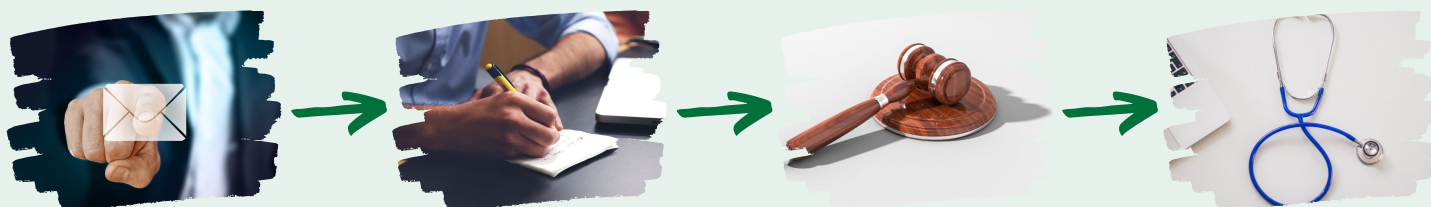


Pre-employment checks – a quick guide

Recruiting the right employee for your business can be an uncertain and lengthy process – but one worth doing right. Once you think you have someone who is a good fit for you, here's what you should do to try to ensure that they are the 'right' person for the job.

4 Simple Steps



1. Get references

An employer (or former employer) does not have to give a reference for someone who has worked for them. However, it is common practice for them to do so and most will unless there is a good reason for them not to. Either way, you should always ask for a reference from at least one previous employer. If you get the references back, then all well and good. If not then you can read into that what you will.

If you are going to seek employer references you should ensure that your offer is conditional upon receipt of satisfactory references. This is even more important if your new employee is due to start before you have the references in your hands.



In that case you should make it clear that you reserve the right to dismiss the individual if you do not receive satisfactory references.

Finally on this point, if you ask for a detailed reference but only get back a basic reference that just covers the dates of employment of your new recruit and their job title, then you might want to investigate this a little further. It could be that the former employer only gives these standard objective references, or it could be that there is some other more concerning reason behind it.

2. Do criminal records checks

If you want to know whether or not your latest recruit has a criminal record, you should seek a certificate from the Disclosure and Barring Service (DBS). You may do this so as to understand more about the character of your new recruit or because you are required to do so for regulatory purposes. In each case you should consider whether you are justified in seeking such information and make it clear to your candidates that you will be asking for this information about them.

And remember, don't jump in too early with your request. You should only seek information about someone who you are looking to appoint, not any and all candidates who apply for a position with you.



3. Make sure they have the right to work in the UK

Before employing someone it is essential for you to check whether that person has the right to work in the UK. If you do not carry out the required checks and the person does not have the right to work in the UK, you may be fined.



If you knowingly recruit illegal workers then you are committing a criminal offence and may be subject to an unlimited fine and/or imprisoned. However, if you inadvertently take on someone who does not have the right to work in the UK,

then you can be fined but you will likely be able to take advantage of the statutory defence and avoid a fine if you have carried out the right checks.

To carry out the checks correctly you will need to examine one or more of the documents set out in the lists in the **Immigration and Asylum Act**. You should satisfy yourself that it is genuine and then take a copy of it. You need to keep a note of when you saw the document and took a copy of it – the easiest way to do this is to write the date on the copy you have taken.

Finally, you need to keep your copy for two years.

Do this properly and you will be able to avoid a fine even if turns out that the person was not entitled to work in the UK.



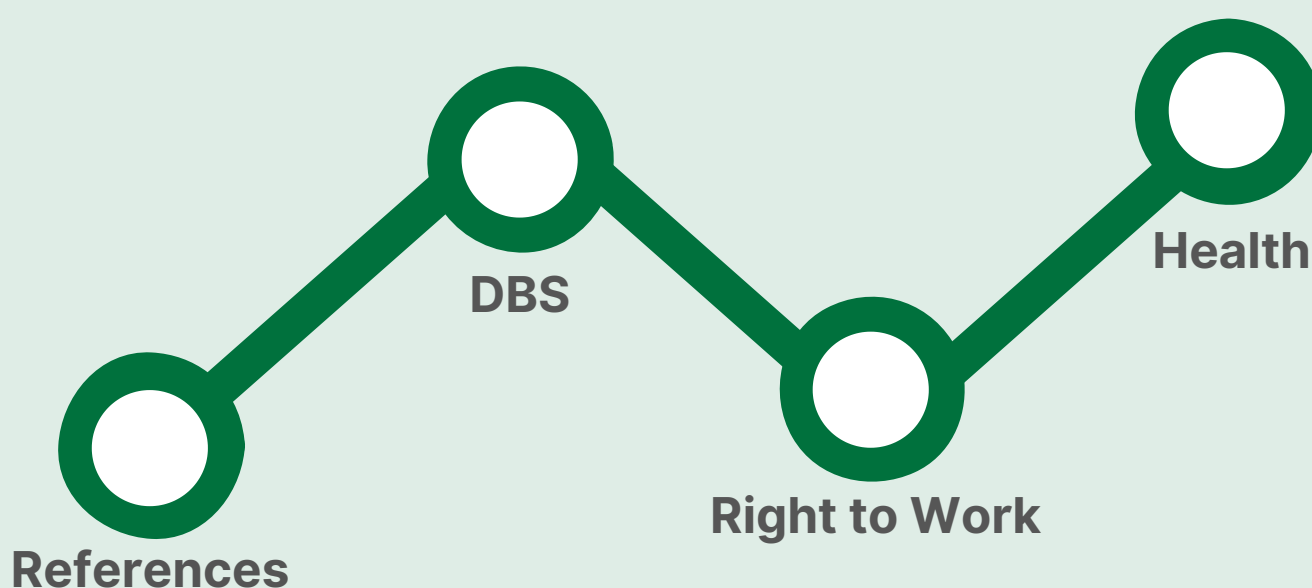
4. Ask health questions

As an employer you are not allowed to ask health questions before you make a job offer.

However, once you have done that, you can go ahead and get the information you need. You can do this by sending out a medical questionnaire, obtaining a medical report or just asking for an opinion from the employee's GP.



If the health of an employee is of concern to you then it is well worthwhile asking the questions. But, be careful not to discriminate a prospective employee because they may have a disability as that would be discriminatory. It's usually worth taking good advice at this stage to reduce the risk of exposing yourself to an expensive Employment Tribunal case.



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