



Safer Employment Policy (Lead Employer)

Version No: [2]

Document Summary:

The purpose of this policy is to ensure that all individuals involved in the safer employment process understand their role and responsibilities to ensure all pre-employment checks are efficiently and successfully managed to secure 'safe' appointment of applicants to the Trust.

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Accountable Director	Director of Human Resources	
Policy Author	Head of Service Delivery Lead Employer Jo Redhead	
Target audience	Specific staff group	

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Document Control

[Author to complete all sections apart from Section 4 & 5]

Section 1 – Document Information	
Title	Safer Employment Policy (Lead Employer)
Directorate	Corporate
Brief Description of amendments	
Supersedes Version 1 of the policy ratified September 2018 <i>Please state if a document has been superseded.</i>	
Does the document follow the Trust agreed format?	Yes
Are all mandatory headings complete?	Yes
Does the document outline clearly the monitoring compliance and performance management?	Yes
Equality Analysis completed?	Yes

Section 2 – Consultation Information*	
*Please remember to consult with all services provided by the Trust, including Community & Primary Care	
Consultation Completed	<input type="checkbox"/> Trust wide <input type="checkbox"/> Local <input type="checkbox"/> Specific staff group
Consultation start date	Click here to enter a date.
Consultation end date	Click here to enter a date.

Section 3 – Version Control		
Version	Date Approved	Brief Summary of Changes
2	Click here to enter a date.	Re written to include significant legislative changes , NHS standards and the removal of COVID provisions.
	Click here to enter a date.	
	Click here to enter a date.	
	Click here to enter a date.	

Section 4 – Approval – <i>To be completed by Document Control</i>	
Document Approved	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with minor amendments
Assurance provided by Author & Chair	<input type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval
Date approved	Click here to enter a date.
Review date	Click here to enter a date.

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Section 5 – Withdrawal – <i>To be completed by Document Control</i>	
Reason for withdrawal	<input type="checkbox"/> No longer required <input type="checkbox"/> Superseded
Assurance provided by Author & Chair	<input type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval
Date Withdrawn:	Click here to enter a date.

Quick Reference Guide

[Insert very brief explanation/flowchart to explain the process contained within this document]

** if appropriate, if not please delete section.

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2. Scope

The contents of this policy apply to all successful candidates applying for a training post that will be employed by Mersey and West Lancashire Teaching Hospitals NHS Trust Lead Employer as a Post Graduate Doctor or Dentist (herewith all referred to as PGD) or Agenda for Change staff Post Graduate Learners e.g. Public Health non-medics (herewith all referred to as PGL). It also applies to all Lead Employer staff and relevant external organisations undertaking pre-employment checks for Lead Employer, to ensure that a fair and consistent approach is adopted.

3. Introduction

The Lead Employer has a duty to carry out a number of legal pre-employment and post-employment checks, which are prescribed by national guidance and are outlined in this policy. Where practical and necessary, this policy goes beyond this level to promote patient and people safety.

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Safer employment in the National Health Service is dictated by the NHS Employment Check Standards and any variation to these national standards will require a change to this policy. Any instance where greater clarity is needed regarding this policy must be referred to the Lead Employer Department.

Lead Employer will carry out all employment checks in compliance with relevant anti-discrimination legislation. Lead Employer will ensure employment takes place in line with the Trust's Equality Diversity and Inclusion operational plan.

All employment checks will also be carried out in compliance with the General Data Protection Regulation (GDPR) May 2018. Information should only be obtained when required to make an essential employment decision. Lead Employer will ensure pre-employment checks take place after a provisional decision to offer employment has been made. In instances where the information has been required earlier in the process (at interview or short-listing), Lead Employer must be prepared to demonstrate why this is the case e.g. the protection of patients and people. Pre-employment checks exist to support the employment decision and will not be used as a short-listing tool.

4. Statement of Intent

All NHS organisations are required to ensure that a series of employment checks as per the NHS Employment Check Standards are carried out prior to employment with that organisation and then as required thereafter. These checks are currently:

- Verification of identity
- Right to work
- Professional registration and qualification
- Employment history and reference
- Criminal record and convictions
- Occupational Health Assessments

The aim of this policy is to ensure these checks are efficiently and successfully managed to ensure patient and staff safety.

