

EMPLOYMENT CHECKS GUIDANCE

- 13.1 Once the candidate who best meets the criteria has been selected, there are a number of pre-employment checks that need to be carried out.

13.2 **Occupational Health**

In order to avoid any influence of the appointment decision on medical grounds, the medical questionnaire and/or examination should not be completed until after the final selection. The questionnaire with an accompanying pre-paid envelope with the return address for Occupational Health will be sent to the selected candidate by the Recruitment Team within two working days of receipt of the final selection by the recruitment panel. The contents of the questionnaire are confidential and the Occupational Health Physician will only discuss its contents with the manager if the information is relevant to the safe and effective performance of the job or the post-holder's well-being.

A medical questionnaire should be sent to internal appointments where there has been a change in role and/or where the physical or mental demands are greater. Furthermore, there may be a requirement for some jobs that special medical examination or special medical checks are undertaken.

The Occupational Health Service will decide whether or not an examination is necessary before the appointment is confirmed.

13.3 **Driving Check Tests**

These need to be arranged once the final selection decision has been made and subject to satisfactory clearance prior to an offer of employment being confirmed.

13.4 **Qualifications**

Stated qualifications must be verified by seeing the actual certificate or an original letter from the examination board. A copy should be taken and the Panel Chair should record that this has been seen if the candidate has been asked to produce evidence at interview. Otherwise the Recruitment Team will request evidence.

Falsification of qualifications should result in the withdrawal of the offer of employment.

13.5 **Immigration and Asylum Act 1999 (Section 22)(Update of 1996 Act Section 8)**

13.5.1 Section 8 of the Asylum and Immigration Act 1996 aims to ensure that employment is offered only to those entitled to live and work in the UK.

13.5.2 Under Section 8 of the 1996 Act it is a criminal offence to employ a person aged 16 or over who is subject to immigration control unless:

- That person has current and valid permission to be in the United Kingdom and that permission does not prevent him or her from taking the job in question. It is for this reason that we ask all applicants to provide original evidence of their national Insurance number and date of birth. It is lawful to employ anyone who is subject to immigration control so long as his or her leave to enter or remain in the UK has not expired and the leave does not prevent him or her from working
- The person comes into a category specified by the Home Secretary where such employment is allowed. It is lawful to employ asylum seekers, provided they have written permission to work. It is also lawful to employ people awaiting the outcome of an immigration appeal who before their appeal had permission to work or people who were entitled to work and are awaiting the outcome of a request for an extension to that permission.

13.5.3 Please note that some National Insurance numbers (prefix PW/PX) indicate candidates do not have permission to remain in the UK. If the prefix is SC, this means that the applicant is a student and there are regulations surrounding the number of hours they can work. It is important to seek advice from the Recruitment Team in these circumstances.

Please contact your Departmental Human Resources Section or the Recruitment Team for further advice.

13.6 **Rehabilitation of Offenders Act**

Generally posts are subject to the Rehabilitation of Offenders Act which means that a past conviction cannot be taken into consideration after a certain period has lapsed, e.g. for a prison sentence less than six months the rehabilitation period is 7 years and for a prison sentence not exceeding 22 years the rehabilitation period is 10 years. However, certain posts, e.g. Posts with substantial involvement with children, are exempt under the Rehabilitation of Offenders 1974 (Exception)(Amendment) Order 2001 and subject to a procedure for checking on any possible criminal record.

Where these requirements apply, please contact your Departmental Human Resources Manager for advice about how to proceed.

13.7 **References**

References must be taken up for the candidate selected following the recruitment and selection process and must be from the current or most recent employer. Copies of references will be forwarded by the Recruitment Team to the Chair of the Panel for acceptance. The Chair of the Panel must clear references before the appointment is confirmed.

Offers of employment are made subject to clearances satisfactory to the Council. The candidate should not commence employment until at least one satisfactory reference has been received. However, there are exceptions where casual contracts are issued pending the receipt of references satisfactory to the Council. Please contact your Departmental HR Section for further advice.

13.8 **Criminal Records Bureau**

The Recruitment Team will contact the Bureau, if appropriate, to check out the successful candidate's background. The level of disclosure needed will depend on the nature of the job. The Panel Chair and the Departmental Human Resources Manager will decide whether or not all clearances are acceptable and whether or not to offer the appointment.

13.9 **Work Permits**

These are not required for citizens of EC member states/those with British citizenship or UK residency. If a candidate does require a work permit it is for the Manager to apply through the Departmental Human Resources Section to the Department of Work and Pensions. The manager is required to demonstrate that the post requires qualifications/skills not available in this country or other EC member states and may need to demonstrate previous efforts made to recruit to the post. Applicants must be asked to show proof of their National insurance Number. It is advisable to check the government's latest arrangements regarding work permits for key workers.

13.10 **Politically Restricted/Sensitive Posts**

The Local Government and Housing Act 1989 requires every local authority to designate posts as 'Politically Restricted' and 'Politically Sensitive' where the posts in question meet any one of the following three criteria determined by the Act:

- 1) Posts with specific delegated powers to act on behalf of the Council
- 2) Post-holders whose total remuneration equates to spinal point 44 (or above)
- 3) Posts designated 'Politically Restricted' by virtue of the duties performed, i.e.
 - Giving advice on a regular basis to the Council themselves, to any Cabinet or Sub-Cabinet of the Council or any joint Committees on which the Council is represented

- Speaking on behalf of the Council regularly to journalists or broadcasters.

The Council has a statutory responsibility to maintain the list of posts designated as Politically Restricted together with a list of post-holders.

All new appointments to Politically Restricted posts must be notified of the restrictions imposed by the Act.

For further information on politically restricted posts, please contact your Departmental Human Resources Section