

Mid Devon District Council

Pre-employment guidance

All UK employers have a duty to prevent illegal migrants working in the UK. Sections 15–25 of the Immigration, Asylum and Nationality Act 2006 (the `2006 Act`) set out the law on the prevention of illegal working.

Recruitment is a costly exercise if you get the process wrong; to enable you to employ the best candidate we need to carry out a number of pre-employment checks to establish they are who they say they are and have the experience and qualifications they claim to have and that they are able to work in the UK.

Entitlement to work in the UK Check

It is a criminal offence to knowingly employ an individual who does not have permission to work in the UK. Therefore we need to comply with the home office [‘Full guide for employers on preventing illegal working in the UK’](#).

Part of the government checks on employing people to work in the UK, a Baseline Personnel Security Standard (BPSS) check needs to be carried out prior to employment.

There are three "minimum requirement" sections of [BPSS screening](#) which are explained as follows:

1. Identity check and UK right to work.

HR needs to check and verify the identity of the new employee and keep copies of original, acceptable documents **before** they commence work at MDDC. If a person has a time limit on their stay then HR should carry out repeat checks at least once every 12 months. If a person has a restriction on the type of work they can do and, or, the amount of hours they can work, then MDDC must not employ them in breach of these restrictions.

There are two lists ‘A’ and ‘B’ which outline the acceptable documents for checking eligibility, if you can check a document from list A; you will not need to carry out further checks. If you check a document from list B, you will need to complete a recheck in 12 months.

2. Disclosure of any unspent criminal offences subject to the Rehabilitation of Offenders Act 1974.

There are 3 types of disclosure, please see the box below:

Type of Criminal Record Check				
Information Searched	Basic	Standard DBS	Enhanced DBS	Enhanced DBS (incl. barred list check)
Unspent convictions	Yes	Yes	Yes	Yes
Spent convictions	No	Yes	Yes	Yes
Cautions, Warnings, Reprimands	No	Yes	Yes	Yes
Other relevant police info.	No	No	Yes	Yes
Childrens or Adults barred list	No	No	No	Yes

A basic check

You will be asked to apply for a basic disclosure which will provide you with details of convictions that are considered unspent (where under certain circumstances an offender is allowed to have a 'wiped' criminal record after an agreed period). A basic check is a requirement for all employees who have access to the council's network or premises.

A standard check

A standard check would be a requirement for an individual who works in the finance service or legal service and would give information on spent, unspent and warnings.

A enhanced check

There are two levels to the enhanced check; they depend on the nature of the work and how much responsibility they have with working / caring for children and vulnerable adults. For further guidance go to [disclosure and barring service checks](#)

3. Employment history references (normally 3 years)

To ensure that prospective employees are not concealing any associations or gaps, HR should, as a minimum, verify recent (past 3 years) employment or academic history. Approaches to a previous and/or current employer should not be made without the individual's prior written permission.

There is an increasing reluctance on the part of employers to provide references for an individual's character and suitability for employment because of DPA/FOI concerns, references are not required as part of the BPSS.

For periods of self-employment, evidence should be obtained (e.g. from HMRC, bankers, accountants, solicitors, trade or client references, etc.), confirming that the individual's business was properly conducted and was terminated satisfactorily.

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.

PRE-EMPLOYMENT MEDICAL SCREENING

There is a pre-employment medical screening procedure. This ensures that potential employees are able to do the job without risk to themselves or others while providing equal access to employment.

The successful candidates will be required to complete a pre-employment health questionnaire. Some successful candidates, depending on the answers given to the questionnaire may be invited to a medical examination with our occupational health practitioner.

REFERENCES

The HR Team will request employment references for the successful candidate. These will be requested a maximum of twice before the candidate is asked to provide an alternative.

Minimum level of reference checking required:

- written references must be obtained from employers within the past 3 years
- minimum of 2 references
- must be in writing, either in hard copy or via e-mail

References for the successful applicant should be retained in their personnel file.

QUALIFICATIONS

Where a particular qualification is essential for the post, or where there is a minimum standard of education expected for the post, this should be reflected in the job description and person specification that has been evaluated.

The successful candidate should provide the original documents for verification. These should then be copied and held in the HR Team. If no certificate can be provided, a recorded check should be made with the awarding institution or

examination body. A check can also be carried out if it is suspected that the certificate is not original, is forged, or has been tampered with.

PROFFESIONAL MEMEBERSHIP

If the candidate is required to be registered with a regulatory body (e.g. CIPD), obtain and keep a copy of his or her registration certificate or number. This will be verified by the HR Team with the regulatory body as appropriate. In case of a dispute or if there is a reason to doubt that the claimed registration is genuine, clarification should be sought from the regulatory body.

CONDITIONAL OFFER

Offers of appointment should be provisional until all the pre-employment checks have been satisfactorily completed. Failure to do so will place Mid Devon District Council exposed to public liability insurance and financial risk, and loss of access to the public sector network.

