

Full screen ahead... [Alex Chambers](#) offers some salient advice to managers seeking to introduce or improve their pre-employment screening & background verification measures:

Pre-employment screening (PES) and background verification services have traditionally carried a 'Secret Service' style mystic, deterring many employers from implementing such research as part of their company's overall recruitment process. Recent cases in the tabloids, however, and the events of September 11th, have caused many companies to re-think their position on such services, in wishing to seek to avoid the financial or public embarrassment of having to deal with the enemy within. Whilst security and safety of the company, it's assets and personnel are currently high on the list of priorities, what holds many organisations back from implementing a proper screening process is the fear of landing themselves in front of an employment tribunal for breaching Privacy and Human Rights legislation. Although, there are a number of issues the employer should be aware of when considering a vetting scheme, it is possible to strike a balance between ensuring that the company is certain of an individual's integrity and respecting the individual's privacy.

Why is PES necessary?

There is still a vast difference between what we perceive should be the minimum number of checks and balances to go through when employing staff and the number that actually occur. In general, it is fair to say that the majority of positions being recruited for everyday have not been subject to proper risk assessments before being advertised and subsequently background verification tests have been deemed unnecessary.

What are the risks?

A number of cases have highlighted that there are very few roles that do not pose any potential risk to your business. Most people will accept that roles that involve contact with children, patients, money, drugs or machinery, all have risks associated to the position and therefore require some form of screening of candidates. Many more people won't have realised the potential for damage to the company, business or personnel that a rogue employee can do in virtually any job.

When assessing the risks you should review everything that the person performing the role will be expected to do, all the people, information or items they will come into contact with and any training or skills this requires. Having assessed these, you will need to draw up a list of your minimum standards and characteristics required of the candidate, what you will need as proof of capability and how you will verify the information given is correct.

CASE STUDIES – The cost of not screening

In September 2001 Manchester United Football Club had to sack their new Director of Communications before she had even taken up the post. United were shocked to discover that their prospective candidate had lied on her CV, exaggerated her past performance in previous roles and massaged her references.

Iain Duncan Smith faced embarrassment in August 2001, when a prominent backer of his leadership campaign was unmasked as a supporter of the far right British National Party. Edgar Griffin, the father of the BNP leader Nick Griffin, was immediately sacked from his role as vice-president of the Duncan Smith campaign in Wales after he admitted answering a BNP inquiry line.

Sion Jenkins, the Deputy Head convicted of murdering his foster daughter Billy Jo, had a CV that contained 80% lies according to the Police Reports. He invented a glittering academic background – claiming he had attended Gordonstoun where he attained 4 A levels, and Kent University, where he attained a 2:1 in English Literature. In reality the only qualifications he had were 4 O levels and a teaching certificate.

Colin Slack, a cleaner and former security guard was charged with attempting to steal £1.9 million pounds from the Hong Kong and Shanghai Banking Corporation in Leeds. The theft was discovered by the Duty Manager and after studying the CCTV footage policy arrested Mr Slack. Mr Slack got his bank job by lying on his application form and was on bail for stealing a number of cheques at a previous post.

Soraya Yuksel, a bogus lecturer who used fabricated academic qualifications was convicted of defrauding Reading University of £200,000. She was due to be sentenced at Reading Crown Court but disappeared, only to be re-arrested at a later date at Warwick University where she had used her fake documents to obtain another lecturing post.

Neil Smith, an ex-bankrupt who hid three previous jail terms for deception, concocted a bogus CV and two references including one from the Home Office under-secretary, Mr Peter Lloyd, to obtain a £40,000 a year job with the Welsh Development Agency.

Former Olympic Coach, Paul Hickson was jailed in 1995 for abusing young swimmers. Allegations of sexual harassment stemmed back nine years. In 1987 he was reprimanded by his employer, the University of Wales at Swansea, following an incident when he had requested a woman to strip for a fitness test before exposing himself to her. It wasn't until 1992 that the extent of his abuse was finally discovered.

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The RSPCA expelled the Olympic show jumper Richard Meade for what they considered to be his attempt to infiltrate the society and overturn its longstanding opposition to hunting. Mr Meade joined the RSPCA in 1970, four years before he was awarded an OBE, but left later in the decade. He was readmitted five years ago only to be banned in January 2001.

There are a number of issues that complicate the vetting process, primarily resulting from the fears of ending up in front of an employment tribunal or the potential for damaging publicity. In recent years, the number of cases brought before the employment tribunals has soared by around 33% per annum, (mostly unfair dismissal cases and complaints made over hours and wages), however, a growing number relate to privacy and prejudice cases. How this effects screening programs, is in a number of ways:

DUTY OF CARE vs. FAIR WARNING:

Criminal Records

According to the 1999 white paper on the proposed regulation of the security industry, around 34% of adult males have a criminal record by the age of 40. As a consultancy that performs pre-employment screening for many companies, it has been our experience that very few (if any) people will disclose this fact, nearly all candidates will deny any criminal record. Even with a prominent warning on the application that information and references will be checked – a large proportion choose to lie or make up facts on their CV's and take their chances against the system.