5. Definitions

Definition	Meaning
Verification of Identity	the requirements to verify the identity of prospective people and, that the identity is genuine and belongs to the person.
Right to Live and Work (RTLW)	the requirements to verify all prospective persons and in some cases current employed people's legal right to work in the UK
Professional Registration and Qualification	the requirement to carry out checks on prospective people and thereafter on a regular basis to verify they have the correct professional registration and qualifications
Employment History and References	the requirement to verify a prospective person's employment history and requirement to obtain references.

Disclosure and Barring Checks (DBS)	the requirement to carry out checks relating to a prospective person's and a subsequent 3 yearly check of a PGD/PGL criminal record when appointing them to any position Whereby a person holds a national training number.
Occupational Health Assessments	the requirement to check the health of a prospective person and in some cases a current person's health based on a risk assessment of the role.
National Performers List	In the cases of a PG Doctor or Dentist there is a requirement to be entered onto the National Performers List held by NHS England as the commissioner of primary care services.
Healthcare Professionals Alert Notice (HPAN)	Is a system where notices are issued by NHS resolution to inform NHS bodies about registered health professionals whose conduct or practise would pose a significant risk of harm to patients, colleagues or the public. (Ref 4)

6. Duties, Accountabilities and Responsibilities

6.1 Chief Executive

The Chief Executive is accountable for legislative and regulatory compliance for the Trust, which includes Lead Employer.

6.2 Director of Human Resources

The Director of Human Resources has a responsibility to ensure legislation in the area of employment is adhered to at all times. Specific responsibility for areas such as auditing and monitoring may be delegated by the Director of HR to particular individuals within the Lead Employer department but the final responsibility remains with the HR Director. The Senior Leadership and management team in Lead Employer are responsible for escalating any areas of concern following monitoring to the HR Director, who were necessary, will highlight to the Board of Directors.

6.3 Commercial Services Council

The Commercial Services Council are responsible for monitoring the impact of the policy including non-compliance or any resulting equality issues on behalf of the Board.

6.4 Lead Employer Local Negotiating Committee

The Lead Employer Local Negotiating Committee (LNC) is responsible for approving this policy.

6.5 NHS E Education Post Graduate Deans, Associate Deans, Heads of School (HoS) and Training Programme Directors (TPDs)

NHS E Education Post Graduate Deans, Associate Deans, Heads of School (HoS) and Training Programme Directors (TPDs) participating in the employment of PGD/PGL's must ensure this policy and best practice is followed. Where any doubt exists they must take appropriate action for which they are responsible in line with this policy. NHS E Education Post Graduate Deans, Associate Deans, HoS and TPD's must liaise with the Lead Employer HR department to alleviate any doubts in this area.

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6.6 Candidates and Post Graduate Doctors, Dentists and Learner's (PGD/PGL)

It is the responsibility of candidates and PGD/PGL to adhere to the safer employment policy. The policy is available for candidates and PGD/PGL on the Lead Employer website <https://leademployer.sthk.nhs.uk/> or by contacting Lead Employer.

All PGD/PGL's requiring professional registration for their role have a statutory duty to keep their professional registration up to date. In cases where any doubt exists, they must discuss any issues with Lead Employer. PGD/PGLs must note that failure to have current appropriate professional registration may lead to disciplinary action up to and including dismissal (see the Lead Employer Handling Concerns policy).

All PGD/PGL's also have a duty to inform Lead Employer of any other occurrence or event which may affect or potentially jeopardise their capability, effectiveness or legal capacity to undertake their role including any criminal convictions, cautions, changes to DBS status, changes to RTLW status. Failure to fulfil this obligation may lead to disciplinary action up to and including dismissal (see the Lead Employer Handling Concerns policy).

6.7 Lead Employer Service Delivery

Lead Employer Service Delivery is responsible for:

- Ensuring this policy is adhered to at all times.
- Being satisfied that all appropriate pre-employment and employment checks are satisfactorily carried out and to the standards set out by NHS employers and MWL Lead Employer.
- Raising any issues or queries and resolving checks as outlined in section 6 of this policy.
- Applying for all DBS Disclosures associated with employment,
- Ensuring all documents and other checks are correct as detailed under section 6 of this policy.
- Seeking guidance from the responsible government department including UK Visas and Immigration where appropriate.
- Monitoring and auditing the employment process and subsequent outcomes.