Private & Confidential

Human Resources

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Devon
EX16 6PP

Tel: 01884 255255
Fax: 01884 234395
E-mail: HR@middevon.gov.uk
Website: www.middevon.gov.uk

Your Ref:

Date: 19 March 2015

My Ref: Baseline Personnel Security Standard

Contact: HR Section

Dear

Subject: pre-employment checks - employment history report form
Name:

You may be aware that we are required to verify employment history to help confirm the reliability of persons who may have access to Government assets. The person named above who (is an employee of) / (has applied for employment with) this organisation comes within the terms of this procedure.

S/he has given us your name as a (previous employer). It would be appreciated, therefore, if you would be good enough to let us have (confirmation (with dates) of his/her employment with you) by completing the attached Report Form and returning it to us by no later than [insert date]. Your reply will be treated in the strictest confidence.

Your cooperation and understanding in this matter will be greatly appreciated.

Yours sincerely,

HR Business Partner

Requests for alternative formats will be considered on an individual basis. Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

SUBJECT: PRE-EMPLOYMENT CHECKS

NAME:

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 person?

From:
To:

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 the Baseline Personnel Security Standard. 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

BASELINE PERSONNEL SECURITY STANDARD 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 (past 3 years); verification of nationality and immigration status, whether and when such immigration status needs to be rechecked and by whom; disclosure of unspent criminal record; academic certificates seen; additional checks carried out etc.):

I certify that in accordance with the requirements of the Baseline Personnel Security Standard:

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:

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






Pre-employment Employers Right to Work Checklist












Name of person:

Date of check:

Type of check: First check before employment

Repeat check on an employee:

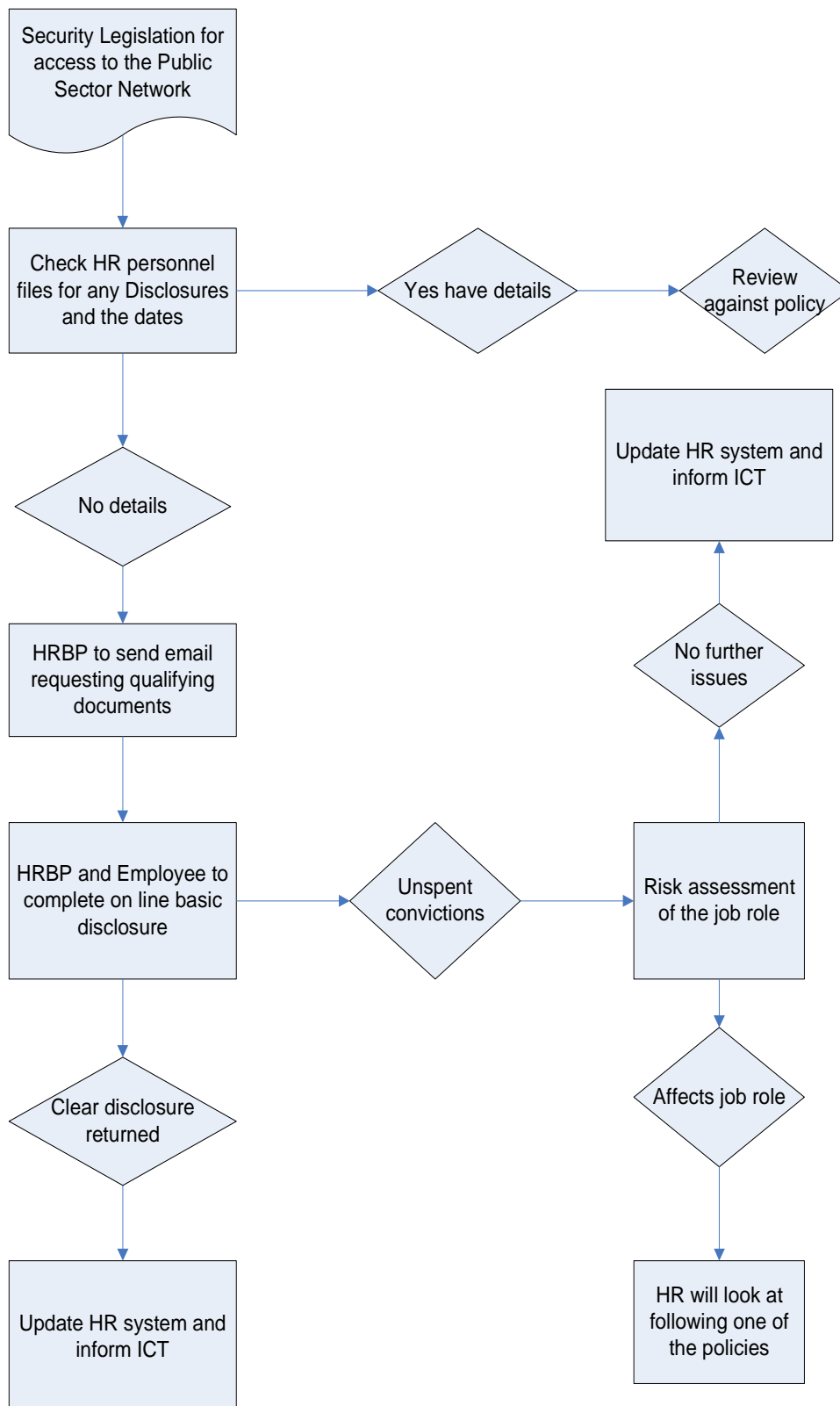
Step 1	<p>You must ask for and be given an acceptable document.</p> <ul style="list-style-type: none"> ➤ You must be provided with one of the documents or combinations of documents in List A or List B below as proof that someone is allowed to work in the UK. ➤ You must only accept original documents. <p><u>Acceptable Documents List A</u></p>		
	1		A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and colonies having the right of abode in the UK
	2		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 an EEA country or Switzerland
	3		A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office to a national of an EEA country or Switzerland
	4		A permanent residence card or document issued by the Home Office to the family member of a national of an EEA country or Switzerland
	5		A Biometric Residence Permit issued by the Home Office to the holder indicating that they are allowed to stay indefinitely in the UK, or have no time limit on their stay in the UK
	6		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
	7		An Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK together with an official document issued by a previous employer or Government agency with their name and National Insurance number

