

Checks and balances

In recruitment terms checks and balances refers to pre-employment checks and balancing information obtained in this process against other information already acquired through the recruitment process to date (application forms, interview, tests, etc.). The checks should confirm information already given – if they do not, recruiters should ask themselves whether “on balance” they are able to accept any minor discrepancies or does the new information raise significant concern that “on balance” it would be safer not to employ.

Pre-employment checks should be carried out in the following areas:

Right to work in the UK

Employers have a duty to check that people have a legal right to work in the country can be fined up to £20,000 if they fail to do so.

Arranging DRB checks as an employer

Criminal Records Bureau (CRB) checks are now called Disclosure and Barring Service (DBS) checks.

As an employer, you should only arrange a DBS check on a successful job applicant. You can withdraw a job offer if the results show anything that would make the applicant unsuitable.

Employers need to check the identity of a job applicant as part of a DBS check. Read the guidance on

There is no obligation for a candidate to disclose criminal convictions if the sentence has already been spent. For this reason, an employer should not refuse employment to an individual because of a previous crime, unless, of course, it relates to the role in question (for example, teacher, childminder, a senior banking or financial role).

It is worth bearing in mind that criminal records checks are carried out by the Disclosure and Barring Service (DBS) for certain roles (e.g. working with children, healthcare etc.), but this should be undertaken by employers before the interview stage. These were formerly known as CRB checks.

References

Good practice in relation to references can be summarised as follows:

Obtaining references

- Employers should seek employment references once a job offer has been made, not prior to interview.
- References should be read with a positive mindset, and not seen simply as an opportunity to pick holes or find fault.
- Applicants should be shown phrases which have caused the withdrawal of an offer.
- It should not be used as a substitute for the employer making their judgement: the employer has to take responsibility for making their own decision.
- Such evidence needs to be weighed against evidence from other sources and should be used to support a balanced decision, not as a shortcut to replace the employer's own judgement.
- An individual's circumstances may change and it will generally be appropriate to check out adverse inferences by raising them with the individual concerned

Providing references

- Employers should ensure that references they supply are true, accurate and fair in substance.

- References should offer facts, not opinions.
- References should mention negative issues such as gross misconduct or events giving rise to a disciplinary process in a way which is overall accurate and correct.

Extracted from CIPD – Pre-employment checks – an employers guide December 2013

Health checks

Section 60 of the Equality Act 2010 makes it generally unlawful to ask questions about disability and health before you make a job offer. The Commission can take legal action and job applicants may have claims of discrimination where these legal requirements have been breached

The 2010 legislation is designed to remove barriers that disabled people experience in securing jobs. Prospective employers are required to take reasonable steps to overcome the disadvantages that disabled people may experience during the recruitment process. Employers may ask questions during the process **ONLY** to find out if a job applicant can take part in any assessment to test their ability to do the job or to find out if reasonable adjustments are needed to enable a disabled job applicant to take part in any assessment. This information should be collected separately from other information given in the application for the job.

The legislation prohibits:

- Enquiries by or on behalf of an employer about a job applicant's disability and health during the recruitment process up to the point when a job offer is made
- Written and verbal questions put to job applicants and to any third party for example, a current or ex-employer

Employers can only ask successful candidates for a health check before hiring someone:

- To find out whether a job applicant will be able to carry out an intrinsic part of the job. If this part of a job can be changed or assigned to another person then this may count as a reasonable adjustment for a disabled job applicant
- To find out whether a job applicant has a particular disability where having that disability is an occupational requirement of the job
- To monitor the diversity of people applying for the job. This information should be collected separately from other information given in the application for the job
- To take positive action in relation to disabled people for example, to decide if job applicants qualify for measures the employer takes to improve disabled people's employment rates .
- Where another legal requirement means an employer has to ask health or disability-related questions. For example, Merchant Shipping Regulations prohibit the employment of seafarers unless they have a valid medical fitness certificate. It's a legal requirement, eg eye tests for commercial vehicle drivers
- If the job requires it, eg because their insurers need health checks on cycle couriers