6.8 Health, Work and Wellbeing Service

The Health, Work and Well Being Service have the role of informing and advising Lead Employer, and NHS E Education to ensure informed decisions are made in relation to:

- Any health/medical related risks inherent in a specific role
- Successful candidate's medical fitness in relation to any identified risks by conducting pre-employment medical assessments
- Reasonable adjustments that should be considered to enable these individuals to fulfil their role.

7. Process

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NHS E Education will provide PGD/ PGL names to the Lead Employer which will contain email contact details to enable offers of employment to be sent out via the Lead Employers Recruitment system currently TRAC.

NHS E Education will upload all PGD/PGL new starters into their Trainee Information System (TIS) which interfaces with MWL's ESR system allowing data transfer of personal information pertaining to PGD/PGLs including placement information.

Where the system allows, all pre-employment and employment checks will be recorded on ESR by Lead Employer which will be an auditable system.

The safer employment process also applies to all PGD's/PGL's being recruited to a new role via an Inter-Deanery Transfer unless otherwise stated.

In all cases Lead Employer will comply with the NHS Employment Checks standards (Ref 1), these are carried out prior to employment with the Lead Employer and then as required thereafter.

In the event of a risk assessment, this must be documented and agreed by the Assistant Director of HR (Lead Employer) or delegated to Head of Service.

The aim of this policy is to ensure these checks are efficiently and successfully managed to ensure patient and people safety.

If pre-employment checks prove to be unsatisfactory and fraud concerns are raised (e.g. suspected false representation), the Trust may refer the matter to the Trust's Local Counter Fraud Specialist (LCFS), for investigation under the Anti-Fraud, Bribery and Corruption Policy, the NHS Counter Fraud Authority (NHSCFA) and/or the Police.

Failure to meet the NHS Employment check standards and/or the Mersey and West Lancashire Teaching Hospital NHS Trust Lead Employer standards expected by any future or current PGD/PGL will result in an offer of employment being withdrawn. In these circumstances and in addition to referral to the Local Counter Fraud Specialists, the persons registered body may also be required to be informed.

7.1 Verification of Identity

The identity of a prospective PGD/PGL must be verified prior to the commencement of employment in order to determine that the identity is genuine and relates to a real person and establish that the individual owns and is rightfully using that identity

Lead Employer will abide by the NHS Employers Identity Check Standard.

Step 1: ask the applicant to provide a scanned copy or photo of their original identity documents via email or by using a mobile app.

Step 2: arrange a video call with the individual and ask them to hold up the original documents to the camera and check them against the digital copies sent by email or mobile app.

Step 3: record that a check has been done remotely and the date of that check.

Step 4: seek, verify, and copy original documentation as soon as practical e.g. when the individual first takes up the position or are required to undertake induction or other type of training. For successful candidates, Lead Employer will record the identification documentation check on ESR.

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Any cases where there is doubt regarding identity must be referred to a member of the Lead Employer HR management team. Checks will be undertaken using documents highlighted in the NHS Identity Check Standard.

Acceptable documents will be aligned to NHS Standards and can be found in the NHS Identity check standards guide.

7.2 Right to Work in the UK

Under the Immigration, Asylum & Nationality Act 2006 (amended by the Immigration Act 2016) (Ref 2) and the NHS Employers “Right to Work” checklist (Ref 3), the Lead Employer is committed to ensuring prospective employees external to the Lead Employer can demonstrate an entitlement to work in the UK.

Recruiters must not make assumptions about an external job applicant’s right to work in the UK or immigration status on the basis of their colour, race, nationality, ethnic or national origins or on the length of time the person has been in the UK as it is unlawful to treat a job applicant less favourably on the grounds of their nationality.

By Lead Employer obtaining, checking and storing documents of a person’s right to live and work in the UK, this provides the Lead Employer with a “statutory excuse” against a civil penalty where we can clearly demonstrate that we have carried out all necessary checks to mitigate any risks of employing an illegal worker.

