

A GOOD PRACTICE GUIDE ON PRE-EMPLOYMENT SCREENING

2ND EDITION

CPNI

Centre for the Protection
of National Infrastructure

PRE-EMPLOYMENT SCREENING CONTENTS

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1. INTRODUCTION

The aims of this guidance

This document provides detailed information on best practice in pre-employment screening, a fundamentally important element of any personnel security regime. It brings together a range of advice and guidance from government departments and other relevant organisations as a 'one-stop' reference handbook focussing on:

- verifying identity
- verifying the right to work in the United Kingdom (UK)
- confirming employment history and qualifications
- verifying criminal record

While we aim to be as comprehensive as possible, this guidance is not exhaustive and organisations should seek professional advice where necessary. We have provided contact information for bodies that may be able to provide further assistance.

This document should be read in conjunction with 'A Good Practice Guide on Pre-employment Screening - Document Verification'.

Who this guidance is for

This publication has been written for organisations that own or operate assets, services and systems which form part of the UK Critical National Infrastructure (CNI). More specifically, it is intended to support the individuals within those organisations who work in Human Resources and Security departments and therefore have responsibility for pre-employment screening.

We recognise that this guidance may also be of value to the wider business community and we would encourage them to use this document as they see fit.

The Critical National Infrastructure (CNI)

The national infrastructure is the underlying framework of facilities, systems, sites and networks necessary for the functioning of the UK and the delivery of the essential services which we rely on in every aspect of our daily life. Examples of essential services include the supply of water, energy and food. Failure of this infrastructure and loss of the services it delivers could result in severe economic damage, serious social disruption or large scale loss of life. There are nine sectors which deliver these services:

- Communications
- Emergency Services
- Energy
- Finance
- Food
- Government
- Health
- Transport
- Water

Not every activity within these sectors is critical, but the application of the criteria listed above helps Government and managers within each sector to identify where best to concentrate protective security effort. The 'critical'

elements of infrastructure comprise the nation's **Critical National Infrastructure (CNI)**.

The formal definition of CNI is: *“Those infrastructure components or assets (physical or electronic) that are vital to the continued delivery and integrity of the essential services upon which the UK relies, the loss or compromise of which would lead to severe economic or social consequences, or to loss of life.”*

The Centre for the Protection of National Infrastructure (CPNI)

The Centre for the Protection of National Infrastructure (CPNI) is the government authority for protective security advice across the critical national infrastructure (CNI). CPNI provides protective security advice which aims to reduce the vulnerability of the CNI to terrorism and other threats.

CPNI is formed from the merger of the National Infrastructure Security Co-ordination Centre (NISCC) and the National Security Advice Centre (NSAC). NISCC provided advice on computer network defence and other information assurance issues. NSAC provided advice on physical and personnel security. CPNI provides integrated advice across these security disciplines.

The HMG Baseline Personnel Security Standard

In July 2006, the Cabinet Office introduced a Baseline Personnel Security Standard (generally referred to as the 'Baseline Standard') to address identified weaknesses in **government** recruitment practices¹. It aims to provide, by application of a common 'standard', an appropriate level of assurance as to the trustworthiness, integrity and probable reliability of prospective civil servants, members of the armed forces, temporary staff and government contractors generally. It also forms the basis for any subsequent National Security Vetting requirement.

The Baseline Standard, which was due for implementation by the end of March 2007, comprises verification of the following four main elements:

- identity
- employment history (minimum past 3 years)
- nationality and immigration status
- unspent criminal record

Additionally, prospective employees are required to give a reasonable account of any significant periods (6 months or more in the past 3 years) of time spent abroad.

This guidance closely reflects the Cabinet Office guidance on the Baseline Standard and describes the same types of checks. However, the Baseline Standard contains some advice and supporting mechanisms which are specific to the government sector and are not, therefore, included in this document.

2. PRE-EMPLOYMENT SCREENING

What is pre-employment screening?

Personnel security involves a number of screening methods, which are performed as part of the recruitment process but also on a regular basis for existing staff. The ways in which screening is performed varies greatly between organisations; some methods are very simple, others are more sophisticated. In every case, the aim of the screening is to collect information about potential or existing staff and then to use that information to identify any individuals who present security concerns. For the purposes of this document, we identify three categories of screening:

- 1. Pre-employment screening** seeks to verify the credentials of job applicants and to check that the applicants meet preconditions of employment (e.g. that the individual is legally permitted to take up an offer of employment). In the course of performing these checks it will be established whether the applicant has concealed important information or otherwise misrepresented themselves. To this extent, pre-employment screening may be considered a test of character. The assessment of integrity or reliability is covered in more depth by National Security Vetting and other employee screening methods (see below).
- 2. National Security Vetting (NSV)** seeks to determine an individual's suitability to hold posts with long-term, frequent and uncontrolled access to SECRET and TOP SECRET assets, or for posts involving access to individuals, establishments or information assessed to be at risk from or of value to terrorists. It involves a range of screening checks that build on the basic verification measures described above with additional security checks, including searches of Police records.
- 3. Other employee screening methods.** In addition to the categories of screening described above, there are other methods and approaches that organisations can adopt. For instance, some organisations employ annual security appraisals in which line managers are asked to raise any security concerns about staff. This is a screening method that goes beyond the verification of credentials to collection and interpretation of information about the behaviour of employees in order to assess employee risk.

This document is only concerned with the first of these screening categories: **pre-employment screening**. The other methods of screening will be addressed in separate guidance. Similarly, this guidance does not address on-going management (also known as 'aftercare'). This will be covered in forthcoming guidance.

The importance of pre-employment screening

CPNI advocates holistic approach to personnel security that is based on a risk management process and involves a range of integrated methods including access controls, protective monitoring, establishing effective security cultures and screening. Pre-employment screening is central to such an approach and will help you to counter the full range of threats that you may face, up to and including terrorism.

Identity fraud is an increasingly common offence. There are three main reasons why individuals use false identity:

- 1. to avoid detection.** This can include illegal immigrants, money-launderers, disqualified drivers, wanted criminals and those with a poor credit history. Individuals who wish to remain anonymous and/or undetected, such as terrorists, may also use false identities. (See A Good Practice Guide on Pre-employment Screening - Document Verification)
- 2. for dishonest financial gain.** This can include credit fraud, welfare benefits fraud or falsifying educational qualifications to obtain employment.
- 3. to avoid financial liability.** This can include failing to pay debts, taxes, child maintenance etc.

Historically, terrorists have made use of false documents, for example to avoid detection when travelling. Research into the activities of Islamist extremists indicates that they too understand the value of forged documents. Jihadi manuals on the internet advise individuals deliberately to lose their passports in order to build up a stock of documents for operational and forgery purposes or to present a more 'Western' appearance in the replacement document. Whilst examples are limited, studies also suggest that Islamist extremists have impersonated the rightful holders of documents.

Where Islamist extremists' capacity to forge documents has been limited, evidence indicates that they have made use of technically genuine passports obtained through false 'breeder' documents (i.e. those documents required to obtain passports, such as birth certificates) which can have few or no security features.

These techniques highlight the importance of using a comprehensive document verification process, focussed on establishing the authenticity of every document a prospective employee provides, not just the passport and/or photo driving licence.

Pre-employment screening will help to reduce the likelihood that a terrorist or any other criminal gains access to your organisation. Also, it will ensure that you confirm the identity of your employees in a way that would assist any subsequent investigation into insider activity.



3. PRE-EMPLOYMENT SCREENING POLICY

Your pre-employment screening processes will be more effective if they are an integral part of your policies, practices and procedures for the recruiting, hiring, and where necessary training of employees. If you have conducted a personnel security risk assessment then this will help you to decide on the levels of screening that are appropriate for different posts. This chapter highlights some of the issues to consider when planning and preparing a pre-employment screening programme.

Who should be involved in the process

The size and structure of your business and the level and role of the applicant's position is likely to determine which areas of your business have a stake in ensuring that pre-employment screening is effective. The most active participants in the process are likely to include the following:

Human Resources (HR)

In the majority of organisations HR departments will take the lead on the recruitment and selection of employees. As such, it is the HR department that is normally responsible for conducting or commissioning verification checks. It is therefore vital that HR personnel have a good understanding of pre-employment screening. Unfortunately, organisations often report that their staff have not received adequate training on the subject.

Security personnel

In a significant number of organisations, the security department is responsible for pre-employment screening. Even where this is not the case, security will be responsible for personnel security overall and this is likely to involve responsibility for dealing with security concerns that emerge from the pre-employment screening checks, as well as decisions about the levels of check that may be required for different posts.

Business owners and managers

Business owners and managers usually play a greater role in recruitment in smaller organisations. If they are involved in the interview process, they should look for information which may influence the direction of the pre-employment screening process.

Legal personnel

Pre-employment screening practices and procedures must be compatible with all relevant legislation, e.g. the Data Protection Act 1998 and Human Rights legislation. Therefore, legal personnel play a critical role in the development of pre-employment screening processes. They should be consulted in the production of all documents or forms that are to be used for screening purposes.



Other relevant departments

Other departments who may be involved include procurement, and auditors - those responsible for confirming that any contractors are adequately screening their staff.

Ownership of the pre-employment screening process

The pre-employment screening process involves a number of individuals, groups or departments who hold and share their own data on an applicant. These departments may have competing interests, for example HR who are responsible for screening candidates and business managers who need urgently to recruit staff. Due to the pressures involved and regardless of the professionalism of the staff involved, it is not surprising that screening procedures are not always followed correctly and/or relevant information is not shared with all appropriate parties.

It is advisable for only one department to be responsible and accountable for pre-employment screening, and for a senior member of staff within that department to be identified to lead the process. This individual should then work with all relevant parts of the organisation to ensure that protocols such as information sharing are agreed and adhered to and that the whole business understands the importance of pre-employment screening.

Other duties for the lead department may include training the teams involved in the screening process and ensuring that screening procedures are appropriately designed to fit within the overall business plan.

Use of third parties

If you use an external screening business or recruitment agency, it is important to be clear how their product fits into your processes. You should be clear whether the business is conducting part of or all of the checks for each applicant. Where you are asking a third party to make judgements then you should ensure that these follow agreed decision-making guidelines. Pre-employment screening remains your responsibility, whether or not you use a third party.

Application form

The use of an application form is considered best practice as this is a standardised form where the applicant can provide all relevant information and confirm (by signature) that information is correct.

The job application form should provide the majority, if not all of the information required for pre-employment screening. A list of likely information requirements are provided at Annex B and these are discussed in the following chapters.

The form should highlight the fact that pre-employment screening will take place and that the applicant must provide their consent for checks to be

undertaken. It should also include a clear statement that lies or omissions are grounds to terminate the hiring process or employment no matter when they are discovered. This is important legally but anecdotal reporting suggests that it can also have significant deterrent value.

You may need to customise the application form depending on the post. For example, you may not require education history for semi-skilled staff such as cleaners – but you may require additional information for senior posts. Applicants should be clear what information is required, and employers should not request information which is irrelevant to the post. You may wish to adapt application forms accordingly.

Interviews

As well as providing an opportunity to discuss the candidate's suitability for employment, an interview will play an integral part of the pre-employment screening process because:

- they encourage applicants to be honest
- they allow the employer to find out missing information which is relevant to the pre-employment process and to probe candidates about their responses or for additional information
- interviews provide a good opportunity to add to the overall assessment of the applicant's reliability and integrity

Decision-making

Your business's pre-employment screening strategy should set out how you deal with the results of all checks, particularly potentially adverse information. It is not necessary to complete all pre-employment screening where initial checks indicate that an applicant has provided inaccurate information.

Most of the pre-employment screening checks do not require interpretation; the information provided is either true or false. However, for checks where judgment is involved it is advisable to agree some decision making guidelines. For example, if you conduct a credit worthiness check – what is an unacceptable credit report?

Structuring the pre-employment screening process

You may find it helpful to produce a timetable for scheduling pre-employment screening within the overall recruitment process (see Annex A). Equally, you may find it helpful to maintain a verification record detailing which checks have been performed and confirming the result of these checks. An example of a verification record is provided at Annex C.

Measuring performance

We strongly advise you to keep a record of the results of your pre-employment screening procedures. Measures such as the incidence of false employment or criminal record details can be very useful in

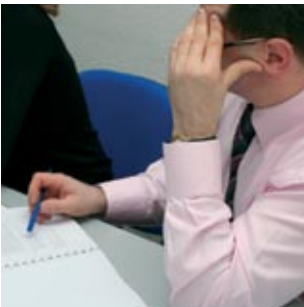
persuading colleagues of the importance of the checks. Also, in doing this, you are likely to learn lessons about best practice that improve the effectiveness of your screening.

PRE-EMPLOYMENT SCREENING POLICY - CHECKLIST

- Make pre-employment screening an integral part of your recruitment process.
- Ensure that applicants are informed, in writing, that any offer of employment will be subject to the satisfactory completion of pre-employment screening checks, whether or not the individual has been granted access to the site.
- Ensure your screening processes are legally compliant.
- Involve all the relevant departments in your organisation, and ensure they communicate and share data effectively.
- Seek legal advice on the wording of the application form.
- Identify an 'owner' of the pre-employment screening process.
- Incorporate specialist businesses into your strategy if appropriate.
- Ensure that the application form requests all relevant information, including consent for further checks, and outlines your screening policies.
- Establish decision making guidelines for consistent and transparent judgments about information.
- Have a clear understanding of the thresholds for denying someone employment.
- Be clear how you deal with fake or forged documents.
- Collect data on the results of the pre-employment screening process (e.g. incidence of false qualifications or criminal record).

