

MIAA 2023/2024 Checklist Series – Pre-Employment Checks

June 2023

NHS pre-employment check standards support NHS organisations to practically consider and implement the six pre-employment checks mandated by the Department for Health and Social Care for all appointments to the NHS. The standards are subject to periodic review to ensure they reflect changes to legal and regulatory requirements.

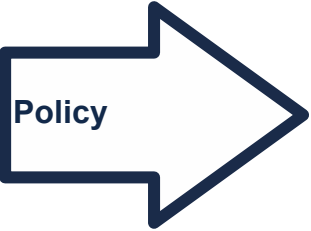
The mandated pre-employment check primary requirements fall into the following key themes:

- Identity Checks
- Professional registration and qualification checks
- Employment history and reference checks
- Work health assessments
- Criminal record checks
- Right to work check standards

The standards have recently been reviewed and updated and were re-issued by NHS Employers in April 2023. In addition to the updated standards NHS Employers have also issued new e-learning resources: <https://learninghub.nhs.uk/catalogue/nhs-employment-checks>.


This checklist is designed to provide assurance on an NHS organisation's pre-employment check arrangements and mirrors the six key themes, as well as the relevant guidance.


Pre-Employment Checks Checklist

Areas for Trusts/ICBs to consider	Organisation's Response	
 <p>Policy</p>	<p>Policy alignment to Pre-Employment Check requirements</p>	
	<ul style="list-style-type: none"> Does the organisation have a HR policy covering the requirement for mandated pre-employment checks which is aligned to the Department of Health and Social Care regulatory requirements? 	
	<ul style="list-style-type: none"> Does the policy for pre-employment checks clearly outline equality, diversity and inclusion expectations and reference that any questions asked during mandated pre-employment checks about an applicant's health or disability must be in line with the provisions outlined in the Equality Act 2010? 	
<ul style="list-style-type: none"> Does the policy clearly outline eligibility for pre-employment checks and how frequently they are performed. Including the following: <ul style="list-style-type: none"> Identity checks (prior to appointment) Professional registration checks (prior to appointment and reviewed accordingly post appointment) 		


Areas for Trusts/ICBs to consider	Organisation's Response
<ul style="list-style-type: none"> ○ Employment history and reference requirements (prior to appointment) ○ Work health assessment checks (prior to or on appointment) ○ DBS and criminal record checks (prior to appointment and reviewed accordingly post appointment) ○ Right to work checks (prior to appointment and reviewed accordingly post appointment)? 	
<ul style="list-style-type: none"> ● Does the policy reflect appropriate guidance for recruiting from the European Economic Area (EEA) and international recruitment? Including reference to the following: <ul style="list-style-type: none"> ○ The required minimum standards for language assessments ○ Immigration requirements including visa applications for EEA, Swiss and overseas applications ○ UK professional registration including mutual recognition of professional qualifications (MRPQ) ○ WHO Global Code of Practice in the UK? 	

Areas for Trusts/ICBs to consider		Organisation's Response
	<ul style="list-style-type: none"> • Has the policy has been communicated to all staff e.g. through the organisation's intranet, through global emails etc...? 	
	<ul style="list-style-type: none"> • Has the policy been published on the organisation's public facing website? 	

Areas for Trusts/ICBs to consider		Organisation's Response
 <p>Planning and Monitoring</p>	Monitoring of eligible persons and actions taken	
	<ul style="list-style-type: none"> • Is there a mechanism for monitoring the progress of pre-employment checks to agreed timelines for all new recruits? 	
	<ul style="list-style-type: none"> • How are delays in candidate pre-employment checks identified and addressed? 	

Areas for Trusts/ICBs to consider	Organisation's Response	
 <p>Identity</p>	Identity checks	
	<ul style="list-style-type: none"> • What processes are in place to ensure all workers (including volunteers, temporary workers, and contractors) have their identity verified before commencing any type of work or volunteering? 	
	<ul style="list-style-type: none"> • Do verification checks include: <ul style="list-style-type: none"> ○ Proof of name – 2 document verification (original identity documents) ○ Proof of address – 2 document verification (original identity documents)? 	
	<ul style="list-style-type: none"> • What is the process in place to ensure photographic personal details are verified against external reliable sources including information held by previous employers (subject to the individual providing relevant consent that such information can be accessed) e.g. photo card driving licence, passport, biometric residence permit? 	
<ul style="list-style-type: none"> • What is the process in place to ensure candidate address details are verified against external reliable sources e.g. utility bill, tax statement, mortgage statement, UK driving licence, financial statement, biometric residence permit? 		