There are two types of right to work checks,

- An online Home office check using a share code

- A manual check

Or

Employers can also check an applicant’s right to work using an identity service provider that offers Identify Validation Technology. This technology can only be used to verify the identity of British or Irish National passport holders whose passport is valid at the time of the check, checks cannot be undertaken if the passport has expired. This technology negates the need for a physical check however employers must still carry out an in person check on the person applying for the role this can be undertaken via video call as per Home Office guidance. A clear copy must be retained on file for the duration of the employment and for two years after the employment has ceased. The copy must include a record of who performed the check and the date it was undertaken.

7.3 Professional Registration

The need of a person to have professional registration with the requisite regulatory body is central to Safer Recruitment practice within the NHS. Lead Employer will abide by the NHS Employers Professional Registration and Qualifications Standard for professional registration.

All professional staff requiring on going registration with a professional body will have this confirmed in their contract of employment. In the event that an individual loses their registration, the employment will have been deemed to have ended by operation of the law.

Regulatory bodies such as the GMC and GDC have an interface with NHS ESR systems, this

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allows for a constant interface between the two systems to ensure any restrictions, undertakings, suspensions, and erasures of registrations are notified to the Lead Employer within 24 hours of the information being added to the regulatory bodies system. This in no way removes the requirement for all trainees to inform the Lead Employer of any change whatsoever to their professional registration. Any changes must be notified to the Lead Employer without delay.

Where a person has a valid registration but may have restrictions or undertakings attached to their practise or have an outstanding fitness to practise investigation outstanding the person will be required to declare any such concerns on the model declaration form. Where concerns are highlighted the Lead Employer will work with NHS E Education and the person to understand if the restrictions to their registration would affect their ability to undertake the duties of their role and the training requirements of the programme for which they have applied for.

In the event that the restrictions are deemed incompatible with training and or employment, Lead Employer reserve the right to withdraw the offer of employment.

7.4 Alert Notices

A healthcare professional alert notice (HPAN) (Ref 4) is a system where notices are issued by NHS Resolution to inform NHS bodies, or other organisations providing services to the NHS, about registered health professionals whose conduct or practise would pose a significant risk of harm to patients, or the public. It will also confirm whether that person may continue to work or seek additional or other work in the NHS as a healthcare professional or whether that person falsely holds themselves out to be a healthcare professional.

The Lead Employer will perform a HPAN check via the web check service (Ref4) on all applicants to determine if there is any known information held about them on the alert notice system.

7.5 Withdrawal of employment offer

Where information is received through pre-employment checks that requires further investigation or contains discrepancies from other information gathered as part of the pre-employment check process, Lead Employer will involve a multi-disciplinary team to determine the suitability of the person to be employed as a Lead Employer Trainee. The team will consist of the Head of Service Delivery, Head of HR and Stakeholder Engagement and nominated members of their corresponding teams. Where a decision is required to withdraw an offer of employment based on information provided the relevant safeguarding leads or other designated professionals will also be included in the decision-making process to ensure that appropriate advice and guidance is sought and that risk reviews are undertaken where necessary.

Where an offer of employment is withdrawn the relevant NHS E Education Post Graduate Dean will be advised and it will be for them to determine if they also withdraw the offer of the National Training Number (NTN).

A detailed record of considerations given to the decision to withdraw the offer of employment, including the reasons for the decision to withdraw the offer of employment will be shared with the PGD/PGL and this will be stored in line with NHS England Corporate Records Retention and Disposal Schedule.

[Further Information on how to check whether a person is subject to a HPAN and the process to raise a HPAN where concerns about a healthcare professional's performance, conduct or practise](#)

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[comes to light can be found on the NHS resolution website.](#)

7.6 Qualifications

Any qualification identified on the person specification at the point of advertising must subsequently be checked by Lead Employer. Any person who has been provided with an offer of training and subsequently provided with an offer of appointment must attend an appointment with Lead Employer to present their original documents or provide copies of verified originals using the Post Office Verification Service. All costs for the Post Office Verification Service are the responsibility of the candidate.

Where a registered healthcare professional holds a license to practise in their chosen profession the licensing bodies will have undertaken checks to validate these qualifications to enable them to be granted a license. Additional checks are therefore not required unless additional qualifications, other than those required for registration, are included on the person specification.

Lead Employer must be satisfied that the original qualification documents submitted by the candidate match those referred to in the person specification and application for employment. Where any doubts exist, the examining board must be contacted for clarification. The National Academic Recognition Information Centre (NARIC) of the United Kingdom exists to assist in this area. Their website can be consulted.