Pre-employment screening levels

One of the most important aspects of a pre-employment screening strategy is deciding what pre-employment checks to perform for each post. Some employers perform the same checks for all new applicants, regardless of the post. However, this can add unnecessary delays to the recruitment process and may not be the most efficient pre-employment screening strategy. You may prefer to vary the screening process according to the opportunity that the post presents. The opportunity to cause harm or damage is a key consideration in any personnel security risk assessment and an important factor in determining the level of checks that are required. You do not need to follow a laborious process of assessing this but you may find it helpful to review the different types of opportunities that different roles present and consider how these might affect the level of screening required.





If you have not already established screening levels then we would encourage you to use the following bullet points as a template according to your specific circumstances.

Minimum level of checks

As a minimum **all** new employees should:

- verify identity (including residency)
- confirm right to work in the UK
- complete self-declaration criminal record form example at Annex I

Employers must be satisfied about a prospective employee's identity (because of the risks of identity fraud), and that the applicant has a right to work in the UK. Failure to do so can lead to subsequent civil and criminal liabilities.

Medium level of checks

- verify identity
- confirm right to work in the UK
- complete a self-declaration criminal record form
- Basic Disclosure (criminal)
- most recent academic qualifications
- relevant professional qualifications
- most recent employer reference (at least three years, preferably five years).
- basic confirmation with HR of dates, post and reason for leaving.

High level of checks

- verify identity
- confirm right to work in the UK
- complete a self-declaration criminal record form
- Basic, Standard or Enhanced Disclosure if relevant to the job
- all academic qualifications
- relevant professional qualifications
- employment references to cover at least three years (preferably five to ten years).
- basic HR confirmation and line manager references (if possible)
- financial enquiries



4. IDENTITY

Of all the pre-employment screening checks, identity verification is the most fundamental. It should therefore be the **first** check that is performed as part of the process. You should not undertake any other parts of the screening process until you are satisfied that an individual's identity is satisfactorily proven.

What is identity?

There are three elements to a person's identity:

1. **Biometric identity:** The attributes that are biologically determined and unique to an individual, i.e. fingerprints, voice, retina, facial structure, DNA profile.
2. **Attributed identity:** The components of a person's identity that they are given at birth, including their name, place of birth, parents' names and addresses.
3. **Biographical identity:** An individual's personal history, including:
 - registration of birth
 - education and qualifications
 - electoral register information
 - details of taxes and benefits paid by or to the individual
 - employment history
 - registration of marriage / civil partnership
 - mortgage account details
 - insurance policies
 - interactions with banks, utilities etc

How to verify identity

The objectives of verifying identity are to relate your prospective employee to the information they have given you about themselves by:

- determining that the identity is genuine and relates to a real person
- establishing that the individual owns and is rightfully using that identity

The most common methods for verifying identity are:

- **requesting original documents** – a 'paper-based' approach, and
- **checking an individual's personal details against external databases** – referred to here as an 'electronic' approach

The paper-based approach to verifying identity

By examining documents presented by a candidate, you are aiming to corroborate their:

- full name – forenames and last name
- signature
- date of birth, and
- full permanent address

You should require candidates to provide:

- **a document** containing the individual's photograph, such as a passport or UK driving licence, **and**
- **a document** providing the individual's current address, such as a utility bill, a bank statement or the most recent council tax bill.

Your level of assurance about an individual's identity will increase with the number and quality of the documents received. It is important to stress that documents do not have equal value. 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

Ideal documents include passports, driving licences, and national identity cards. Where a signature has not previously been provided (e.g. because of an e-application) the individual should be asked to provide it at a later date (e.g. at interview) for checking against relevant documentation.

Do not accept any copies, unless they have been certified by a solicitor.

Documents that you might consider requesting include:

- current signed full passport, national ID card and/or other valid documentation relating to immigration status and permission to work (see further guidance on appropriate immigration documentation from the 'Right to Work' chapter)
- current UK photo card driving licence
- current full UK driving licence (old version)
- current benefit book or card or original notification letter from the Department for Work and Pensions (DWP) confirming right to benefit
- building industry sub-contractor's certificate issued by Her Majesty's Revenue & Customs (HMRC)
- recent HMRC tax notification
- current firearms certificate
- full birth certificate
- adoption certificate
- marriage / civil partnership certificate
- divorce or annulment papers
- gender recognition certificate
- police registration document
- HM Armed Forces identity card
- proof of residence from a financial institution
- record of home visit *
- confirmation from an Electoral Register search that a person of that name lives at that address*
- recent original utility bill or certificate from a company confirming the arrangement to pay for the services at a fixed address on pre-payment terms *



- local authority tax bill (valid for current year)*
- bank, building society or credit union statement or passbook containing current address*
- recent original mortgage statement from a recognised lender *
- current local council rent card or tenancy agreement *
- court order *

* If these documents are submitted then the date should be within the last 6 months – unless there is good reason for it not to be – and should contain the name and address of the applicant.

Verifying addresses

Why verifying addresses is important

The purpose of this check is to confirm that the address exists and relates to a real property, and to establish that the individual permanently resides or previously resided at the address.

Verifying the address given by a prospective employee is important because it affirms that other information provided is correct. An individual may wish to omit their current or a former address to conceal adverse information, such as a poor credit rating or criminal convictions.

As a prospective employer, you must judge whether you need to ask for more than the individual's current address. For example, if the position is for a financial director, you may want a record of the individual's previous addresses.

How to confirm addresses

- Ask the individual to provide documentation to prove residence at the address they have given. Providing documentation for previous addresses may be difficult if your check covers a long time period.
- Carry out an electronic identity database search (see below). This will check previous addresses against the electoral register etc.

Gaps in residence details

If you require prospective employees to provide addresses that cover a lengthy period of time – five years or more, they may have gaps that they are not able to account for. There may be plausible explanations for this, such as foreign residence, travel etc. However, the individual may be attempting to conceal adverse information such as a custodial prison sentence.

What to do to satisfy yourself about an individual's activities during gaps

- Ask the individual to provide relevant documentation to cover the period in question.
- Consider the time period. You may wish to draw up guidelines. For example, if the period is less than **three months** you may decide that it is neither necessary nor proportionate to confirm activities during that time.



- If you are using a commercial sector screening business to verify identity, they may be able to carry out a gap analysis. Make sure you know what the capabilities are before accepting their tender. (see Chapter 11)
- Check that the individual's passport contains stamps for countries they claim to have visited in a residence gap. If the stamps are absent (increasingly passports are not stamped on entry to a country, especially in Europe) request other documentation to prove their stay in those countries.
- If the individual was living abroad, ask them to provide confirmation of the address, such as documentation from a landlord, a bank statement etc. If they were working abroad, it is likely that you will also be verifying their employment. Are you able to match the employment dates with the address(es)?

If you are not able to obtain satisfactory explanations for gaps and/or inconsistencies in the addresses the individual provides, you may decide not to employ him or her.

What to do if the applicant cannot provide photographic documentation

If the inability to provide photographic proof of identity appears to be a genuine problem, you should ask the individual to provide a passport sized photograph of him/herself. This should be endorsed on the back with the signature of a 'person of standing' in the individual's community such as a magistrate, medical practitioner, officer of the armed forces, teacher, lecturer, lawyer, bank manager or civil servant, who has known the individual for at least 3 years. 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.

You should check the statement to ensure that the signature matches the one on the back of the photograph, and that contains a legible name, address and telephone number. **You must then contact the signatory to check that he or she did, in fact, write the statement.**

The advantages of a paper-based approach

The paper-based approach is cheaper than the electronic approach. Also, it allows original documentation to be closely examined. If necessary, this can include the use of an ultra-violet (UV) light source and magnifying glass to increase the prospect of identifying any basic forgeries. See the companion document Good Practice Guide to Pre-employment Screening - Document Verification, which provides detailed guidance on this process.

The disadvantages of a paper-based approach

- Documents can easily be forged or bought. The increased availability of electronic equipment and software means that it is easier for individuals to produce their own counterfeit documents. Utility bills are particularly easy to reproduce.

- It is relatively easy to falsely obtain documents which purport to be genuine, e.g. a driving licence. A false 'genuine' document can then be used to 'breed' other 'genuine' documents.
- Often only experts will be able to identify sophisticated forgeries.
- Document verification can be time-consuming, particularly for less experienced staff.

The electronic approach to identity verification

Rather than relying on a physical assessment of documentation, the electronic approach seeks instead, to verify identity by checking and cross-referencing information from databases created by banks, utility companies, local authorities etc.

By searching relevant databases for records associated with the name, date of birth and address(es) provided by an individual, it is possible to build a picture of that individual's past and current life. A long history of varied transactions and events indicates that the identity is more likely to be genuine. A history that lacks detail and/or depth may indicate that the identity is false.

Database checks alone are not able to confirm that the applicant is the rightful owner of that identity; they simply confirm that the identity exists. You must also test the individual's knowledge of the information you obtained from the electronic check to ascertain that the individual owns and is rightfully using the identity. If the individual is not able to corroborate a significant proportion of the information it may indicate that he does not own the identity.

Corroborating information from a database check

Testing the individual's knowledge of the identity is as important as establishing that the identity exists. For example, a person who steals a wallet can appropriate the rightful owner's identity by using information in it – from banking, gym membership, business cards etc. However, that person is unlikely to have detailed or an in-depth knowledge about former addresses, financial history over the longer term, previous employers etc.

Searching electronic databases

You can use web-based systems (e.g. Experian Authenticate and BT URU) to carry out electronic database searches. This will usually require you to access the system via the internet, using a secure log in.

The user will input the candidate's information into an electronic form. Typically, the system will score the search results on the basis of the type and amount of information the database corroborates. For example, corroboration of details about a store card – a type of information that a person could obtain through the theft of a wallet or purse, will score lower than details of a mortgage – a type of information that the rightful owner is more likely to have.

Aligning scores with your pre-employment screening policy

Thresholds can be set to ensure the system works in alignment with your screening policy. For example, you might decide on a score, below which the recruitment process would be terminated.

Above that, you might decide on a range of scores for which you would request further details (including asking the candidate for an explanation of the anomalies) before inputting the information again.

You might also identify a 'high' score, above which you would proceed, without further checks, to the next stage of the pre-employment screening process.

Setting thresholds to measure confidence in the integrity of information is a key consideration if you are using electronic database searches to verify identity. You will need to discuss the setting of thresholds with service providers during any tendering process.

'Checksum' analysis

In addition to an electronic identity search, some service providers can also carry out 'checksum' analysis of a document.

A checksum is a number derived by applying an algorithm to several items of information within an identity document. The nature of a checksum means it is impossible to alter any one item in the document - such as a forename, last name, address, date of birth or so on - without the checksum revealing the alteration.

It is extremely difficult to create false checksums. Calculating a valid checksum for information that has been altered is almost impossible and, therefore, difficult to falsify information in documents containing checksums.

Several of the documents that you will require to verify identity will contain checksums.

Calculating checksums is a highly specialised area of knowledge that staff involved in pre-employment screening from within businesses are unlikely to have. If you wish to carry out checksum analysis as part of pre-employment screening, you will need to use a specialist provider.

The advantages of the electronic approach

- The electronic approach is based on testing **biographical** rather than **attributed** identity, assessing an individual's **footprint** in the UK. Creating a long-term and in-depth identity is a big challenge for fraudsters.
- Minimal training is required to use the software and the results can be produced very quickly.

The disadvantages of the electronic approach

- The electronic approach loses its value if the prospective employee is not tested on the data produced by the search. The results simply demonstrate that the identity exists.
- Young candidates or those who have recently arrived in the UK are unlikely to have built up a **footprint** in the UK. For example, they may be ineligible to vote and so do not appear on the Electoral Roll; or they may not have a bank account, credit cards or a mortgage and so have not developed an in-depth credit history.
- The electronic approach does not provide an opportunity to make a face-to-face assessment of the candidate, unlike the paper-based approach.
- The data sources used may not be accurate and may produce 'false-positives', for example Electoral Roll information may not be up to date and as a result the search will indicate that an individual does not live at a genuine address. In this situation, the candidate should be asked to provide alternative documentation to show residency.

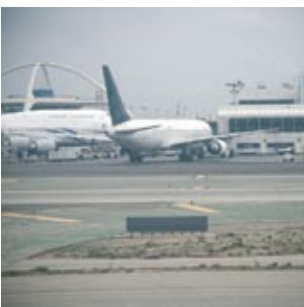
The accuracy of data in the UK²

It is important to note that the official UK databases which are used for identity verification are not always totally accurate.

Some key public sector databases are **elective** – the Electoral Register, UK Identity and Passport Service (UKIPS) and the Driver and Vehicle Licensing Authority (DVLA) are all dependent on people applying for a service or registering their details. Therefore, these databases do not cover the whole population.

Other databases hold records in excess of the expected population. This happens for a number of reasons:

- Some records are held on people who are deceased. This can be because there is a valid business reason – to facilitate payment of benefits based on inherited entitlements.
- Records are held on persons living abroad – for example, UK citizens who have left the country permanently or for lengthy periods; or foreign nationals who have lived and worked in the UK but since returned to their country of origin. This is an issue for all databases as there are no official records covering emigration.
- Human and system error can cause databases to hold duplicate records. Individuals may or may not notify changes of name, marriage etc. In all databases, even where no change of name has happened, duplicates are created by misspellings, data input errors, etc.
- Some duplicates will be raised as a result of deliberate fraud – where an individual invents a new identity in order to obtain benefits/services to which they are not entitled. For example, a disqualified driver may create a false identity and sit a further driving test in order to obtain a licence.



