Background Check Policy

# Version Control

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| 1.0 | August 2016 | S Smith | New | NS/VG/HDB |
| 1.1 | August 2017 | S Smith | Annual Review |  |
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| 1.3 | September 2019 | S Smith | Annual Review | SAS |
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| 1.6 | November 2022 | M Moore | Annual Review and upload to SharePoint | Michael Moore, Legal Counsel |
| 1.7 | April 2024 | S Smith | Change and Review | Michael Moore, Legal Counsel |

**Document Owner HR**

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# 1 Introduction

This policy refers to our guidelines for investigating our candidates’ backgrounds as part of our hiring process. Background checks help us:

* Get insight into candidates’ background.
* Ensure we hire reliable employees.
* Verify candidates’ information for truthfulness and accuracy.
* Screen candidates convicted of serious criminal behaviour.
* Screen candidates for any issues that may adversely affect Microlink’s business or those of its clients and customers

This employee background check policy applies to candidates who go through Microlink’s hiring process.

# 2 Definition

2.1 Microlink’s pre-employment practices are compatible with all relevant legislation and does not interfere with an individual’s right to privacy. Microlink does not use the information collected in a discriminatory way.

2.1 The purpose of the checks is to:

2.2.1 Verify identify.

2.2.2. Verify the right to work in the United Kingdom (UK)

2.2.3 Verify a lack of criminal record.

2.2.4. Assess any risk of political exposure or vulnerability to undue influence.

2.2.5. Verify work history.

2.2.6. Obtain BPSS Check if relevant to the role.

# 3 Applicability

3.1 Employment at Microlink is subject to satisfactory background checks and the checks are carried out when an offer of employment is made and when consents to do so are received. Microlink complies with all laws and legislation when conducting screening checks. We do pass information to our background providers upon employment offers for background checking purposes, but data is not provided without your express written consent.

3.2 Background checks are not used by Microlink to disqualify or reduce the number of applicants for a position but rather to reinforce a hiring decision as being suitable for employment.

3.3 Microlink’s pre-employment practices are compatible with all relevant legislation and does not interfere with an individual’s right to privacy. Microlink does not use the information in a discriminatory way. The purpose of the checks is to:

3.3.1. Verify identify.

3.3.2. Verify the right to work in the United Kingdom (UK).

3.3.4. Verify a criminal record.

3.3.5. Check work history.

3.3.6. Seek references.

3.4 If an adverse check is received/found, this is shared with the candidate and an opportunity to explain and/or dispute the accuracy is given. Within that communication, the company will inform the individual that the offer may be rescinded based on the information received. The candidate will be given a timescale in which to respond. If a suitable explanation and proof can be provided that satisfies Microlink, the hiring process will move forward. If candidates are unable to explain, or do not dispute the results then the company will send an Adverse Action letter stating that the job offer is retracted.

# 4 Controls

4.1 Microlink requires official documents containing a photograph such as a passport or UK driving licence. An original document providing a current address such as a utility bill or bank statement. No check will be carried out without the express consent of the individual. The information held and processed will be used to enable Microlink to run its business and manage the relationship, lawfully and appropriately during the recruitment process, whilst you are working for us and at the time when your employment ends. This includes using information to enable us to comply with:

4.1.1. The employment Contract.

4.1.2. To comply with any legal requirements.

4.2.3. Pursue the legitimate interests of the company, and

4.1.4. Protect our legal position in the event of legal proceedings.

4.2 Microlink takes the security of HR related personal data seriously. There are internal policies and controls in place to ensure that data is not accessed, except by our employees in the performance of their duties. Microlink will not transfer HR related personal data to countries outside of the UK.

4.3 We will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our contractual duties for you, for instance, we may need to pass on certain information to our external payroll provide, pension or health insurance schemes.

4.4 If a candidate who is a UK national has spent time overseas, documents will be verified and cross- referenced to check dates of travel via passports, and

4.4.1 Suitable proof of residence for time spent abroad, i.e. document from landlord.

344.2. Overseas employee or academic references/certificates.

4.4.3. Bank/credit card statements.

4.4.4. Proof of itinerary.

4.4.5. Character references (fellow UK travellers/students) which should be clearly written and quoting dates and places of meeting.

4.4.6. References from UK departments and agencies based overseas (FCO missions, British Council, Non-Government Organisations. and agencies).

4.5 All UK employers need to comply with the law on illegal working contained in the Immigration and Nationality Act 2006, section 24B of the Immigration Act 1971 and Schedule 6 of the Immigration, Asylum and Nationality Act 2016. Illegal working is a criminal offence. It is aimed at individuals who do not have the right to work because of their immigration status. We check that:

 That you are authorised to be in the United Kingdom by the Government and are permitted to take the job in question, or

4.5.1. You are eligible to be in a category where employment is allowed.

4.5.2 Employers who are negligent, or not sufficiently diligent at establishing a “right to work” as part of their recruitment and employment practices may receive a civil penalty of up to £10,000 per illegal worker. An employer who is convicted of knowingly employing an illegal worker faces a maximum of two years imprisonment, and/or an unlimited fine.

4.5.3 Employers have continuous responsibility to monitor the ongoing entitlement to work of employees with time-limited leave to be in the UK. These checks will be carried out annually.

# 5 Criminal Record Checks

5.1 Criminal records don’t automatically disqualify candidates from the hiring process unless they are convicted of a serious criminal act (e.g. sexual assault). Microlink will assess the substance of criminal records according to these criteria:

5.2 Number of criminal convictions for the same offence.

5.3 Time elapsed from the most recent criminal conviction.

5.4 How the criminal conviction relates to the position.

5.5 The Rehabilitation of Offenders Act (ROA) 1974 and the Rehabilitation of Offenders (Northern Ireland) Order 1978 establish that a criminal conviction becomes spent if an offender remains free of further convictions for a specified period. The length of the rehabilitation period depends on the sentence given, not the offence committed.

5.6 Under the ROA a person is not normally required to disclose spent convictions when applying for a job. Failure to disclose the details or existence of spent convictions is not a lawful ground for dismissing or excluding any person from employment (ROA section 4(3) (b)).

5.7 It is reasonable for employers to ask individuals for details of any unspent criminal convictions.

# 6 Contractors

6.1 A Contractor is defined as an individual who is not an employee of Microlink but who has a direct or indirect contractual relationship to provide services to the end user i.e. Microlink (the hiring company or contracting authority).

6.2 Sometimes we use contractors as they provide vital skills and expertise that cannot be developed internally for the same costs within the same timescales.

6.3 At Microlink we require all contractors to complete a Confidentiality Questionnaire.

6.3.1. Verify identify.

6.3.2. Verify the right to work in the United Kingdom (UK)

6.3.3. Verify a criminal record.

6.4 Please refer to Microlink’s Third Party Management Policy.

# 7 Exceptions

7.1 Any prospective employee refusing to undertake the pre-employment checks will be precluded from employment.

# 8 Monitoring

### 8.1 Microlink will review this policy in line with governmental legislation and will review annually.

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| Position: | Legal Counsel |
| Date: |  |
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