Any cases where there is doubt regarding qualifications must be referred to a member of the Lead Employer management team.

7.7 Employment History and Reference Checks

References assist in the verification of a person's identity and underpin the employment decision by checking competencies and qualifications gained during previous employment to assist in ascertaining whether or not an individual is suitable for a particular position.

If the applicant is already working within the NHS, the Employment Services Team will verify this information via Electronic Staff Record (ESR) or through the Inter Authority Transfer system (IAT).

The Lead Employer team will obtain factual references for at least three years of previous employment and/or training. Where there is a gap in employment or training the Lead Employer team should seek to cover this gap with a character reference.

Where a person is commencing employment with the Lead Employer and is coming directly from another NHS organisation a reference will be sought from the applicants current or last NHS Employer. This reference should cover the last 12 month period as a minimum. If the person has been employed for less than 12 months with their current NHS employer, the Lead Employer will request references from the preceding NHS employer to ensure the 12-month period is satisfied.

Where a person is remaining with the Lead Employer and has been successful in changing training programmes or moving from Core to Higher specialty training no references will need to be sought. Instead, the onboarding team will check and confirm via the NHS E Education TIS system that they have a satisfactory ARCP outcome 1 or 2. Other outcomes may be accepted provided that entry onto the new training programme is not predicated on the previous training programme having been successfully completed. For example, completion of foundation training or core training required to enable entry onto higher training. An additional check will be made by the onboarding team to the HR Business Partnering and Advisory team to ensure there are no outstanding employment concerns that would preclude a change in the persons training programme for example an outstanding conduct or health concern.

If the person has indicated that they have left or are leaving full-time education, for example a foundation dental trainee references to validate their training history will be sought from their

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educational institution. An educational reference will be obtained from the relevant university as part of the recruitment process. Additional references are only normally required where the person has had a break in between leaving medical school and starting their foundation programme training, for example, where they have been in other employment, or have carried activities as a volunteer, or have been travelling. Any request for additional references should be proportionate to risk.

If a person is unable to provide an employer's reference for example where their previous employer has ceased trading a character reference can be sought to cover the missing period. The character reference should include how long they have known the person and in what capacity along with any skills and experience the person has demonstrated that might be regarded as valuable attributes for the position the person has applied for. Character references should be sought from personal acquaintances, they must not be related to the person nor hold any financial arrangements with the person applying for the position. Character references should be from an individual who has some standing in the persons community or has been their Professor or academic advisor. Please refer to the governments website (gov.uk website) for further guidance about a person with some standing in the community.

Employment Reference and Employment History checks are mandatory for all external applicants for all Trust positions.

7.8 Criminal Records Checks

It is Lead Employer's policy to ensure all people who will work in a NHS E Education training programme and be placed in an environment with access to vulnerable adults or children including handling their data have had appropriate checks as outlined by NHS Employers Employment Standards (Ref 1) (this includes all Trainees of the Lead Employer). The current level of check required is an Enhanced check with both adults and children barred list information.

Potential candidates will not be required to complete a Disclosure and Barring Service (DBS) application until they have been made a provisional offer of employment but they will be made aware of this requirement by NHS E Education National Recruitment during the advertising phase. The DBS and required checks will be completed by Lead Employer along with all other pre-employment checks. The issue date, level and certificate number will be recorded on ESR so that a follow up check can be made every three years in line with NHS Employers Standards. Lead Employer will prompt any trainee not signed up to the update service to do so as part of any DBS check that is undertaken whether that be via the onboarding process or the three-year renewal process.

All Trainees recruited to a post from 1st September 2014 have been required to pay the DBS costs for the post they are recruited to. From the date of this policy this requirement covers the need for this to also include the DBS Update Services for all GP and Foundation Dental Training programmes as part of the National Performers List requirements. The Lead Employer will check the DBS of each PGD/PGL party to the Update Service via the ESR interface with the DBS system which checks each person signed up to the update service every 24 hours. This in no way removes the requirement for all PGD/PGL to inform the Lead Employer of any change whatsoever to their criminal record, including any cautions throughout their employment with the Lead Employer. Any changes must be notified to the Lead Employer without delay.