Issues to consider when procuring an electronic identity service

- What are the data sources?
- How accurate is the data?
- How often is the data refreshed (updated)?
- Are there any data protection issues concerning the databases and/or the applicant's data?
- When the applicant's data is entered into the system, will there be a footprint? For example, would someone be able to discover that the applicant is connected to your organisation? This may be relevant if you are considering employing high profile individuals in sensitive posts where discretion is important.
- Does the agency/business offer any additional services – such as checksum analysis?

A combined approach

Both the paper-based and electronic approaches have key strengths. You may wish to consider a combined approach, at least for some posts. This will allow you to verify the applicant's original documentation and benefit from the comprehensiveness of the electronic approach.



5. 'RIGHT TO WORK' – VERIFICATION OF NATIONALITY AND IMMIGRATION STATUS

Changes to the law on illegal migrant working – February 2008

From 29 February 2008, the law on preventing illegal working in the UK changes and provisions in the Immigration, Asylum and Nationality Act 2006 replace section 8 of the Asylum and Immigration Act 1996. Employers thereafter face new requirements to prevent illegal working. All pre-employment and in-employment screening that takes place on or after this date should comply with the new legislation (the new measures **cannot** be applied retrospectively).

Under the new Act, employers may be liable for a civil penalty or criminal conviction for employing a person aged 16 or over who is subject to immigration control unless:

- that person has been authorised to be in the United Kingdom by the Government, and is permitted to take the job in question; or
- the person comes into a category where employment is allowed.

The Act introduces some changes to the way employers carry out right to work checks:

- An employer who is negligent or not sufficiently diligent at establishing a 'right to work' as part of their recruitment and employment practice may receive a civil penalty of up to £10,000 per illegal worker.
- An employer who is convicted of knowingly employing an illegal worker faces a maximum of two years imprisonment, and/or an unlimited fine.
- Employers have a continuing responsibility to monitor the ongoing entitlement to work of employees with time-limited leave to be in the UK.

This chapter provides summary guidance on the new provisions to prevent illegal migrant working in the UK. You should also refer to the Border and Immigration Agency's (BIA) 'Comprehensive guidance for United Kingdom employers on preventing illegal working' which can be downloaded from their website at www.bia.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/. This guidance includes examples of relevant documents and highlights what you should be looking for. Staff carrying out right to work checks should become familiar with these documents. Alternatively you should take legal advice, or visit Business Link's online step-by-step guide to checking the eligibility of migrant workers, which is available at: www.businesslink.gov.uk/emw.

Section 15 of the new Act creates a civil penalty regime and may also provide employers with a **statutory excuse** ("an excuse") from payment of a civil penalty if they check and record certain documents belonging to prospective employees. These **checks must be made before an individual**



is employed in order to obtain the statutory excuse. However, the excuse will not be available if the employer knowingly employs an illegal migrant worker. Employers can establish an excuse for each potential employee by checking and making a copy of certain original documents as specified in either List A (for those with an ongoing right to work) (page 21-22) or List B (for those with time-limited right to work) (page 22-24).

The new legislation provides that employers have an ongoing responsibility to carry out checks on employees with time-limited immigration status (limited leave to enter or remain in the UK) if they wish to avoid a possible civil penalty. These checks need to be carried out at least once per year in order to retain the statutory excuse. For those employees with an ongoing right to work, once they are able to provide appropriate documents from List A, repeat checks no longer need to be carried out for that person during their employment.

For further advice contact the Employers' Helpline on 0845 010 6677 (as well as for any other queries regarding the prevention of illegal migrant working).

Confirming right to work

In order to establish a statutory excuse, you should follow the steps below before a person begins working for you. In addition, you may wish to use the form at Annex E that asks candidates to confirm their employment and immigration status.

STEP ONE

Require prospective employees to provide:

- an original of one of the single documents, or a combination of original documents, in List A; **or**
- an original of one of the single documents, or a combination of original documents, in List B.

There is no need to ask for documents from both List A and List B.

STEP TWO

Employers must also satisfy themselves that their prospective employee is the rightful holder of the documents they present. These documents should also demonstrate that the holder is entitled to do the type of work being offered.

Employers must carry out the following reasonable steps:

- check photographs, where available, to ensure that you are satisfied they are consistent with the appearance of the individual
- check the dates of birth on all documentation, so that you are satisfied they are consistent, and correspond with the appearance of your potential employee

- check that expiry dates are valid
- check any UK Government stamps or endorsements to ensure the individual is entitled to do the work being offered
- satisfy yourself that the documents are genuine, have not been tampered with and belong to the holder.

If the individual gives you a document, or documents, from either **List A or List B** that are inconsistent, you should ask them for a further document to explain the reason for this. The further document could be a marriage or civil partnership certificate, divorce decree, deed poll or statutory declaration.

You also need to take reasonable steps to check that the documents are genuine. You are advised to refer to 'A Good Practice Guide to Pre-employment Screening - Document Verification', which provides detailed guidance on all aspects of document verification.

STEP THREE

Finally, make and retain a photocopy or a scan, recording the image in a way that cannot be altered (i.e. on a CD-R). For a passport or travel document take a copy of:

- the front cover of the document and all of the pages which give your potential employee's personal details including nationality. In particular, you should copy the page with the photograph and the one that shows his or her signature; and
- any page containing a United Kingdom Government stamp or endorsement that indicates that the employee has an entitlement to be in the UK and is permitted to do the type of work you are offering.

Where other documents have been provided, to establish a statutory excuse take a copy of the whole document.

You should keep a record of every document you have copied for the duration of the individual's employment, and for a further 2 years after the employment has ceased. By doing this, the Border and Immigration Agency will be able to examine your right to an excuse if they detect anyone working illegally for you.

Please remember that some of the documents you might copy will include personal information and that that information must remain confidential. Any copies of personal documents should be made only for the purpose of establishing an excuse under section 15 of the Act.

It should also be noted that UK Passports are subject to Crown copyright protection and copies of UK passports can only be made in certain circumstances, including for the purpose of establishing and recording an individual's right to work. This allows employers to keep the record of the document, but prohibits the passing of this information to third parties.

Further information is available in HMSO's 'Guidance Note 20 – Reproduction of the British Passport', which can be found on the Office of Public Sector Information's website at www.opsi.gov.uk/advice/crown-copyright/copyright-guidance/index.htm.

If you have carried out these checks and established that your job applicant is not permitted to work for you, then you are obliged to refuse employment to that person. Failure to do so may result in a criminal conviction for knowingly employing an individual who does not have right to work.

Avoiding racial discrimination while complying with the Immigration, Asylum and Nationality Act 2006

The population of the United Kingdom contains a range of ethnic groups; an individual's race, ethnicity or religion is no indication of their right to work here. It is important that your recruitment practices do not discriminate against candidates on grounds of their race, ethnicity or religion. Employers are therefore advised to carry out document checks on **all** prospective employees.

You can download a copy of the Government's code of practice for employers on how to comply with right to work legislation without discriminating unlawfully at: www.bia.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/.

Lists A and B: Documents employers must check in order to establish an excuse

Although employers are not legally required to conduct document checks, we recommend that they are conducted on all prospective employees, as this may establish a statutory excuse from a liability to pay the civil penalty, provide evidence of an open and transparent recruitment process and will ensure that your recruitment practices do not discriminate against individuals on racial grounds.

List A – documents which provide an ongoing excuse. These will be presented by individuals who are not subject to immigration control and have no restrictions on their stay in the UK.

Single Documents

- a passport showing that the holder or a person named in the passport as the child of the holder, is a British citizen, or has a 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 a European Economic Area (EEA) country or Switzerland
- a residence permit, registration certificate or document indicating or certifying permanent residence issued by the Home Office or BIA to a national from a European Economic Area country or Switzerland

- a passport or permanent residence card issued by the Home Office or BIA which has an endorsement stating that the holder has a permanent right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland
- a passport or biometric immigration document endorsed to show that the holder is exempt from immigration control, can stay indefinitely in the United Kingdom, or has no time limit on their stay
- 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.

Document Combinations – List A

- 1) an official document giving the person's permanent National Insurance number and name. This could be a P45, P60, National Insurance card, or a letter from a Government agency or previous employer.

Along with checking and copying a document giving the person's National Insurance number, you must also check and copy one of the following documents listed in sections 2-6:

- 2) an Immigration Status Document (ISD) issued by the Home Office or BIA with an endorsement indicating that the holder is allowed to stay indefinitely in the UK or has no time limit on their stay
- 3) a full birth or full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's biological or adoptive parents
- 4) a birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
- 5) a certificate of registration or naturalisation as a British citizen
- 6) a letter issued by the Home Office or BIA which indicates that the holder can stay indefinitely in the UK.

List B – documents which provide an excuse for up to 12 months.

These will be presented by individuals whose leave to enter or remain in the UK is time-limited, and will require repeat checks in order for the employer to retain their excuse.

Single Documents

- a passport or travel document endorsed to show that the holder can stay in the UK and is allowed to do the work you are offering, provided it does not require a work permit

- a biometric immigration document issued by the BIA which indicates that the holder can stay in the UK and is allowed to do the work you are offering
- a residence card or document issued by the Home Office or BIA to a family member of a national of the EEA or Switzerland.

Document Combinations – List B

N.B. You **will not** have an excuse if, for example, you see one document from the first combination and one from the second or third combinations.

Combination 1

- 1)** an official document giving the person's permanent National Insurance Number and name. This could be a P45, P60, National Insurance card, or a letter from a Government agency or previous employer.

Along with checking and copying a document giving the person's National Insurance Number, you must also check and copy one of the following two documents:

- 2)** an Immigration Status Document (ISD) issued by the Home Office or BIA with an endorsement indicating that the holder can stay in the UK and is allowed to do the work you are offering.
- 3)** a letter issued by the Home Office or BIA to the holder or the employer or prospective employer of the holder which indicates that the holder can stay in the UK and can take the work in question.

Combination 2

- 1)** a work permit or other approval to take employment that has been issued by the Home Office or BIA.

Along with a work permit, you should also check and copy one of the following two documents:

- 2)** a passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work in question.
- 3)** a letter issued by the Home Office or BIA to the holder confirming that the person named in it is able to stay in the United Kingdom and can take the employment in question.

Combination 3

- 1) evidence of verification of a right to work by the BIA's Employer Checking Service.³

Along with evidence of BIA verification, you should also check and copy one of the following two documents:

- 2) a certificate of application issued by the Home Office or BIA within the last 6 months to or for a family member of an EEA or Swiss national, stating that the holder is permitted to take employment.
- 3) an Application Registration Card (ARC) issued by the Home Office or BIA stating that the holder is permitted to take employment.

The document descriptions contained in List A or List B do not reflect the precise wording contained in the law. Full details are available in the BIA's 'Comprehensive guidance for United Kingdom employers on preventing illegal working' booklet, available from their website at: www.bia.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/.

Other Guidance

Annex F provides guidance on the rules that govern the employment of nationals from the European Economic Area (EEA).

Annex G provides additional Q&A on right to work generally.

³ The Border and Immigration Agency now provide an Employer Checking Service for verifying certain individuals' right to work in the UK. More information regarding this service is available at www.bia.homeoffice.gov.uk/employers/employersupport/ecs/.



6. QUALIFICATION AND EMPLOYMENT CHECKS

The purpose of a qualification check is to verify information provided by the candidate on their application form or Curriculum Vitae (CV) for educational or professional qualifications.

Employment checks involve verifying a prospective employee's employment history in terms of dates of employment and position. The individual's previous and current line managers may also agree to provide a more in-depth reference which focuses on their performance in post and overall skills (for example their ability to work with colleagues). Making use of the information contained in such a reference is not strictly considered to be part of the verification process - as it does not authenticate factual information. However, it can help employers to make an assessment of the applicant's personality etc.

The procedures for verifying both qualifications and employment are similar. This chapter provides guidance for employers who carry out their own pre-employment screening. Qualification and employment checks carried out by an external service are discussed at chapter 11.

Why check qualifications and previous employment?

Independent confirmation of the applicant's qualifications and previous employment will help employers to build up a picture of the candidate's reliability and integrity. Furthermore, these checks can help identify those applicants attempting to hide negative information such as a prison sentence or dismissal.

Qualification checks

A qualification check should confirm:

- the establishment attended
- course dates
- title of the course (if the applicant has included details of the courses studied it would be advisable to check them)
- grade/mark awarded

For each post you should consider whether it is proportionate to confirm the candidate's qualifications.

You may wish to confirm professional qualifications regardless of the amount of time that has passed. For example, a Doctor or Accountant who qualified 20 years ago should not automatically be exempt from having their qualifications verified.

You should always request the original copies of any certificates. Compare the information provided on them with what is listed on the application form. For example:

- Do the names match? The applicant may have been married since gaining the qualification or entered a civil partnership – request an explanation from the candidate if in doubt.
- Does the date(s) on the certificate match the dates on the application form?
- Is there any difference in the title of the course or the grades?



A significant number of certificates will be printed on good quality paper which may be embossed, include an intricate crest with motto and a watermark. If you have any doubts about a certificate you should discuss your concerns with the establishment in question.

If possible, you should contact the establishment **directly** to request confirmation of your prospective employee's attendance, course details and grade awarded. You may be required to provide a copy of the candidate's signed consent form and may also need to allow several weeks for a response, potentially longer if the establishment is overseas.

If resource constraints make this approach impossible then you should at least aim to:

- Compare the details on the certificate with those on the application form (applicants attempting to use 'impostor' documents or forgeries of poor quality may not anticipate that certificates will be thoroughly checked);
- Carry out an internet search on the establishment and compare the logo or crest, motto, contact details etc with the application form. If the establishment does not have a website or presence in some form on the internet, that in itself may be cause for concern.

