will be able to confirm this to the candidate and make them aware that the offer of employment is no longer conditional and agree a start date with them. For further information and guidance on pre-employment checks see the [Pre-employment Checks Fact Sheet](#). If you have any concerns about the content of a reference you have received, please contact the HR Advisory Team to discuss how to proceed.
- 7.8. The [employment reference pro forma](#), [character reference pro forma](#), and the [Pre-employment Checks Fact Sheet](#) can be found on the Intranet.
- 7.9. For school based appointments the recruiting manager should seek references using the [reference letter templates](#) available as part of the Webshop's recruitment and selection toolkit. The recruiting manager is responsible for checking that the references are satisfactory, before appending copies to the new starter form which is sent to Employee Services. The recruiting manager should also complete the relevant section of their school's single central record of recruitment form to confirm that the references are satisfactory.

- 7.10. There will be some occasions where recruiting managers take up telephone references e.g. where the preferred candidate can start immediately and a quick response from the referee is required to avoid unnecessary delays, or in other circumstances where it is more pragmatic to take this approach. Some general guidance is below:
- Ensure you are speaking to the appropriate person in the organisation.
  - Make it clear to the referee that you are making notes and that, unless the reference is supplied on a confidential basis, a copy of the notes may be provided to the candidate should they request it. However, the referee's name will not normally be disclosed.
  - Base the conversation on the employment reference pro forma or pro forma for character references as appropriate.
  - Ask factual questions only.
  - Make clear, contemporaneous notes of your conversation and, for corporate appointments, scan, and email these to the Recruitment Support team at the earliest opportunity for filing with the other information relating to the appointment. Schools based recruiting managers should scan and email these to Employee Services.
- 7.11. All references must be kept confidential at all times. This means they should only be disclosed to colleagues directly involved in the recruitment process or involved in the administration of an employee's contract of employment.
- 7.12. Under data protection law, individuals are generally entitled to view any of their personal information that is held by a third party, including employment references. Where references are supplied on a confidential basis, these are exempt from the obligation to disclose, and there is no obligation to disclose them to the prospective employee.
- 7.13. If an employee or prospective employee requests to see a reference provided by their former or current employer, you should seek the advice of the HR Advisory Team. Unless a reference has been specifically supplied on a confidential basis, the prospective employee will be legally entitled to view it. However, depending on the content of a reference, some parts may constitute personal information about the person who wrote it, which may not be appropriate to disclose to the employee. The reference would need to be redacted before being provided to the employee or prospective employee.