



## RETROSPECTIVE SCREENING

### *A perspective view*

The screening of staff is an essential requirement for many businesses, for some it is a legal requirement and others it is a business enabler ensuring the safety of staff and clients. Conducting screening prior to employment is always seen as best practice. Conducting retrospective staff screening cause problems as it can be difficult and sometimes impossible, to dismiss an employee if they are found to have 'issues' not compatible with current company standards.

The benefits of conducting appropriate screening prior to employment are clear. Conducting beneficial retrospective screening is also possible if approached in an open and transparent manner, ensuring all staff are treated equally, full consultation is carried out and policies are agreed and in place on how to deal with 'adverse' results.

Above all, staff screening must be proportionate to your requirements and 'catch all' services avoided. For example, conducting a personal finance check on all staff whether they are employed in a financial role or not could amount to discrimination and breach of other legislation.

Although a basic criminal record check for unspent convictions could be deemed appropriate for all staff, what do you do if a previous conviction is identified? The fact that an employee of previous good character has a conviction for minor theft which occurred four years ago and was fined at the local Magistrates Court should not be seen on its own as a reason to dismiss. However, if the person stated they had no previous convictions on their job application form this could amount to an offence under Section 2 of the Fraud Act 2006 and be a possible reason to dismiss.

Clearly, if a member of staff blatantly lies to gain employment as in the scenario above, they do not deserve to retain their

status as a valued employee. The problems arise when the situation is not so clear cut and there is doubt as in the case where the employee is not asked about their criminal history prior to employment and a check reveals a conviction. There has to be a detailed and agreed policy where all staff are aware of the company's risk assessment plans and all staff are treated equally. If the company policy states any member of staff who has a conviction for theft will be dismissed does this include the person who stole a £10 toy as well as the person who stole £10,000 from their previous employer?

Incidents where retrospective screening has revealed false qualifications resulting in dismissal and even criminal convictions are well documented and can be seen as a justifiable process. However, care should be taken to ensure policies reflect all aspects of the screening to avoid doubt and confusion.

#### **IN SUMMARY THE FOLLOWING IS A GUIDE TO RETROSPECTIVE SCREENING:**

1. Agree and implement a screening policy which includes a thorough risk assessment and process to deal with all issues found
2. Ensure all staff are aware and understand the reasons for the retrospective screening
3. Implement a fair and equal screening policy that applies to all staff
4. Include a process for dealing with appeals
5. Ensure your screening provider fully understands your requirements and can provide the necessary services to avoid conflict and cause even more harm to your business.