If possible it is always advisable to verify the candidate's information direct with the establishment.

Employment checks

As with qualification checks, the main aim of an employment check is to verify the information provided on the application form. The verification process focuses on confirming:

- dates of employment
- position held
- duties
- salary
- reason for leaving

The candidate's current employer should not normally be contacted without prior permission from the candidate.

It is advisable to verify a minimum of **3 years** of previous employment (5 years is preferable). Ideally you should aim to check a period which covers at least two positions with separate employers. The more jobs you check the more likely you are to build up a comprehensive picture about your prospective employee.

You may also wish to consider obtaining personal references from the candidate's previous/current line managers. Personal references can provide a useful level of assurance about an individual's qualifications, integrity and track record. You should be aware that most employers do not permit references to be provided by anyone who is not in the HR department.

Employer references

There is an increasing reluctance on the part of employers to provide frank and timely comments on an individual's character because they are concerned about claims for defamation or breach of contract. As a result references may often add little extra, save that they confirm the dates of employment and position held.

Standardised reference form

You could consider devising a standard form for employer references. Standard templates can help to identify relevant information and minimise the effort involved to prompt a quick response. Annex D has an example of a standard employment reference form. Some areas your form might include are:

- Over what period did the subject work for your company?
- What was their position?
- What did their duties involve?
- Are you related to the subject?
- Over what period have you known the subject?
- Would you be content to employ the individual again?

Pre-prepared references

The candidate may provide pre-prepared references as part of the application process. You are advised to take reasonable steps to ensure that they are genuine; especially if they appear less than convincing (e.g. provided on poor quality paper or containing basic spelling or grammatical errors). Such checks might include:

- Telephoning the author to confirm they provided the reference. As previously noted, the telephone number should be ascertained independently. A telephone number supplied by the individual being checked should not be relied upon.
- Checking the existence of the employer (e.g. that it appears in the phone book or relevant business directories).

Self-employment references

For periods of self-employment, evidence should be obtained (for example, from HM Revenue and Customs, bankers, accountants, solicitors, client references etc), to confirm that the individual's business was properly conducted and was terminated (i.e. the applicant's involvement in the business) satisfactorily.

Other types of reference

Depending on the individual's circumstances, additional references may also be required. If:

- an individual has been overseas for a single spell of 3 months or more, or a cumulative total of 6 months or more, every effort should be made to obtain a reference from the overseas employer.
- an employer's reference is not available, a second personal reference should be obtained from a referee of some standing in the individual's community (for instance a doctor, lawyer, MP etc).
- an individual has been in full time education, a reference should also be obtained from the relevant academic institution.
- an individual has served in the Armed Forces or Civil Service during the previous three years, employer's references should be obtained from the relevant service or department.
- no personal reference can be obtained then references should be obtained from personal acquaintances not related to or involved in any financial arrangement with the individual.

Your checks may return information which contradicts the details provided by the applicant and raises concerns. In this situation you should:

- proceed in a sensitive manner – there is often a reasonable explanation for apparent inconsistencies.
- attempt to address your concerns directly with the candidate (e.g. at an interview).
- when you have the facts, consider them within the context of all that applicant's screening results.

In exceptional circumstances, where your checks reveal substantial misdirection, then you may feel it would be appropriate to report your concerns to the police or other authorities.

QUALIFICATIONS AND EMPLOYMENT CHECKLIST

Qualifications

- consider whether the post requires a qualifications check
- always request original certificates and take copies
- compare details on certificates etc with those provided by the applicant
- independently confirm the existence of the establishment and confirm the details

Employment

- check a **minimum of three years** (ideally 5 years) previous employment
- independently confirm the employer's existence and contact details (including the line manager)
- confirm details with HR
- where possible and desirable, request an employer's reference from the line manager



7. CRIMINAL RECORD CHECKS

For some, if not all posts, you may have identified criteria for deciding whether prior criminality precludes an applicant from taking up a position. In these circumstances, you will wish to seek information on the applicant's criminal record to verify whether any of these conditions are met. This chapter sets out the options available for checking the criminal records of prospective employees.

Requirements to disclose spent and unspent convictions

The Rehabilitation of Offenders Act (ROA) 1974 and the Rehabilitation of Offenders (Northern Ireland) Order 1978, establish that a criminal conviction becomes spent if an offender remains free of further convictions for a specified period. The length of the rehabilitation period depends on the sentence given, not the offence committed (see Annex H for further details). The Act therefore provides the individual with protection from the unfair disclosure of criminal records data, for example to prospective employers. This is because the individual is classified as having been successfully rehabilitated of the offence in question.

A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed.

Under the ROA a person is not normally required to disclose spent convictions when applying for a job (the ROA 1974 (Exceptions) Order 1975 and the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 discussed below, set out exceptions). Having spent convictions, or failing to disclose them, are not normally grounds for exclusion from employment. However, the ROA states that it is reasonable for employers to ask individuals for details of any unspent criminal convictions.

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

These Orders identify the types of position and employment that are exempted from the protection offered to individuals under the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders (Northern Ireland) Order 1978, even where the conviction is spent. This means that the employer/organisation is entitled to a full history of spent and unspent convictions as part of the employment vetting process. The types of position to which the exemptions apply can be divided into five broad categories:

- Professions such as medical practitioners, barristers, accountants, vets and opticians.

- Those employed to uphold the law, for instance, judges, constables, financial services positions and prison officers.
- Certain regulated occupations including, firearms dealers, directors of insurance companies, those in charge of certain types of nursing homes and taxi drivers.
- Those whose work is concerned with the provision of care services to vulnerable adults and/or the provision of health services, and those who work with children.
- Those whose work could put national security at risk such as air traffic controllers and certain employees of the Crown.

Please note that this is not a full list as the Exceptions Order is refined by a number of additional amendments and is supplemented via Regulations. The full list of exempted positions can be obtained from the Criminal Records Bureau website in the Resource Library under 'Disclosure Access Category Codes' at www.crb.gov.uk or by contacting the CRB enquiries line on 0870 909811. Alternatively, a copy of the Exceptions Order and associated Regulations can be obtained from the Stationery Office at www.tso.co.uk.

Sources of criminal history information

Organisations may become a Registered Body with three organisations that can provide criminal convictions information about prospective employees – Disclosure Scotland, Access Northern Ireland (Access NI) and the Criminal Records Bureau (CRB). Additionally, employers may contract with an Umbrella Body in order to access the Disclosure Service.

Information about Umbrella Bodies and becoming a Registered Body is included at the end of this chapter.

Disclosure Scotland and Access NI

Disclosure Scotland is part of the Scottish Criminal Record Office which is in turn an Executive Agency of the Scottish Executive. Access NI was established by a joint programme between the Northern Ireland Office, the Department of Health, Social Services and Public Safety, the Department of Education and the Police Service of Northern Ireland. Both organisations provide potential employers, public bodies and organisations within the voluntary sector with criminal history information on individuals applying for posts. Both Disclosure Scotland and Access NI provide the following **three** services which are set out in further detail throughout this chapter:

- Basic Disclosure
- Standard Disclosure
- Enhanced Disclosure



Criminal Records Bureau (CRB)

The CRB is an Executive Agency of the Home Office and is a 'one-stop-shop' for organisations accessing the criminal records Disclosure Service. As part of this process, the CRB access the data held on the Police National Computer, information contained in the lists of excluded persons held by the Department of Health (DH) and the Department for Education and Skills (DfES). There are two levels of CRB check currently available:

- Standard Disclosure
- Enhanced Disclosure – which includes access to local police intelligence

Both organisations have access to the same type of information. Ordinarily, Registered Bodies will utilise the service appropriate to their geographical boundaries. However, in cases where a check is being carried out through CRB and the applicant has resided in Scotland in the past five years, CRB will contact Disclosure Scotland who in turn will contact the Scottish forces if anything has been found on Scottish records. Similar arrangements exist in Northern Ireland. The Agencies will regularly share appropriate information from their data sources to ensure that a comprehensive Disclosure is issued where an applicant has lived in both boundaries.

The only current difference is that Disclosure Scotland and Access NI also offer the Basic Disclosure.

Cost of Disclosures

The cost of obtaining criminal records depends on the level of the Disclosure. Employers should tell prospective employees who will pay or be expected to pay for the Disclosure. They may well pay the fee outright or pay for it and then claim the fee back after the individual has started work with them. Further details can be obtained from www.crb.gov.uk and www.disclosurescotland.co.uk.

OPTION ONE: A criminal record declaration

You may wish to request that applicants complete a criminal record declaration form (see Annex I). The declaration, which the applicant has to sign, asks the applicant to provide information about any unspent criminal convictions. It relies on the honesty of the individual to provide complete and accurate information. If he or she decides to provide a false declaration there is no way of knowing unless their response is independently checked with Disclosure Scotland and Access NI through their Basic Disclosure service. For reasons of transparency, the criminal record declaration form should make clear if such a check may be carried out. This in itself should encourage honesty.

If you wish to ask candidates about their criminal conviction history but want to avoid the cost and/or time taken to request a Basic Disclosure, then a criminal record declaration may be the most appropriate course of action.

Using the correct terminology in the criminal record declaration

To ensure that you receive the appropriate response from the candidate's criminal record declaration, it is important that you word the form appropriately. Cautions (which can be given for offences such as theft and assault), reprimands and final warnings are not criminal convictions and therefore are not covered by the Rehabilitation of Offenders Act. So, if individuals with only cautions, reprimands or final warnings are asked if they have any criminal convictions or a criminal record (a less precise term but usually understood to mean convictions) they can answer in the negative. However, if employers specifically ask if candidates have cautions, reprimands or final warnings, these should be disclosed until they are deleted from police records (usually after five years if there are no convictions on the record).

Assessing applicants who declare unspent convictions

Your decision-making criteria should allow for the fact that a conviction – spent or unspent – is not necessarily a bar to employment. Equally, they should indicate, as far as possible, the types of unspent convictions that are likely to be unacceptable for a given post (there is likely to be significant variation between posts). They are likely to indicate that, for all posts, employers should consider the situation carefully before offering permanent appointments to individuals who are:

- on probation (in a legal sense)
- under a suspended prison sentence
- released from prison on parole
- still under a conditional discharge
- subject to a Control Order

In many cases, your criteria will indicate whether a declared unspent conviction is acceptable or not. In more complex cases you will need to make a judgment. In doing this you should consider:

- Whether the offence would cast doubt on the individual's integrity or your business's reputation.
- Whether the offence would affect an individual's ability to do the job.
- Whether the conviction is relevant to the particular post (for instance, fraud might relate to a finance post but may not be a problem in other posts; convictions for protest/extremist acts such as those connected with animal rights may be more of a problem for one organisation than another; etc).
- The length of time since the offence occurred.
- The nature and background of the offence (such as violent crime or a history of violence which may impact on an organisation's duty of care to its staff).
- The seriousness of the offence.
- Whether there is a pattern of offences.

OPTION TWO - The Basic Disclosure certificate

You can also request that the prospective employee applies for a Basic Disclosure certificate. This is the lowest publicly available level of Disclosure and is only issued to individuals on payment of the appropriate fee. It contains details of convictions considered **unspent** under the ROA 1974 - or states that there are no such convictions, at the time the application is made.

The Basic Disclosure certificate can be applied for online at www.disclosurescotland.co.uk. It is the responsibility of the candidate to forward the certificate to the prospective employer. If a candidate is already in possession of their Basic Disclosure certificate, you should check the date it was issued before agreeing to accept it as the situation may have changed since it was issued. It will normally be the applicant who pays for the certificate. Employers should ensure that prospective employees understand the process and state clearly whether or not the candidate will be reimbursed for their Basic Disclosure certificate.

A Basic Disclosure obtained through Disclosure Scotland and Access NI will contain details of any **unspent** convictions held on the Scottish Criminal History System and/or the Police National Computer (PNC). The potential for the development of a Basic Disclosure Service within England and Wales has not at this time been finalised.

Where employers are entitled to request criminal records disclosure, it is common to make such a request when a provisional offer of employment or a volunteer post is made. It is important to ensure that both the offer and contract of employment are conditional on appropriate criminal records disclosure and subsequently, there being no adverse entries disclosed. In addition, it would be advisable to include the right for the employer to repeat the process at regular intervals during employment.

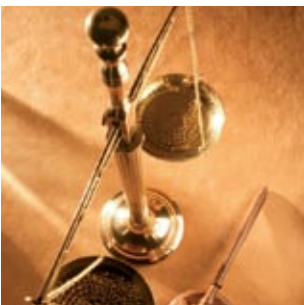
Other checks available

Two other checks are available for employers to use in cases where they are entitled to ask about criminal records under the ROA Exceptions Order. These are the Standard and Enhanced Disclosures which can be requested from both Disclosure Scotland, Criminal Records Bureau and Access NI.

Standard Disclosure

The intermediate level of Disclosure is the **Standard Disclosure**. This includes convictions held on criminal records and covers both **spent** and **unspent** convictions. The main categories of occupations which are covered in the Standard Disclosure include:

- those involving regular contact with children and adults at risk
- those involved in the administration of the law
- those applying for firearms; explosives and gaming licences



- professional groups in health, pharmacy and law
- senior managers in banking and financial services.

This list is not exhaustive.