Lead Employer can accept a disclosure certificate that was obtained from a previous role. For this to be a validate check the Lead Employer will need to ensure that the certificate must be at an enhanced level with both Adults and Children barring lists and check to see if anything has changed if the individual is signed up to the update service. A previous DBS certificate only without being validated by an online update service check cannot be accepted and a new check will need to be

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undertaken and paid for by the PGD/PGL.

In order to perform a successful DBS update service check a copy of the original certificate linked to the update service check must be provided. If the person has mislaid or lost their original certificate a new certificate will need to be requested for the update service check to be valid.

If a trainee discloses criminal information on their model declaration form which does not appear on a previous disclosure certificate a new check must be performed. This is to ensure consideration is given to eligibility requirements and changes to the law which may have occurred since the previous disclosure certificate was issued.

Any discrepancies between the information provided by the person and gathered during the pre-employment check process and the information provided from DBS will need to be explored. Lead Employer Onboarding Team will gather information and provide a timeline of events to the Head of Service Delivery and/or the Operations Manager. A meeting will be arranged to discuss the discrepancies with the person concerned to allow for explanations to be given regarding the discrepancies found. Any discussion will be handled sensitively and fairly without prejudgement. Given the complexities of the criminal justice system, it is easy for a person to misunderstand what offences might be on a criminal record or the implications of those when applying for employment.

Where information is received from the DBS that requires further investigation or contains discrepancies from other information gathered as part of the pre-employment check process, Lead Employer will involve a multi-disciplinary team to determine the suitability of the person to be employed as a Lead Employer Trainee. The team will consist of the Head of Service Delivery, Head of HR and Stakeholder Engagement and nominated members of their corresponding teams. Where a decision is required to withdraw an offer of employment based on information provided the relevant safeguarding leads or other designated professionals will also be included in the decision-making process to ensure that appropriate advice and guidance is sought and that risk reviews are undertaken where necessary.

Where an offer of employment is withdrawn the relevant NHS E Education Post Graduate Dean will be advised and it will be for them to determine if they also withdraw the offer of the National Training Number (NTN).

In the cases of serious misconduct, for example where the person is applying for a position which involves a regulated activity for which they are barred, for example a Lead employer trainee, the Lead Employer has a legal obligation to make a referral to the DBS.

7.9 International Applicants

Applicants who have spent time abroad are required to provide a police check for the countries in which they have resided for significant periods. Documents should be translated where applicable and notarised.

As part of the onboarding process, applicants are required to give a reasonable account of any significant periods of time spent overseas (for the purpose of this standard, this is where individuals have spent a continuous period of six months or more overseas in the preceding 5 years).

If the person has declared that they have been employed (including volunteering activities or time served in the armed forces), or have trained overseas, every effort will be made to seek adequate references from the relevant body as early in the onboarding process as possible to prevent any unnecessary delays in commencing into the training programme.

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In all cases the Lead Employer will request from the person and at their own expense the provision of an overseas police check which must be translated and notarised. A police check will be required for every country the candidate has resided in for 6 months or more in the preceding 5 year period.

For those people requiring a Skilled Worker visa (formerly Tier 2 visa), UKVI rules state that an overseas police check is required where the appointee has resided outside of the UK for 6 months or more in the preceding 10 years from date of offer. In all cases the Lead Employer will request the provision of an overseas police check which must be translated and notarised. A police check will be required for every country the candidate has resided in for 6 months or more during this 10 year period.

In some European countries, employees are issued with a government-issued labour book which contains information about their employment history. If a candidate presents a labour book, we can accept information presented within this document instead of seeking a separate reference directly from the candidate's employer.

Confirmation of dates will be cross-referenced with documentary evidence provided by the candidate such as a passport, work permit or other documentary evidence confirming their travel and immigration status.

Every effort will be made to ensure that documents presented by prospective employees are verified as bona fide through the relevant issuing body. Where this is not possible, these may be verified through the country's relevant UK embassy or consulates.

If a candidate is unable to provide sufficient documentary evidence of time spent abroad, this will be referred to the Operations Manager for discussions with the Onboarding team. Where the necessary checks cannot be undertaken, or sufficient assurances are not available, it may not be possible to employ the person and the withdrawal of the conditional offer of employment may be agreed in consultation with the Head of Service Delivery and/or Head of HR Business Partnering and Advisory Team.