Areas for Trusts/ICBs to consider		Organisation's Response
	<ul style="list-style-type: none"> Has the organisation compared its identity proofing and verification processes with the Cabinet Office's and Government Digital's Good Practice Guide (GPG) 45? 	


Areas for Trusts/ICBs to consider		Organisation's Response
	Professional registration and qualification checks	
	<ul style="list-style-type: none"> What processes does the organisation have in place to ensure that registration checks are completed on all healthcare professionals, who are required to hold current professional registration for the role they have been appointed to, with the appropriate regulatory or licensing body e.g. The Nursing and Midwifery Council (NMC), General Medical Council (GMC) etc... before the individual starts employment? 	
	<ul style="list-style-type: none"> Are processes in place to undertake checks against Accredited Registers (programme managed by the Professional Standards Authority) where appropriate for the post being recruited to? 	

Areas for Trusts/ICBs to consider	Organisation's Response
<ul style="list-style-type: none"> • Does the organisation undertake the following when checking qualifications: <ul style="list-style-type: none"> ○ Obtains original documentation ○ Confirms that certificate provided appears genuine and relates to the candidate ○ Retain a copy of the qualification provided on file in line with record retention requirements? 	


Areas for Trusts/ICBs to consider	Organisation's Response
<div data-bbox="203 804 517 1034" style="border: 2px solid blue; padding: 10px; display: inline-block; text-align: center;"> <p>Employment checks</p> </div> <ul style="list-style-type: none"> • Employment history and reference checks How does the organisation ensure that job applicants outline their full employment and/or training history, including explanation of gaps between employment/ training: <ul style="list-style-type: none"> ○ For appointments from outside the NHS, references are obtained to validate a period of three consecutive years of continuous employment or training immediately prior to the application being made ○ For appointments from within the NHS, as a minimum, a reference from the applicant's current or last NHS employer is obtained 	

Areas for Trusts/ICBs to consider	Organisation's Response
<ul style="list-style-type: none"> ○ For internal role changes within the same organisation or when working within the organisation's internal staff bank, the recruiting manager contacts the HR department to verify that all details recorded about the individual on the electronic staff record (ESR) are up to date and are verified against their suitability for the appointment? 	
<ul style="list-style-type: none"> • Are factual references required as part of the selection process for all appointments? 	
<ul style="list-style-type: none"> • Where it is deemed appropriate to seek references prior to interview e.g. when recruiting for a senior position, are candidates advised of this request in writing? 	
<ul style="list-style-type: none"> • Is extra time allowed for international recruits to process references from overseas, especially if these need to be translated? 	
<ul style="list-style-type: none"> • Does the organisation record employee appointment information on ESR, where possible, or another relevant personnel management system in line with data protection laws? 	
<ul style="list-style-type: none"> • Are processes in place to manage references marked as confidential? (Data protection law creates an exemption enabling both the employer 	

Areas for Trusts/ICBs to consider		Organisation's Response
	who issued the reference and the employer receiving the reference not to share a copy of the reference with the applicant)	


Areas for Trusts/ICBs to consider		Organisation's Response
	Work health assessments	
	<ul style="list-style-type: none"> • What are the processes in place to ensure health assessments are carried out for all candidates, including all directly paid employees, temporary workers (supplied by an agency or any other external contractor), students, trainees, and volunteers? 	
	<ul style="list-style-type: none"> • Does the organisation's standard offer letter advise candidates of health assessment requirements? 	
	<ul style="list-style-type: none"> • What processes are in place to ensure health assessments take place after offers of appointment (conditional or unconditional) but prior to the commencement of employment /placement or training, except for individuals on work experience? 	