Enhanced Disclosure

This is the highest level of Disclosure and in addition to the details included in the Standard Disclosure, the **Enhanced Disclosure** may contain non-conviction information which a Chief Officer or Chief Constable may choose to disclose if they believe it to be relevant to the position in question. This type of Disclosure is available to:

- those who apply for work that regularly involves caring for, training, supervising or being in sole charge of children at risk
- applicants for various gaming and lottery licences
- those seeking judicial appointment
- applicants for registration for child minding, day care and to act as foster parents or carers.

Again this list is not exhaustive.

The applicant receives his or her own copy for all types of Disclosure. The Registered Body also receives a copy of Standard and Enhanced Disclosures. Disclosures cannot be obtained by members of the public although individuals may make Subject Access Requests (SAR) for their own purposes to the CRB and/or local police force under the Data Protection Act 1998.

Registered Bodies

A **Registered Body** is an organisation registered with the CRB for the purpose of submitting Disclosure Applications for relevant positions or employment. The Registered Body must identify the required category of Disclosure relevant to the position or employment in question. There are separate arrangements to become a Registered Body for CRB, Disclosure Scotland and Access NI.

The following details outline the CRB's guidance on Registered Bodies:

The Registered Body's role is to:

- Check and validate the information provided by the applicant on the application form.
- Establish the true identity of the applicant via identity authentication.
- Ensure the application form is fully completed and the information it contains is accurate.
- Countersign applications to confirm that the organisation has an entitlement to access criminal record information.



Before applying to register with CRB, organisations must first consider whether they are:

- Entitled to ask prospective employees about their unspent convictions – for example, are they applying for a position which is covered by the Exceptions Order of the ROA (see the relevant section at the start of this chapter).
- Able to comply with the CRB's Code of Practice (www.crb.gov.uk).
- Able to meet the threshold requirements and submit a minimum of 100 applications per year?

Umbrella Bodies

An Umbrella Body is a Registered Body which provides access to the CRB service for other organisations. For example, a large organisation that has registered with the CRB to vet its own staff and/or volunteers may decide to offer access to CRB checks to smaller organisations. Umbrella Bodies have the same responsibilities as Registered Bodies. They must take reasonable steps to ensure that any organisation whose applications they countersign complies with the relevant responsibilities and obligations as determined by the Code of Practice.

Umbrella Bodies are entitled to charge an administration fee for the services they provide as detailed on the CRB website (www.crb.gov.uk).

Overseas criminal checks

For information about obtaining criminal conviction history from overseas see Chapter 10.

DISCLOSURES CHECKLIST

- Criminal Record Declaration - completed by the applicant, listing unspent convictions.
- Basic Disclosure – provided by Disclosure Scotland and Access NI, not job-specific or job-related and only provided to the individual. Relates specifically to information contained on the Scottish Criminal History System.
- Standard Disclosure – covers unspent and spent convictions for employment or positions such as regular contact with children and adults at risk.
- Enhanced Disclosure – may also contain non-conviction information from a Chief Constable of a relevant local police force.
- Registered Bodies – entitled to request Standard and Enhanced Disclosures. Registered Bodies must be able to meet the threshold requirements and submit a minimum of 100 applications per year.
- Umbrella Bodies – a Registered Body which offers access to criminal history checks to smaller organisations.



8. FINANCIAL ENQUIRIES

Why you should conduct a financial check

For some posts you may feel that financial checks are justifiable. Interpreting the security implications of financial information is not straightforward and is not seen as a core aspect of pre-employment screening. It will be dealt with more fully in National Security Vetting and other specialised screening assessment methods. Consequently, this chapter aims only to provide a brief overview of financial enquiries.

Types of check

Financial checks can provide details about many different aspects of a person's financial background. Types of checks include:

- Credit information listed at the applicant's current and previous addresses including County Court Judgments (CCJs), bankruptcies etc.
- A credit history report from a credit reference agency.
- UK Directors search – to ascertain whether the applicant holds any current or previous directorships or any disqualified directorships.
- Searches against the Financial Service Authority's (FSA) Individual Register and Prohibited Persons Register.

How you can conduct financial checks

For sensitive positions, and particularly those that involve handling money, you may wish to include relevant questions on the application form, for example, 'Have you ever been the subject of a County Court Judgment (CCJ)'?

Financial enquiries can be conducted in a number of ways including:

- As part of the electronic identity search outlined at Chapter 4. A number of companies can search an individual's details across financial service/ credit databases. Therefore, combined with verifying a candidate's identity, employers are able to discover any relevant financial data.
- Credit reference agencies can provide individual credit reports.
- Commercial pre-employment screening businesses can offer financial reports either as a stand alone report or combined with other services (e.g. identity check, employment and qualifications searches etc).

FINANCIAL ENQUIRIES - CHECKLIST

- Unlikely to be required for every post; most likely for posts which handle money/funds etc
- Interpreting financial data is likely to require a greater degree of judgement than the other pre-employment checks referred to in this guidance. Explicit guidelines will help to ensure that these judgments are consistent and defensible.

9. SECURE CONTRACTING

Contractors should have the same level of pre-employment screening as those permanent employees with equivalent levels of access. However, there are particular challenges involved in the screening of contractors. This chapter provides recommendations on how to meet these challenges.

Risk assessment

Contractors should be risk assessed according to the same process as permanent staff. In particular, the level of pre-employment screening should be determined by the contractor's level of access or responsibility.

Accountability

Ensure that someone within the organisation is accountable for the pre-employment screening of contractors. It may be helpful for this to be the same person who is responsible for the pre-employment screening of permanent staff.

Embed pre-employment screening in contracts

Contracts should outline the checks required for each post and detail how the checks are to be performed. Essentially, there are three ways in which the checks can be conducted:

Option 1: Employer performs pre-employment screening checks on all contractors

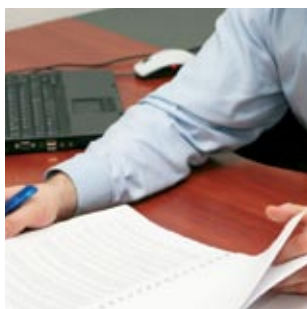
Write into all contracts that contractors will be subject to pre-employment screening and that their ability to work on the contract will be subject to the successful completion of the checks. This option may be resource intensive (both in terms of money and time). However, it allows employers to retain control of the screening process and to ensure that the appropriate standards are met and maintained.

Option 2: Contractor performs pre-employment screening

Write into all contracts a requirement that all contractors must pre-screen those who will work on the contract. The contracting company should be able to demonstrate that the checks have been carried out satisfactorily and you should reserve the right to audit their processes. This requirement should cascade from contract to sub-contract.

Option 3: Third party pre-employment screening

Write into all contracts a requirement that contractors will be subjected to pre-employment screening checks by a third party organisation. The pre-employment screening contractor should be able to demonstrate that the checks have been carried out satisfactorily and you should reserve the right to audit their processes. This requirement should cascade from contract to sub-contract.



Some companies are stipulating the use of a preferred pre-employment screening company across all their contracts. This reduces the pre-employment screening administrative burden and brings economies of scale with the preferred screening organisation.

Manage the risk through supervised access

If it is not possible to screen all contractors then supervised access may be the only option.

Contracts

A contract with an **employment agency** is likely to include:

- Details of the checks required for different posts.
- A statement to the effect that the agency will not receive payment for their services unless they provide staff who have been adequately screened.
- The agency will be liable for financial penalties if it is discovered that contracting staff have not been adequately screened.
- The contracting authority retains the right to audit the screening process at any time.
- The agency must inform the contracting authority when a contractor, or an individual employed by a contractor, has been sacked, arrested etc.
- The agency must inform the contracting authority when a contractor is no longer employed by them, is undergoing any disciplinary procedures, or is arrested etc.

Contracts with **vendors** are likely to include some of the provisions previously noted. In addition the following considerations may be relevant:

- The same pre-employment screening requirements should be cascaded to sub-contractors.
- The contract should specify where any work should be carried out and who should have access to that material (i.e. named individuals).
- the general policy on protective security, including:
 - procedures to protect organisational assets
 - procedures to determine whether any compromise of the assets, e.g. loss or modification of data, has occurred
 - controls to ensure the return or destruction of information and assets at the end of, or at an agreed point in time during, the contract
 - restrictions on copying and disclosing information
- access control agreements, covering:
 - permitted access methods, and the control and use of unique identifiers such as user IDs and passwords
 - an authorization process for user access and privileges
 - a requirement to maintain a list of individuals authorized to use the services being made available, and what their rights and privileges are with respect to such use

- the right to monitor, and revoke, user activity
- any required physical protection controls and mechanisms to ensure those controls are followed
- arrangements for reporting, notification and investigation of security incidents and security breaches

It is advisable that all contracts contain:

- confidentiality agreement
- appropriate personal or business insurance

Audit

Where a contractor or third party is performing pre-employment screening checks it is important that you quality assure this process through audits.

When conducting an audit you will want to ensure that:

- The contractor or third party has a named individual within their organisation responsible for their pre-employment screening policy.
- The policy is consistent with your requirements.
- The contractor's or third party's screening processes conform to the standards set out in the contract.
- The contractor complies with relevant legislation (e.g. the Data Protection Act (1998), Human Rights legislation etc).





10. OVERSEAS CHECKS

Increasingly, employers are faced with the challenge of screening applicants who have lived and worked outside the UK. This is important because an applicant may:

- Exaggerate employment overseas in the belief that the details will not be checked; OR
- Wish to conceal adverse information (e.g. about a prison sentence).

Prospective employees should give a reasonable account of any significant periods - 3 months or more - spent abroad. It is important to ask for this information early in the recruitment process to prevent unnecessary delays.

This chapter highlights some of the issues with conducting checks in other countries and outlines three of the options available for screening overseas, where the candidate has not provided significant information.

Option one – request documentation from the candidate

You could request documentation from the prospective candidate as an assurance of time spent overseas. The following examples may help but should not, in themselves, be treated as prerequisites for employment:

- Suitable proof of residence for time spent abroad.
- Overseas employee or academic references.
- Character references (e.g. from fellow UK travellers/students), which should be clearly written and quote dates and places of meeting.
- References from UK departments and agencies based overseas (e.g. Foreign and Commonwealth Office (FCO) missions, British Council, non-Government Departments and agencies).

Prospective employees should be informed that if they provide any of the references listed above then they are likely to be independently verified. Confirmation of dates can be obtained from passports, work permits, and by contacting appropriate embassies and consulates. It is always advisable to confirm the details provided.

Option two – hiring a professional/an external screening service

You may wish to consider outsourcing your overseas checks to an external pre-employment screening company which is likely to offer some of the following advantages:

- foreign language capacity
- knowledge of the country
- ability to conduct business during unsocial working hours (e.g. with Australasia)
- offices or links with screening companies in specific countries
- knowledge of country specific legislation
- a good understanding of how long the screening process takes
- a good understanding of the reliability of country specific information (e.g. government records)

USING AN EXTERNAL SERVICE TO CONDUCT OVERSEAS CHECKS – PROCUREMENT CONSIDERATIONS

- Ensure that you understand how they intend to conduct the checks.
- For example, if they lack offices in the appropriate countries how will they work? Via an indigenous screening partner? If so, you may want to know more about their proposed partner.
- To what extent will the prospective employee's details remain overseas (in records and/or on the internet)? For example, if the post is particularly sensitive you may not wish the connection between your organisation and the applicant to be known in advance of their employment.
- How will prospective employees' information be stored and protected? How long will their information be held?
- How long will it take to obtain the screening results?

More guidance on the use of commercial screening businesses is provided at chapter 11.

Option three – conducting your own overseas checks

You may wish to consider conducting your own overseas pre-employment checks. A good starting point would be the relevant country's UK embassy or high commission which may be in a position to explain how certain processes work (e.g. criminal record checks) and provide relevant contacts.

You may want to confirm a prospective employee's identity (i.e. their 'biographical footprint') in another country. The relevant embassy or consulate may be able to help you identify an electronic identity service (further details are in Chapter 11) in that country. Alternatively, you may wish to conduct an internet search or contact a UK provider who can provide a similar service overseas.

Chapter 6 offers general guidance on verifying a prospective employee's qualifications and previous employment. You can follow the same guidance when conducting checks overseas. Always ensure that you independently confirm the candidate's previous employer's and line manager's contact details (i.e. do not rely on the information provided by the applicant on the form) – the internet can be a valuable research tool as the majority of companies and organisations now have websites.

Overseas criminal record checks

Employers may also want to confirm whether a prospective employee has a criminal conviction history in another country. The Criminal Records Bureau (CRB) does not currently access overseas criminal records or other relevant information. However, their website (www.crb.gov.uk) provides guidance on how you can access information from a number of countries. It provides detailed information on how to conduct a check and what the

results may contain. To access this section of the CRB's website search under 'Services/Existing Customers/Overseas'.

Advice and guidance can also be obtained from the Security Industry Authority's⁴ (SIA) website (www.the-sia.org.uk, search for 'Overseas Residents').

The SIA cannot offer direct support to organisations wishing to obtain overseas criminal record certificates. However, it has produced a helpful guide to obtaining police certificates and the following general advice should be taken into account when requesting criminal record checks abroad:

- The quality of information provided differs from country to country.
- Not all countries operate in the same manner. Some, for example, will have centralised records whilst others may only have locally held files.
- Overseas criminal record certificates/checks can take a wide variety of forms such as 'certificates of good conduct' or 'non-criminal convictions certificates'.

The accuracy and authenticity of the information typically depends on how 'certificates' are obtained. Some foreign embassies and high commissions in the UK initiate requests on behalf of applicants and liaise with the relevant issuing authority abroad. This normally involves providing ID, completing forms, paying a fee, and sometimes providing fingerprints too. The results are passed back to the embassy or high commission and, then to the applicants. This ensures a safe route which is difficult to tamper with and is often further verified by the UK-based embassy or high commission stamp.