Step 1 cont:	8		A full birth or adoption certificate issued in the UK including the name(s) of at least one of the holder's parents together with an official document issued by a previous employer or Government agency with their name and National Insurance number
	9		A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland together with an official document issued by a previous employer or Government agency with their name and National Insurance number
	10		A certificate of registration or naturalization as a British citizen together with an official document issued by a previous employer or Government agency with their name and National Insurance number
	11		A letter issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK together with an official document issued by a previous employer or Government agency with their name and National Insurance number
Acceptable Documents List B			
	1		A passport or travel document showing they are allowed to stay in the UK and is allowed to do the type of work you are offering
	2		A Biometric Residence Permit issued by the Home Office to the holder indicating that they can stay in the UK and are allowed to do the work you are offering
	3		A residence card or document issued by the Home Office to a family member of a national of an EEA country or Switzerland
	4		A work permit or other approval to work issued by the Home Office together with either a passport or travel document showing the holder is allowed to stay in the UK and to do the work or a letter issued by the Home Office confirming the same
	5		A Certificate of Application less than 6 months old issued by the Home Office to or for the family member of a national of an EEA country or Switzerland stating they are allowed to work together with a positive verification letter from the Home Office's Employer Checking Service
	6		An Application Registration Card issued by the Home Office indicating that they are allowed to work together with a positive verification letter from the Home Office's Employer Checking Service
	7		An Immigration Status Document issued by the Home Office indicating that they can stay in the UK and are allowed to do the type of work together with an official document issued by a previous employer or Government agency with their name and National Insurance number

	8	<input type="checkbox"/>	A letter issued by the Home Office to the holder or to you as the potential employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work you are offering together with an official document issued by a previous employer or Government agency with the their name and National Insurance number
Step 2	<p>You must check the validity of the documents</p> <p>You must satisfy yourself that the documents are genuine and that the person presenting the documents is both the rightful holder and allowed to do the type of work you are offering.</p>		
	1	<p>Are photographs consistent with the appearance of the person?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
	2	<p>Are the dates of birth listed consistent with the appearance of the person?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
	3	<p>Are expiry dates for limited leave to enter or remain in the UK in the future (if applicable) i.e. they have not passed?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
	4	<p>Do any endorsements show the person is able to work for you and do the type of work you are offering?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
	5	<p>Are you satisfied that the document is genuine, has not been tampered with and belongs to the holder?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
	6	<p>Have you asked for further documents to explain why you have been given documents with different names?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
Step 3	<p>You must take and retain a copy the documents.</p> <ul style="list-style-type: none"> ➤ You must take a copy of the documents in a format which cannot later be altered and retain them securely. ➤ Is one of the documents a passport or travel document? <p style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes then you must photocopy or scan:</p> <ul style="list-style-type: none"> ➤ the front cover and any pages providing the holder's personal details; 		

	<ul style="list-style-type: none"> ➤ their nationality; photograph; date of birth; signature; date of expiry and biometric details; and ➤ any pages containing UK Government endorsements' showing the person is allowed to work in the UK and carry out the work you are offering. <p>All other documents should be copied in full, including both sides of a Biometric Residence Permit.</p>
Step 4	<p>Know the type of excuse you have.</p> <p>If you have correctly carried out the above 3 steps you will have an excuse against payment of a civil penalty if the Home Office find the above named person working for you illegally.</p> <p>However, you need to be aware of the type of excuse you have as this determines how long it is valid for.</p> <p>List A</p> <ul style="list-style-type: none"> ➤ You have an excuse for the full duration of the person's employment with you. ➤ You are not required to carry out any repeat right to work checks on this person. <p>List B</p> <ul style="list-style-type: none"> ➤ You have an excuse for up to 12 months from the date on which you carried out this check. ➤ To keep your excuse you must carry out a repeat check on this person within 12 months. ➤ If the person's leave expires within a 12 month period you should carry-out your repeat check at that point to find out if they continue to have the right to work. <p>Date repeat check required:</p> <p>Date leave/right to work expires:</p>

Process Chart for Baseline Personal Security Standard Checks



Baseline Personnel Security Standard