A DBS disclosure should still be obtained by Employment Services in addition to the individual's overseas criminal records.

7.10 Health Checks

Lead Employer will ensure compliance with the Equality Act 2010 and the NHS Employers Work Health Assessment Standard. At the recruitment stage, no enquiries about disability and health will be made before a conditional offer of employment is made.

A link to the Health Work and Wellbeing department (HWWB) health questionnaire will be sent to the person as part of the pre-employment check process. All information contained within the questionnaire will go directly to the HWWB department who will conduct the check and at no point does the Employment Services team have access to the information.

Following an assessment of the information provided HWWB may arrange a consultation utilising the Lead Employee 'Hub and Spoke' model to assess the person's individual fitness for the post and identify what reasonable adjustments, if necessary, can be considered to enable them to undertake the role and responsibilities of the job being offered.

If necessary HWWB may seek further expert advice / information e.g. from the individual's medical consultant, access to GP notes etc.

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If there are measures that should be put in place to support an applicant to perform the role to the best of their abilities (reasonable adjustments) a confidential report will be provided to the Employment Services Team for consideration of adjustments and where necessary to liaise with NHS E Education.

It is important that any immunisation information is provided to the HWWB department to avoid delays in clearances. If a person cannot provide immunisation confirmation, further tests and vaccinations will need to be undertaken via a face-to-face appointment. Candidates will be required to make themselves available at least four weeks prior to their start date in order to give sufficient time to have any necessary appointments, tests or vaccinations.

7.11 Performers List

The National Health Service (Performers List) Regulations (England) 2013 (Ref 5) provide a framework within which primary care organisations can take action if a medical performer's personal and/or professional conduct, competence or performance gives cause for concern.

From August 2017 NHS England have agreed that GP registrars seeking to join the National Medical Performers List (NPL) will not be required to submit an application form (NPL1) or undertake a face-to-face identity check.

NHS E Education have agreed that GP registrars employed by a Lead Employer and covered by block indemnity will be entered on to the NPL by NHS E Education local offices at the beginning of their training and will continue to be on the NPL for the entire duration.

Dental foundation trainees (DFT) must enter themselves onto the NPL as per NHS England Policy for managing applications to join the National Performers List (Ref 6). In order to do so they must provide evidence of their own professional indemnity and occupational health clearance which must include clearance to perform exposure prone procedures. All trainees must be entered onto the list prior to their programme start date. Failure to be included on the list will result in NHS E Education withdrawing the offer of training. There is a 3 month period of grace whereby a DFT can work whilst their application to join the list is under consideration, however evidence of completed application must be provided prior to commencement of the training programme and forms part of the pre employment checks.

7.12 Professional Indemnity

Under the Health Care and Associated Professions (Indemnity Arrangements) Order 2014, all healthcare professionals are legally required to confirm that they have relevant indemnity insurance. This is to cover the different aspects of their practise in order for them to register, or remain on a register, with a professional regulatory body in the UK. When working as a GP Trainee in a general practice or primary care, it is a mandatory requirement that PGD/PGL's have professional indemnity for clinical negligence and this is arranged by NHS E Education. When working in a Dental practice as a DFT each trainee must procure their own indemnity cover and provide evidence of this as part of their pre-employment checks. When working in a secondary care placement, all PGD/PGL will be automatically covered by NHS Resolution.

7.13 Out of Programme

When Trainees are approved to go out of programme (OOP), the PGD/PGL out of programme is categorised as on an unpaid career break. Trainees therefore have a responsibility to ensure that they comply with Lead Employer's policies and processes and particularly the Safer Employment policy during this time. The Trainee will be required to undertake the following checks prior to returning to the training programme:

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- **Health Check:** a health questionnaire will be sent via the Contracts Team, the questionnaire will need to be completed via the link and submitted to the HWWB department for consideration. Tests may be required depending upon where the trainee has travelled during their period of out of programme. Health clearance must be gained prior to recommencing in post.
- **Criminal Records Check:** if a trainee has travelled abroad for more than 6 months a police check will need to be provided. If a trainees DBS check has expired during their period of Out of programme a new check will need to be performed, both checks need to be at the trainees own cost.
- **Right to Live and Work:** proof of eligibility of right to live and work will need to be re-confirmed and evidence provided of any new passport details or changes to Indefinite Leave to remain or EU settled status. If a Skilled Worker Visa is required, it is likely that sponsorship will have been revoked if the period of out of programme is more than 28 days. If revoked the trainee's employment will have been terminated and full pre-employment checks will need to be undertaken.