In cases where prospective employees have to apply to the issuing authority direct, the relevant UK-based embassy or high commission may still be able to provide advice on what to expect. If there is any doubt about the record produced, they may also be able to authenticate the search results.

If the country that you are looking for is not listed on the CRB or SIA website you may wish to contact the country's representative in the United Kingdom. Contact details for those countries that have a representative in the United Kingdom can be found on the Foreign and Commonwealth Office website www.fco.gov.uk or telephone 020 7008 1500.

⁴ The SIA was established in 2003 and is an independent body which reports to the Home Secretary. The SIA's goal is to help protect society by developing and achieving high standards within the private security industry.

OBTAINING CRIMINAL CERTIFICATES OVERSEAS - CHECKLIST

The key points to note are:

- The type of 'certificate' issued – is it a criminal record check or a certificate of good behaviour?
- How it was obtained – has it come from the applicant, the embassy or originating department?

A lack of residency should not be an automatic bar to employment. Where documentary evidence for time spent overseas is not available, employers should consider what additional assurance may be gained from a face-to-face interview with the individual and the merits of any special 'aftercare' procedures, including a review following a period of UK residence. However, it should be recognised that where meaningful background checks cannot be carried out and sufficient assurance cannot be gained by other means, it might not be possible to employ the individual. This may in no way reflect on the honesty and integrity of the individual, just that the required background checks in the country or countries of residence prior to arriving in the UK were simply not possible.



11. COMMERCIAL SECTOR PRE-EMPLOYMENT SCREENING SERVICES

This chapter highlights the key issues to be taken into account by employers when considering the use of an external pre-employment screening enterprise.

What do pre-employment screening companies offer?

There has been a steady growth in the use of pre-employment screening businesses. The market includes a wide variety of businesses ranging from small local companies to global high profile brands. Some companies focus on only providing pre-employment checks (e.g. verification of identity, employment and qualifications checks) while other businesses provide more specialised services such as drug and alcohol testing and sensitive and covert investigations.

A commercial sector pre-employment screening service may be able to offer a number of advantages. These include:

- **Reduced administrative costs** – training your own staff to conduct a robust screening process can be costly.
- **Fast results** – identity verification checks can provide results direct to the customer in seconds.
- **High degree of flexibility** – they should be able to provide a service to suit your specific needs, from one service (e.g. verification of identity) to the whole pre-employment screening process.
- **Global reach** – businesses may be able to offer multi-cultural and multi-lingual skills used to conduct checks overseas. This approach can also allow companies to perform checks in any time-zone, no matter what time it is in the UK.
- **Cutting edge technologies** – increasing competition in the screening field and research and development by commercial companies can help to keep them at the forefront of any advances in pre-employment screening techniques (for example online services - see below)
- **Compliance** – businesses can often provide a screening service which is compliant and compatible with industry or government standards for example Security Industry Authority (SIA) licensing or financial regulations.

Online screening services

Screening businesses are increasingly (although not exclusively) using online automated software packages to perform and manage the screening process. There are a number of different products available – some key attributes are listed below:



Both the prospective employee and the employer may be able to log-on to a web-based service. This easily allows more information to be provided if required and an opportunity to give consent should the employer request new checks. Online packages can also store an individual's details and references and compare the two sets of data. Systems can identify when references are missing and automatically produce a chaser letter or email.

Employers can check the status and progress of screening, which can help them to determine the employee's likely start date. Furthermore, online services can reduce the need for paperwork by storing electronically scanned documents (e.g. passports) and references.

Advocates of the online service suggest that it is a faster, more accurate, more cost effective and more user-friendly way to manage the screening process.

What you should consider about pre-employment screening companies

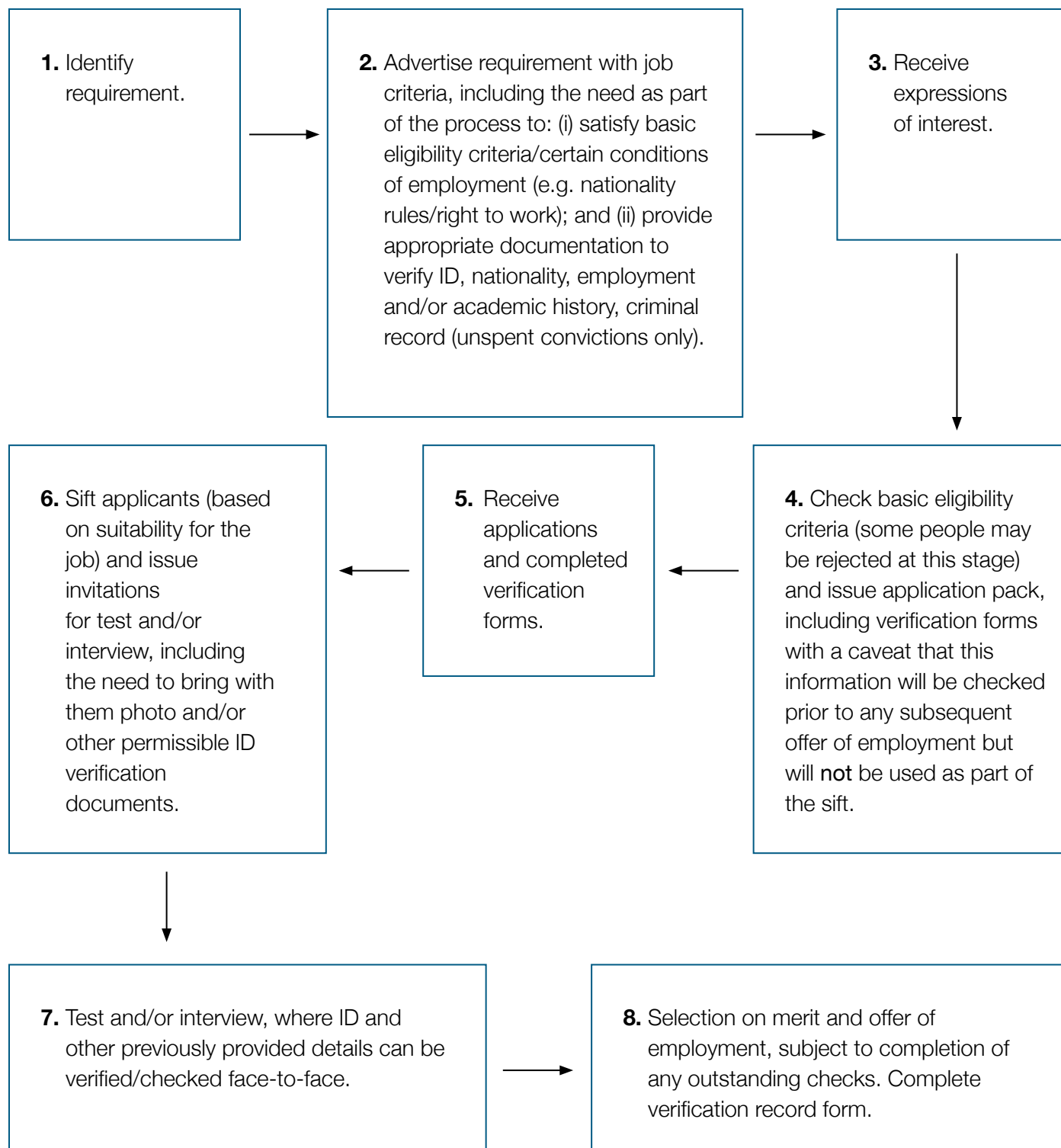
You should consider the following issues:

- Can a company really live up to its promotional material? You should consider asking to speak to some of their existing clients to get a better idea of the service being offered.
- To what information, does the company have access?
- Is the process for analysing information fully transparent?
- Do they offer any expertise and experience in the assessment of inconsistent or inaccurate screening results? Do they offer any gap analysis?
- A competitive market increases the pressure on screening companies to produce results quickly. How can they ensure that a high quality standard of screening will always be met and maintained?
- How is an individual's data stored and protected?
- Do you have the right to audit (in detail) how they screen?
- What level of screening do their own staff undergo?

COMMERCIAL SCREENING SERVICES – CHECKLIST

- Pre-employment screening businesses can provide a flexible high quality service to meet your needs.
- An external service may be cheaper and more efficient than employment screening.
- The standard and quality of pre-employment screening businesses is likely to vary – ensure that you know a great deal about the company and service being offered before you make your choice. Ask to speak to their existing clients.
- Do you have any specific needs – i.e. overseas checks? How do they plan to meet them?
- Have they done their research about your company?

ANNEX A - EXAMPLE OF A PRE-APPOINTMENT TIMETABLE





ANNEX B - APPLICATION FORM

The form should request the following information:

- Full name – including maiden name if married or in a civil partnership, and other previous names if the applicant has changed their name.
- Date of birth – asking for age-related information on an application form may be discriminatory⁵. Consider removing D.O.B. from the main application form and include it in a diversity monitoring form to be retained by HR/Personnel.
- Current address – do you require previous addresses? If so how far back do you go? This may well be determined by the search requirements of certain checks i.e. County Court Judgments (CCJ) and/or directorships.
- Employment history – likely to require full contact details (See chapter 6).
- Education history – including full course details and contact details for the establishment (See chapter 6).
- Criminal history – define exactly what type of data you require i.e. convictions and cautions? For most jobs only unspent convictions can be requested (See chapter 7).
- A clear statement that pre-employment screening will take place (if outsourcing consider including the screening business's logo on the application form).
- Applicants must provide their consent to undergo pre-employment screening – if you outsource the applicant should complete a disclosure and written consent form that is separate from the application form.
- Ask the applicant to state whether their current employer can be contacted.
- Additional information – as required for specific cases.

ANNEX C - VERIFICATION RECORD

1. Employee/Applicant details

Surname: _____ Forenames: _____

Address: _____

_____ Tel No: _____

Date of birth: _____ Place of birth: _____

Nationality: _____ Former or dual nationality: _____

(with dates if applicable)

2. Certification of identity

Document: _____ Date of issue: _____

a. _____

b. _____

c. _____

d. _____

3. References (if taken)

a. Referee: _____

Relationship: _____

Address: _____

_____ Length of association: _____

b. Referee: _____

Relationship: _____

Address: _____

_____ Length of association: _____

c. Referee: _____

Relationship: _____

Address: _____

_____ Length of association: _____

4. Other information (i.e. verification of employment history (minimum past 3 years); verification of nationality and immigration status; unspent criminal record declaration and independent verification via Disclosure Scotland and Access NI (where undertaken); academic certificates seen; additional checks carried out; etc):

I certify that in accordance with company policy:

I have personally examined the documents listed at 2 above and have satisfactorily established the identity of the above named employee/applicant.

I have obtained the references (if taken) and information listed at 3 and 4 above and can confirm that these satisfy the requirements.

Name: _____

Appointment/Post: _____

Signature: _____ Date: _____

Important: Data Protection Act (1998). This form contains “personal” data as defined by the Data Protection Act 1998. It has been supplied to the appropriate HR or Security authority exclusively for the purpose of recruitment. The HR or Security authority must protect the information provided and ensure that it is not passed to anyone who is not authorised to see it.

ANNEX D - REFERENCE REPORT FORM

SUBJECT: _____

1. How long did the subject work for you and in what capacity?

From: _____ To: _____

Capacity (i.e. appointment/post): _____

2. Are you related to the subject? If so, please state your relationship.

3. Over what period have you known the subject?

From: _____ To: _____

4. Please state the nature and depth of your acquaintance:

5. Do you believe the subject to be strictly honest, conscientious and discreet?

6. Do you know of any factor concerning the subject which might cause his/her fitness for employment? If so, please give details.

(Among the factors which are relevant are significant financial difficulties, abuse of alcohol or drugs, an extravagant mode of living or signs of mental or physical illness⁶ which may impair judgement or reliability.)

⁶ To avoid difficulties in relation to the Disability Discrimination Act 1995, you should note that in the case of mental or physical illness there will need to be a proper assessment of whether the person's condition genuinely is a barrier to carrying out the role in question. It is very important to avoid assumptions about the effects which a particular condition (e.g. depression) may have on a person's ability to carry out their job.

The above answers are correct to the best of my knowledge and belief.

Name: _____

Signature: _____ Date: _____

Contact address: _____

_____ Tel No: _____

Email: _____

Company Name and Address (Stamp if applicable):

Important: Data Protection Act (1998). This form contains “personal” data as defined by the Data Protection Act 1998. It has been supplied to the appropriate HR or Security authority exclusively for the purpose of recruitment. The HR or Security authority must protect the information provided and ensure that it is not passed to anyone who is not authorised to see it.

ANNEX E - NATIONALITY AND IMMIGRATION STATUS FORM

Note: If you are appointed, documentary evidence will be sought to confirm your answers.

Full name: _____

Alias(es)/Other name(s) used: _____

Date of birth: _____ Male or Female: _____

Current/last known address: _____

Nationality at birth: _____

Present nationality (if different): _____

Have you ever possessed any other nationality or citizenship? YES/NO

If YES, please specify: _____

Are you subject to immigration control? YES/NO

If YES, please specify: _____

Are you lawfully resident in the UK? YES/NO

Are there any restrictions on your continued residence in the UK? YES/NO

If YES, please specify: _____

Are there any restrictions on your continued freedom to take employment in the UK? YES/NO

If YES, please specify: _____

If applicable, please state your Home Office / Port reference number here:

Declaration: I undertake to notify any material changes in the information I have given above to the HR or Security branch concerned.