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	<ul style="list-style-type: none"> How does the organisation ensure it meets its work health assessment duties, following Equality Act requirements and occupational health service advice, including: <ul style="list-style-type: none"> Risk assessment Immunisations Exposure prone procedures (EPPs) Necessary reasonable adjustments Diversity monitoring? 	
	<ul style="list-style-type: none"> Are health records created as part of the assessment process retained and transferred in line the NHS Records Management Code of Practice? 	

Areas for Trusts/ICBs to consider		Organisation's Response
	Criminal record checks	
	<ul style="list-style-type: none"> Are documented processes in place for the performance of criminal records checks as part of the recruitment process? Do these processes include both DBS and international criminal records checks mechanisms? 	

Areas for Trusts/ICBs to consider	Organisation's Response
<ul style="list-style-type: none"> • Are the organisation's criminal record check requirements managed using a security/ information or other relevant policy? 	
<ul style="list-style-type: none"> • Is criminal record information strictly used for its requested purpose, with the applicant's explicit consent? Does this include recording the following information on ESR: <ul style="list-style-type: none"> ○ The issue date of the disclosure certificate ○ The level of check requested ○ The position it was requested for ○ Any checks against one or both barred lists ○ The unique reference number of the certificate ○ The decision to offer/withdraw the appointment? 	
<ul style="list-style-type: none"> • How does the organisation ensure that records of criminal records checks are held in line with record retention requirements? (DBS advise holding on to criminal record information for six months after the recruitment phase) 	
<ul style="list-style-type: none"> • Has the organisation clearly documented eligibility requirements for DBS/criminal records checks for all roles and the frequency by which they are performed including during role changes? 	

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	(Depending on the level of safeguarding required for the role, DBS check renewal may be required anywhere between six months to three years)	
	<ul style="list-style-type: none"> • Does the organisation have processes in place for referring an individual or for asking the DBS for advice on referring when a role involves a regulated activity, if: <ul style="list-style-type: none"> ○ An individual has attempted applying for a role involving duties they are barred from ○ There is significant and concerning information in the DBS check related to the role ○ The organisation has been made aware of harm to an adult/child in receipt of regulated activity? 	

Areas for Trusts/ICBs to consider	Organisation's Response	
 <p>Right to work</p>	Right to work check standards	
	<ul style="list-style-type: none"> • Are documented processes in place outlining how right to work checks should be undertaken for all posts? 	
	<ul style="list-style-type: none"> • Does the organisation confirm the following when undertaking checks on right to work documentation: <ul style="list-style-type: none"> ○ photographs and dates of birth are consistent across documents and with the appearance of the individual ○ expiry dates for permission to be in the UK have not passed ○ there are no work restrictions to prevent the individual doing the type of work being offered ○ the documents are genuine, have not been tampered with and belong to the holder ○ documents with different names can be explained by providing further evidence (for example, marriage/civil partnership certificate, divorce certificate, deed poll, adoption certificate or statutory declaration); and ○ retains copies of the documents on file in line with record retention requirements? 	

Areas for Trusts/ICBs to consider	Organisation's Response
<ul style="list-style-type: none"> Does the organisation have mechanisms in place to ensure the use of the Home Office's Checking Portal to confirm Biometric Residence Cards (BRC), Biometric Residence Permits (BRP) and Frontier Work Permits (FWP) rather than accepting physical copies of the documents? 	
<ul style="list-style-type: none"> If the organisation uses an Identity Service Provider (IDSP) to verify British and Irish Nationals eligibility to work are processes to be followed documented and available to all relevant staff? 	
<ul style="list-style-type: none"> Have all relevant staff been provided with training in the use of IDSP? 	
<ul style="list-style-type: none"> Are processes in place to ensure a record of the date on which the right to work check was made is retained either by making a dated declaration on the copy (using the wording 'the date on which this right to work check was made: [insert date] or in a separate record? (For Home Office purposes simply writing a date on the copy document does not, in itself, confirm that this is the actual date when the check was undertaken) 	
<ul style="list-style-type: none"> Do all required employment contracts clearly stipulate the condition for the appointed individual 	

Areas for Trusts/ICBs to consider		Organisation's Response
	to maintain their right to work status for the full term of their employment?	
	<ul style="list-style-type: none"> Are mechanisms in place to ensure appropriate checks are undertaken on staff within 60 days following the date of a TUPE transfer? 	