7.14 Transfer of Undertakings (Protection of Employment)

Where Trainees transfer to Lead Employer under TUPE, PGD/PGL's must provide original documentation to evidence their identity and right to work in the UK within 60 days of the TUPE transfer as per the NHS Employment Check Standards and is not required if the employee was continuously employed from pre-29th February 2008. Lead Employer must obtain written assurances which verify that the previous employer has carried out all other relevant checks in compliance with NHS Employment Check Standards. Where such assurances cannot be sought, then additional checks will be required to be undertaken by Lead Employer.

8. Training

Lead Employer staff will be trained on the contents of this policy and how to apply it. Coaching and guidance for those involved in the employment of doctors and dentists in training will be delivered through a variety of methods including the issuing of policies, workshops and coaching from Lead Employer staff.

9. Monitoring Compliance

9.1 Key Performance Indicators (KPIs) of the Policy

No	Key Performance Indicators (KPIs) Expected Outcomes
1	Safer employment checks required are assessed correctly in line with this policy and NHS Employment Check Standards
2	
3	
4	
5	

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6	
7	

9.2 Performance Management of the Policy

Minimum Requirement to be Monitored	Lead(s)	Tool	Frequency	Reporting Arrangements	Lead(s) for acting on Recommendations

10. References

No	Reference
Ref 1	NHS Employment Checks Standards
Ref 2	Immigration, Asylum & Nationality Act 2006/ Immigration Act 2016
Ref 3	NHS Employers "Right to Work" checklist
Ref 4	Healthcare Professional Alert Notices web check service
Ref 5	The National health Services (Performers List) Regulations
Ref 6	NHS England Policy for managing applications to join the National Performers List

11. Related Trust Documents

[List any procedural documents which are referenced within the text.]

No	Related Document
1	Lead Employer Handling Concerns Policy
2	
3	
4	
5	

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12. Equality Analysis Form

The screening assessment must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process to ascertain whether a full equality analysis is required. This assessment must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of assessments relating to patients must be forwarded to the Head of Patient Inclusion and Experience for monitoring purposes Cheryl.farmer@sthk.nhs.uk, if the assessment is related to workforce a copy should be sent to the workforce Equality, Diversity and Inclusion Lead Laura.Marks@sthk.nhs.uk

If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Head of Patient Inclusion and Experience. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff.

Equality Analysis			
Title of Document/proposal /service/cost improvement plan etc:		Safer Employment Policy (Lead Employer)	
Date of Assessment	Click here to enter a date.	Name of Person completing assessment /job title:	Jo Redhead
Lead Executive Director	Director of Human Resources		Head of Service Delivery (Lead Employer)
Does the proposal, service or document affect one group more or less favourably than other group(s) on the basis of their:		Yes / No	Justification/evidence and data source
1	Age	Choose an item.	Click here to enter text.
2	Disability (including learning disability, physical, sensory or mental impairment)	Choose an item.	Click here to enter text.
3	Gender reassignment	Choose an item.	Click here to enter text.
4	Marriage or civil partnership	Choose an item.	Click here to enter text.
5	Pregnancy or maternity	Choose an item.	Click here to enter text.
6	Race	Choose an item.	Click here to enter text.
7	Religion or belief	Choose an item.	Click here to enter text.
8	Sex	Choose an item.	Click here to enter text.
9	Sexual Orientation	Choose an item.	Click here to enter text.
Human Rights – are there any issues which might affect a person’s human rights?		Yes / No	Justification/evidence and data source
1	Right to life	Choose an item.	Click here to enter text.
2	Right to freedom from degrading or humiliating treatment	Choose an item.	Click here to enter text.
3	Right to privacy or family life	Choose an item.	Click here to enter text.
4	Any other of the human rights?	Choose an item.	Click here to enter text.

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Lead of Service Review & Approval	
Service Manager completing review & approval	Click here to enter text.
Job Title:	Click here to enter text.