Signature: _____

Date: _____

Important: Data Protection Act (1998). This form asks you to supply “personal” data as defined by the Data Protection Act 1998. You will be supplying this data to the appropriate HR or Security authority where it will be processed exclusively for the purpose of recruitment. The HR or Security authority will protect the information which you provide and will ensure that it is not passed to anyone who is not authorised to see it.

By signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above. If you have any concerns, about any of the questions or what we will do with the information you provide, please contact the person who issued this form for further information.

For official use only:

Reference:

(Organisation stamp)



ANNEX F - RIGHT TO WORK AND NATIONALS FROM THE EUROPEAN ECONOMIC AREA (EEA)

Many nationals from European Economic Area (EEA) countries can enter and work in the United Kingdom without any restrictions. The same rules apply for their immediate family members.

You should not, however, employ any individual on the basis of his or her claim to be a national from an EEA country, as you will put yourself at risk of employing someone illegally if the claim is false.

You should ask nationals from all EEA countries to produce a document showing their nationality. This will usually be either a national passport or national identity card. Some nationals from EEA countries may also produce a residence permit, registration certificate or other document certifying or indicating permanent residence issued by the Home Office or Border and Immigration Agency which confirms their ongoing right to reside and work here. All of these documents are included in List A and, if checked and copied, should provide you with a statutory excuse under the Immigration, Asylum and Nationality Act 2006.

If your prospective employee presents you with an identity card, you must check that it describes the holder as a national or citizen of the relevant EEA country. Some EEA countries issue identity cards to individuals who are only resident in their country but who are not nationals. These individuals will usually have cards which make it clear that they are not nationals of the EEA country concerned, and you should not accept these as part of your section 15 checks.

Family members of nationals from EEA countries and Switzerland may apply for residence documents which demonstrate their entitlement to work in the UK. However, under European legislation, many are also entitled to engage in employment whilst these applications are under consideration, and before residence documents have been issued by the Home Office. The Home Office will provide such applicants with a certificate of application, which may provide an excuse if it is less than six months old and verified as allowing a work entitlement by the Employer Checking Service. When the application is successful, the family member will have a single document to demonstrate their work entitlement.

If you have any doubts about whether an identity card allows the holder to work or relates to your potential employee, you should ask that person to produce their national passport. If you still have doubts about whether that person is permitted to work in the UK, having carried out all the steps one to three, then you may wish to consider refusing employment to that person until the work entitlement can be established.

If you experience regular difficulties verifying whether national identity cards or passports from EEA countries are genuine, you may also wish to use reference material such as the European Union's Public Register of Authentic Identity and Travel Documents online (PRADO), which has detailed information on European national identity and travel documents. For more information see www.consilium.europa.eu/prado/EN/homeIndex.html.

If you wish to verify documents issued by the Border and Immigration Agency, you may contact the Employers Checking Service on **0845 010 6677** for further advice.

Members of the European Economic Area (EEA) with full employment rights are:

| | | |
|----------------|-----------------------------|------------------|
| Austria* | Belgium* | Cyprus* |
| Denmark* | Finland* | France* |
| Germany* | Greece* | The Netherlands* |
| Iceland | Ireland* | Italy* |
| Liechtenstein* | Luxembourg* | Malta* |
| Norway | Portugal* | Spain* |
| Sweden* | United Kingdom ⁷ | |

Nationals from these EEA countries are not subject to immigration control and can also enter and work freely in the UK. Those countries marked with an asterisk are also members of the EU.

From 1 June 2002, nationals from Switzerland and their family members have also had the same free movement and employment rights as EEA nationals. Where this guidance refers to 'EEA countries', Switzerland is included in this definition.

Accession State Workers

On 1 May 2004, ten new countries joined the European Union and became part of the EEA. Nationals from these countries are free to come to the UK to live and seek work here. In 2004, the Government established a Worker Registration Scheme to monitor the participation of workers from eight of these countries in the UK labour market. These include:

| | | |
|----------------|-----------|---------|
| Czech Republic | Estonia | Hungary |
| Latvia | Lithuania | Poland |
| Slovakia | Slovenia | |

Workers from these countries are subject to the Worker Registration Scheme (WRS) and as a UK employer, you should make sure that any new employee from these countries registers with the BIA within one month of starting their employment, unless they are exempt from this requirement. These countries are referred to as 'A8 countries' throughout the remainder of this guidance and workers from these countries are referred to as 'A8 workers'.

⁷ Although the UK is a member of the EEA, in general the information in this section is not relevant to British citizens and their families.

When you take on a new employee from one of the eight countries you should:

1. Carry out an initial section 15 check

You should check that the individual is a national from one of these eight countries so that you do not commit an offence under the Immigration, Asylum & Nationality Act 2006. You should check, make and retain a copy of one of the following:

- national passport
- national identity card
- residence permit
- registration certificate or other Home Office or BIA document certifying or indicating permanent residence and confirming their right to reside and work here.

You should make sure that if they produce a national identity card, this confirms they are a national or citizen of an A8 country.

2. Check if your employee is required to register

If your A8 worker informs you that they are exempt from registering under the Worker Registration Scheme, you should still ask them for documentary evidence of their exemption **within one month**. In this way, you can satisfy yourself that they are exempt from the scheme, and establish a statutory defence from conviction for employing an unregistered A8 worker.

3. Advise your employee to register

Your worker should apply to register with the BIA **within one month** of starting work for you. It is your A8 worker's responsibility to apply to register, but you will need to provide them with evidence of their employment (a contract or letter) in order for them to make the application. Application forms can be obtained by calling **08705 210224** or by downloading from www.bia.homeoffice.gov.uk/workingintheuk/wrs/workers/.

4. Retain your copy of the registration certificate

You should take a copy of the completed application form before your worker sends this to the BIA and **within one month** of them starting work with you. You should keep a copy of this application form until you receive official notification from the BIA about the outcome of your worker's application and this will help to provide you with a defence from conviction for employing an unregistered worker who is not exempt from the scheme.

In most cases, the BIA will register your worker, and will send you a copy of your worker's registration certificate confirming this. You should retain the copy sent to you. It will be printed on secure paper, and will contain the applicant's name, unique reference number, job title, and start date, your name and address as the employer, and the issue date of the certificate. The registration certificate expires on the date that your worker stops working for you.

These steps should be followed each time an individual changes employment.

What if I employ a worker who does not register or who is refused registration?

If you continue to employ a non-exempt unregistered national from one of the A8 countries for more than one month without retaining a copy of their application form, or their certificate of registration, you may commit a criminal offence under the Accession (Immigration and Worker Registration) Regulations 2004. The maximum penalty on conviction is £5,000. Similarly, if the Border and Immigration Agency notifies you that your employee's application has been refused and you continue to employ that person, you may be liable for a civil penalty for employing an illegal migrant worker if, for example, it turns out that the individual is not an EEA national.

Exemptions from the Worker Registration Scheme

Some workers will be exempt from the requirement to register. You should require these workers to provide you with documentary evidence of their exemption. Checking and recording one of the documents listed below will not only help to establish a defence from conviction for employing an unregistered A8 worker, but it may also establish a statutory excuse for your worker under section 15. You should check for one of the following documents:

- a UK Residence Permit issued by the BIA confirming the holder is an EEA national
- a national passport or travel document containing an endorsement which states that the holder is also a dual national of the UK, Switzerland or one of the EU/EEA countries with full employment rights
- a national passport or travel document containing a valid endorsement which shows that the holder is a family member of an EEA or Swiss national
- a national passport or travel document containing a valid endorsement which shows that the holder has indefinite or exceptional leave to enter or remain in the UK, or has been granted limited leave to enter or remain with no immigration restrictions on employment
- A8 nationals here on a self-employed basis (for the purpose of the Worker Registration Scheme, you will employ an A8 worker if you directly pay their wages)
- A8 nationals who have been employed legally and without interruption in the UK for 12 months. (This means that any periods of unemployment within those 12 months do not exceed 30 days in total) This can be demonstrated by official documents such as previous WRS certificates.

You should check, make and retain a copy of these document/s if your worker is exempt from the registration scheme.

Agency and temporary employees

A8 individuals employed on a short-term or temporary basis by agencies or labour providers should also, unless they are exempt, register with the BIA **within one month** of starting work for the agency. They should register as soon as they start work and, for the purposes of registration, the agency or labour provider will be the employer if it pays their wages.

Newer members of the European Union and the EEA

On 1 January 2007, Bulgaria and Romania joined the European Union and became part of the EEA. These countries will be referred to as 'A2 countries' throughout the remainder of this guidance and workers from these countries will be referred to as 'A2 workers'.

From 1 January 2007, employers have needed to confirm that a potential employee is an A2 national before employing them. You should make sure that if they produce a national identity card, this confirms they are a national or citizen of Romania or Bulgaria, which will be classed as a document from **List A**. In order to establish a section 15 statutory excuse, you will need to retain a copy of the appropriate documents **before** you employ the individual.

Workers from Romania and Bulgaria will be free to come to the UK, but may be subject to worker authorisation. This means that they are only able to work in the UK if they hold a valid accession worker authorisation document, or if they are exempt. An accession worker authorisation document is:

- a document issued before 1 January 2007 which is still valid that grants leave to enter or remain in the UK and entitles that person to do the work that you are offering, for example a work permit holder; **or**
- an accession work card.

An accession work card is evidence of authorisation from the BIA that the holder can start working. The authorisation will be in the form of a card or a certificate, which will set out any conditions on their employment.

If satisfied that the applicant is actively seeking employment in the UK and is highly skilled, the BIA will issue authorisation cards and certificates to eligible A2 nationals. Where the A2 worker is not subject to the worker authorisation, they will be issued with a registration certificate that states they have unconditional access to the UK labour market.

Exemptions

If your A2 worker informs you that they are exempt from registering, they will have to provide documentary evidence of this. This will help you to be satisfied that they are exempt from the scheme and will help to establish a statutory defence from conviction for employing an unregistered A2 worker. The documents you should ask them to produce are explained below.

If the A2 national does not have an authorisation certificate, they may be able to establish exempt status by producing another type of documentation. In this case you should check for one of the following documents in addition to their passport/national identity card:

- a document showing that the A2 national has been legally employed without interruption throughout the period of 12 months leading up to 31 December 2006 (this includes any periods of unemployment within those 12 months that do not exceed 30 days in total)
- a document showing that the A2 national has been legally employed in the UK for 12 months partly or wholly after 31 December 2006 (this includes any periods of unemployment within those 12 months that do not exceed 30 days in total)
- a national passport or travel document containing a valid endorsement which states that the holder is a family member of an EEA or Swiss national
- a national passport or travel document containing a valid endorsement which shows that the holder has indefinite or exceptional leave to enter or remain in the UK, has no time limit on their stay in the UK, or has been granted limited leave to enter or remain with no immigration restrictions on employment
- A2 nationals here on self-employed basis do not require authorisation to work
- A2 nationals posted here on temporary basis to provide services on behalf of an undertaking established in an EEA State do not require authorisation.

Those A2 nationals who have a certificate that does not include unconditional access to the UK labour market, may apply for access after 1 January 2007 if they can satisfy the BIA that they meet qualifying criteria.

Penalties for employing a Romanian or Bulgarian illegally

In terms of the 2006 Act, there will be no offence committed under section 15 of the 2006 Act if an employer is found to be employing a Romanian or Bulgarian after 1 January 2007, as they are classed as an EU/EEA citizen and are therefore not subject to immigration control. However, an employer who hires unauthorised A2 workers will be liable to prosecution in a Magistrates court under the Accession (Immigration and Worker Authorisation) Regulations 2006. On conviction the employer will be liable for a fine of up to £5,000. If the fine is not paid, the court can use bailiffs to seize goods and sell them, or order the employer to be sent to prison.



An A2 employee who works illegally will also be liable to prosecution, or may be given the option of paying a fixed penalty to dispense with that liability. If the penalty is paid no further action will be taken in relation to the offence. If the penalty notice is not paid, or the A2 employee opts for prosecution, the employee will be liable to prosecution.

On conviction the employee may be liable for a fine of up to £5,000 and/or imprisonment for up to 3 months. Any fine will be enforced in the same way as a fine imposed on an employer. In addition, the court can provide for direct deductions from the employee's wages using an attachment of earnings order if the A2 is employed. The A2 may be working legally having subsequently regularised their position by applying for an accession worker card (a purple card) under the Accession regulations.

ANNEX G – RIGHT TO WORK Q & A

Which groups in the UK are not subject to immigration control?

The main groups who are not subject to immigration control in the UK, and who you can employ without restrictions are:

- British citizens
- Commonwealth citizens with the right of abode
- Nationals from the Channel Islands, Ireland or the Isle of Man
- Nationals from European Economic Area (EEA) countries and Switzerland.

Many immediate family members of nationals from European Economic Area countries and Switzerland are also not subject to immigration control providing that the EEA national is lawfully residing in the UK and exercising their Treaty Rights.

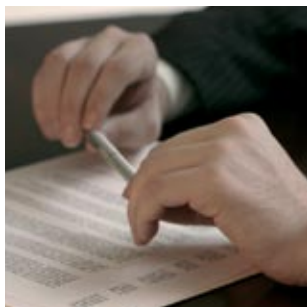
You should not employ any individual solely on the basis of their claim to belong to one of these groups – this will place you at risk of employing someone illegally if their claims are false.

What if a potential employee cannot satisfy the statutory excuse requirement?

- The onus remains on your potential employee to demonstrate that they are permitted to do the job you are offering. You are entitled to withdraw your offer of employment to a potential employee if they cannot produce satisfactory documentation within a reasonable time.

What should I do if I have concerns about the validity of the documents presented to me by an employee?

- If you have carried out Steps 1 – 3 (page 19-20) and are not satisfied that the applicant is the rightful holder of the documents they have produced or is entitled to work for you, then you should not employ that person.
- If you have any other concerns about the validity of the documents, you should contact the Employers' Helpline on 0845 010 6677 for further advice. They will treat any information you provide in confidence and pass this on to the relevant Immigration Service Local Enforcement Office for further investigation. Failing that you should contact the relevant BIA Local Enforcement Office or the local police, as there may be criminal offences attached to the individual other than the production of the forged document. The police should then contact the local BIA office.
- The Border & Immigration Agency also offers an Employer Checking Service, which uses a 5-step process to verify a prospective employee's right to work. See www.bia.homeoffice.gov.uk/employers/employersupport/ecs/ for more detail.
- Please also see CPNI's companion document regarding advice on all aspects of document verification.



How do I record any documents produced to me by potential employees to gain the excuse?

You should always ask for original documents from all job applicants. There are two ways in which you can then make and keep a record of any documents you have seen:

- make a clear photocopy of the original
- scan the original and store a copy, recording the image in a way that cannot be altered (i.e. on a CD-R).

If you use any form of storage technology that can be altered, you will not establish a statutory excuse under the Immigration, Asylum & Nationality Act (2006).

Which parts of the documents do I need to record?

Usually it is advisable to copy every part of any document presented to you by your job applicant. If, however, you are provided with a national passport or travel document, then you need to copy the following, where available:

- the front cover
- any pages giving personal details (including nationality) of the holder
- the date showing that the document is still valid
- the page with the photograph of the holder
- the page which shows their signature
- any page containing the UK endorsement or stamp that indicates that the holder is lawfully in the UK and permits the holder to take the employment you are offering them.

To establish an excuse, you must reasonably satisfy yourself that your applicant (or employee, if a repeat check is being undertaken) is the rightful holder of the document and that the document is valid and genuine.

How long do I need to keep the copies of any of the documents I have recorded?

- You should keep any copies you have made throughout the period for which you are employing a person; and for at least 2 years after he or she has left your employment. Part 2 of the P45 must also be kept for at least 3 years after the end of the current tax year in order to comply with HM Revenue and Customs regulations.

If a potential employee only has one of the combination documents contained in either List A or B, what should I do?

- If your job applicant only shows one document from specified combinations of documents contained in **List A or B**, you should ask them to produce another specified document, or combination **before** you begin employing them, otherwise you will not have an excuse for that person. You can choose to keep the offer of employment open until the person has produced a further document which satisfies the requirements, or an acceptable single document.

- An applicant's ethnicity, race or religion should not play any part in your decision on how to operate your recruitment process. You should not, for example, keep a job offer open to a white individual who is awaiting a further document, but refuse to keep the offer open to someone from a minority ethnic group in the same circumstances.

What if I have an existing employee who I employed on the basis of them producing just one of the documents included in List A or B?

- The civil penalty regime only applies to employees who you employ on, or after 29 February 2008. If you have taken on an employee before that date, but after 27 January 1997, providing that you have met the requirements under the previous arrangements, you will have established a statutory defence for that person.
- If you took on an employee before 27 January 1997, they will not be subject to section 15 of the 2006 Act, or to section 8 of the Asylum and Immigration Act 1996. However, it is possible that you may have committed a criminal offence under separate legislation.

What happens if the details do not match on the combination of documents produced by my potential employee under List A or B?

- If the names or any other personal details shown on the two documents do not match, then you will not have an excuse and must ask your potential employee for a further document which explains this difference. This could be a marriage or civil partnership certificate, divorce decree, deed poll or statutory declaration. If this further document satisfies you that there is a genuine reason for the difference in names on the two documents, you should also take a copy of this. This will then form part of your excuse.
- If someone cannot account for the difference in names on the documents and cannot produce any of the acceptable single documents of a potential employee, then the safest course of action would be not to employ that person.
- You should make sure that you only carry out these extra checks on the basis of the documents produced to you, and where the details do not match.

If a new employee only possesses a document with details of their NI number, does this establish an excuse?

No. A document containing details of a person's NI number will not establish an excuse on its own if produced to you by a prospective employee. You will only establish the statutory excuse if an appropriate document containing a person's permanent NI number and name is presented to you when presented as part of a specified combination.

The Government made this change in respect of section 8 in 2004 because the core purpose of the NI number is to link an individual to their National Insurance contribution record. While the overwhelming majority of people

who have a NI number can work in the UK, possession of a number does not always establish that the individual is permitted to undertake all forms of employment in the United Kingdom.

What if a potential employee does not have a document containing a NI number? Should I employ that person and obtain a NI number for them after they start working for me?

The overwhelming number of job applicants who do not possess national passports, but who are able to work here, will already have been issued with a NI number by the Department for Work and Pensions' Jobcentre Plus.

A person can apply for a NI number by telephoning **0845 600 0643** between 8am and 6pm Monday to Friday. If they are hard of hearing, or have speech difficulties, call textphone on **0845 600 0644**. Further information about NI numbers and the application process can be found on the NI Number section of the DWP website, via www.dwp.gov.uk.

Can I employ asylum seekers?

Since the Government abolished the concession in July 2002, a decreasing number of asylum seekers are permitted to work in the UK. For further advice visit BIA's website www.bia.homeoffice.gov.uk/asylum/support/employment/ or contact the Employers' Helpline on 0845 010 6677.

How will I know if an asylum seeker is able to work?

- After 1 May 2004, any asylum seeker who is able to work in the UK must demonstrate this through their Asylum Registration Card (ARC). This will state on the front 'Employment Permitted' if they are able to work.

You will demonstrate a statutory excuse stating that the holder is permitted to take employment when it is produced, copied and the copy retained in combination with evidence of verification by the Border and Immigration Agency Employer Checking Service.

What if an individual presents me with a Standard Acknowledgement Letter (SAL) or Immigration Service 96W (IS96W) letter which states that they are entitled to work?

You should not employ anyone on the basis of seeing either of these documents, as they will not provide you with a statutory excuse against liability for a civil penalty under section 15.

If a job applicant is an asylum seeker who can work, but does not have an ARC, you should advise them to call the Border and Immigration Agency on 0151 237 6375 for further information about how to obtain one.

What if I check other documents which establish evidence of someone's identity?

You must only check the documents specified in **List A and List B** to establish an excuse. The following documents will not provide a statutory excuse under section 15 of the 2006 Act, and employers **should not seek to check** them as part of establishing an excuse:

- a Home Office Standard Acknowledgment Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK⁸
- a temporary National Insurance Number beginning with TN, or any number which ends with the letters from E to Z inclusive
- a driving licence issued by the Driver and Vehicle Licensing Agency
- a bill issued by a financial institution or a utility company
- a licence provided by the Security Industry Authority
- a document check by the Criminal Records Bureau
- a letter issued by the Home Office or BIA stating that the holder is a British citizen
- a passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar
- a short (abbreviated) birth certificate issued in the UK which does not have details of one of the holder's parents
- a card or certificate issued by the Inland Revenue under the Construction Industry Scheme.

You may also see some passports which contain the words 'British' but which are not acceptable (unless it contains a certificate of entitlement or a relevant endorsement). These are:

- a British Visitor's passport;
- a passport that describes the holder as:
 - o a British National (Overseas)
 - o a British Dependant Territories Citizen;
 - o a British Overseas Territories Citizen;
 - o a British Overseas Citizen;
 - o a British subject or a British protected person.

⁸ If you are presented with these documents then you should advise the applicant to call the Home Office on 0151 237 6375 for information about how they can apply for an Application Registration Card.

Where can I get further advice?

- If you are concerned about the position of someone who is due to work for you, or is currently working for you, the Home Office Border and Immigration Agency's (BIA) Employers' Helpline and Employer Checking Service can provide further details. See www.bia.homeoffice.gov.uk/employers/employersupport for details.
- Department for Business Enterprise & Regulatory Reform (BERR) leaflet: 'Contracts of employment: changes, breach of contract and deductions from wages' (Previously known as PL810, Contracts of Employment.) Available via: www.berr.gov.uk/employment/employment-legislation/employment-guidance/page16161.html
- HM Revenue and Customs; leaflet 'IR56: Employed or self-employed? A guide for tax and National Insurance', available at www.hmrc.gov.uk/pdfs/ir56.htm

You may also wish to seek legal advice before taking someone on or when considering terminating an employee's contract.

ANNEX H - CRIMINAL CONVICTIONS – REHABILITATION PERIODS

The length of the rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is decided by the original sentence. Custodial sentences of more than 2.5 years can never become spent. The following sentences become spent after fixed periods from the date of conviction:

| Sentence | Rehabilitation Period | |
|--|---------------------------------------|---|
| | People aged 18 or over when convicted | People aged 17 and under when convicted |
| Prison and young offender institution term of 6 months or less | 7 years | 3.5 years |
| Prison and young offender institution term of more than 6 months, up to 2.5 years | 10 years | 5 years |
| Fine, compensation, probation (1), community service or combination order (2), action plan, curfew, drug treatment and testing order or reparation order | 5 years | 2.5 years |
| Absolute discharge | 6 months | 6 months |

(1) For people convicted on or after 3 February 1995. Probation Orders are now called community rehabilitation orders.

(2) Community service orders are now called community punishment orders. Combination orders are now called community punishment and rehabilitation orders.

| Sentence | Rehabilitation Period | |
|--|---|---|
| | People aged 12, 13 or 14 when convicted | People aged 15, 16 or 17 when convicted |
| Detention and training order of 6 months or more | 1 year after order ends | 3.5 years |
| Detention and training order of more than 6 months | 1 year after order ends | 5 years |

| Sentence | Rehabilitation Period |
|---|--|
| Probation (1), supervision, conditional discharge and bind-over | 1 year or until the order ends (whichever is longer) |
| Attendance centre order | 1 year after the order ends |
| Referral Order | Once the order ends |

(1) For people convicted before 3 February 1995.

ANNEX I - CRIMINAL RECORD DECLARATION FORM

Note: If you are appointed, a check against the National Collection of Criminal Records may be undertaken and documentary evidence sought to confirm your answers.

Surname: _____

Full forenames: _____

Full permanent address: _____

_____ Date of birth: _____

1. Have you ever been convicted or found guilty by a Court of any offence in any country (excluding parking but including all motoring offences even where a spot fine has been administered by the police) or have you ever been put on probation (probation orders are now called community rehabilitation orders) or absolutely/conditionally discharged or bound over after being charged with any offence or is there any action pending against you? You need not declare convictions which are “spent” under the Rehabilitation of Offenders Act (1974).

YES / NO (delete whichever is not appropriate) (If yes, please give details overleaf)

2. Have you ever been convicted by a Court Martial or sentenced to detention or dismissal whilst serving in the Armed Forces of the UK or any Commonwealth or foreign country? You need not declare convictions which are “spent under the Rehabilitation of Offenders Act (1974).

YES / NO (delete whichever is not appropriate) (If yes, please give details overleaf)

3. Do you know of any other matters in your background which might cause your reliability or suitability for employment to be called into question?

YES / NO (delete whichever is not appropriate) (If yes, please give details below)

GOOD PRACTICE GUIDE - PRE-EMPLOYMENT SCREENING

If you answered 'YES' to any of the questions on this form, please give details below.

I declare that the information I have given on this form is true and complete to the best of my knowledge and belief. In addition, I understand that any false information or deliberate omission in the information I have given on this form may disqualify me for employment.

Signature: _____

Date: _____

The information you have given above will be treated in strict confidence. You do not need to show the completed form to any representative of the company.

Important: Data Protection Act (1998). This form asks you to supply "personal" data as defined by the Data Protection Act 1998. You will be supplying this data to the appropriate HR or Security authority where it may be processed exclusively for the purpose of a check against the National Collection of Criminal Records. The HR or Security authority will protect the information which you provide and will ensure that it is not passed to anyone who is not authorised to see it.

By signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above. If you have any concerns, about any of the questions or what we will do with the information you provide, please contact the person who issued this form for further information.

Name and address of Sponsoring Company: _____

ANNEX J – GLOSSARY OF TERMS AND ACRONYMS

| | |
|------|--|
| ARC | Application Registration Card |
| BERR | Department for Business Enterprise & Regulatory Reform |
| BIA | Border & Immigration Agency, Home Office |
| CCJ | County Court Judgment |
| CNI | Critical National Infrastructure |
| CPNI | Centre for the Protection of National Infrastructure |
| CRB | Criminal Records Bureau |
| CV | Curriculum Vitae |
| DCSF | Department for Children, Schools and Families |
| DH | Department of Health |
| DPA | Data Protection Act |
| DVLA | Driver and Vehicle Licensing Authority |
| DWP | Department for Work and Pensions |
| EEA | European Economic Area |
| EU | European Union |
| FCO | Foreign and Commonwealth Office |
| FSA | Financial Services Authority |
| HMG | Her Majesty's Government |
| HMRC | Her Majesty's Revenue and Customs |
| HR | Human Resources |
| ID | Identity |

GOOD PRACTICE GUIDE - PRE-EMPLOYMENT SCREENING

| | |
|-------|--|
| IT | Information Technology |
| JP | Justice of the Peace |
| NSV | National Security Vetting |
| ROA | Rehabilitation of Offenders Act |
| SAL | Standard Acknowledgement Letter |
| SIA | Security Industry Authority |
| UKIPS | United Kingdom Identity and Passport Service |
| UKRP | United Kingdom Residence Permit |
| WORM | Write once read many |

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