Understandably, individuals may feel that they will be unfairly discriminated against if they declare a criminal record. It may be that the crime was un-related to the type of work they are seeking e.g. failure to obtain a valid TV license or speeding offences will not be seen relevant to cleaning work, for example. Even New Scotland Yard has decided to relax the rules on criminal records as Sir John Stevens, the commissioner of the Metropolitan Police, confirmed in November 2000 that applications from potential officers convicted of "minor" offences would be considered for the first time.

To what extent such records are relevant to your company is another issue. It was revealed after the event that the driver of the fatal Paddington Train Crash had a criminal conviction which he had not declared on his application form, and which his employers were not aware about before the incident. Had proper checks been conducted, they would have revealed that in 1998 he was convicted of common assault and affray, but given a conditional discharge.

It is (despite not having the full details and circumstances surrounding this case), unlikely that this would have made the driver unable to perform his duty or a risk to the Rail Company and general public. Where to draw the line is up to each and every business to decide for themselves, but be aware of declaring any candidates or employees as unfit for the job, where it may be argued as irrelevant or discriminate to do so in the eyes of the law.

References & Legislation

Recent legislation has placed greater responsibilities for the safety and well being of the staff and business operations on the management of the company. The health and safety at work act, for example, requires employers to safeguard their staff from everything from a trip or fall to canteen fistfights, whilst the Cadbury and Turnbull Reports require employers to take steps to safeguard the business against corporate and financial risks. So how do you establish that the person you are about to hire is not someone with a history of threatening behaviour or financial misappropriation?

The everyday recruitment schemes hope that the integrity or character of any individual will be discernable by the references they provide and how they appear in interviews but as the case studies outlined have shown – these should never be used as the only forms of assessment and confirmation. In the November 2000 issue of SMT, a former Metropolitan Police Commissioner was quoted as saying that 'individuals rarely ever admit that they left a job because they sexually harassed someone, committed fraud, downloaded pornography or were generally unreliable and incapable. It would be an unusual reference that mentioned such things'.

References are probably the least effective indicator of a person's character or ability. Employers are less likely to give a truthful reference to a bad employee as it is in their interest to see them move on, and in any case it is up to the employee as to what references to submit. Employers are wary of giving out verbal references for fear of being accused of defamation of character. With the Data Protection Act, individuals can request all information held on record with any organisation to be handed over or disclosed to them, which further weakens the position of any employer or past employer.

The cost of checking the qualifications and records is a discouraging factor to most employers but the cost to the company in dealing with a rogue individual is usually far greater. When you consider that the average fraud or compensation claim runs into tens of thousands, the cost of implementing a proper vetting program seems negligible. You may find that there are even benefits with your insurance company to offset the cost.

Firstly there is the cost of conducting an investigation; the time and money involved in evidence gathering. Then there is the effects that this will have on the reputation of the company/organisation; perhaps impacting on relationships with clients, patients, suppliers, financiers or sponsors.

There will also be the effects on staff morale and productivity plus the added disadvantage of covering for the suspended or sacked employee. Depending on the crime, there may be compensation claims to deal with as well as recommendations on avoiding such scenarios to implement. Although one way would be to terminate employment of the individual, possibly even 'pay them off'; the best way would have been to avoid the situation entirely by using an effective screening process.

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Privacy vs. Freedom of Information

With the introduction of recent legislation, employers should be aware of the amount of information they are allowed to gather before an invasion of privacy or a violation of Human Rights occurs. The most important clauses of the Human Rights Act are held in Articles 8-11 and Article 14.

Article 8, is the right to respect for private and family life; Article 9, the right to freedom of thought, conscience and religion; Article 10, the right to freedom of expression; Article 11, the right to freedom of association, (including the right to form and join trade unions); and Article 14, the prohibition of discrimination of any ground.

In the case of the RSPCA vs. Richard Meade, any involvement with a pro-hunt or countryside movement should not have been grounds for discrimination or dismissal according to Article 14. The only 'get-out' clause, which supports such action, can be found in Article 8, which states that interference with these rights can be justified if it is...*'In accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder, or crime, for the protection of health or morals, or the protection of the rights and freedoms of others'*. Any professional pre-employment screening scheme should easily fall under these categories.

Nature of the business?

One of the issues to be aware of, is the risks associated to the business, and how rogue employees may be drawn to it. Whether it is paedophiles to children's homes or burglars to security guarding, for some there is an added attraction to the role other than the usual 'package' offered. It could be access to money, information, chemicals or people, but whatever the attraction, your screening process should take it into consideration when conducting checks and verifications.

Tricks of the trade?

More than 7.5 million of Britain's 25.3 million working population have misled their potential employer whilst in the process of applying for a job, according to a recent MORI (Market & Opinion Research International) poll. Most of these deceptions can easily be discovered with a proper screening process. Unfortunately, the same survey showed that more than half (54%) of all managers surveyed indicated that their organisations rely on the honesty of applicants or do not have the time or understanding to undertake checks.

Ways to safeguard your business:

Defining a proper screening process should eliminate the majority of the risks, however, one should still ensure that the company's current security provisions reduce or eliminate the potential for crime to take place. Assess the risks that could be posed by the role you are recruiting for and address them through profiling, screening, installing systems or applying

policies that should alert you to any irregularities or prevent any problems. Proper policies and procedures may be produced to help assess the staff before and during employment, as well as provide a reminder to all those working for you of the standards and behaviour required of an employee.

Revising your recruitment program to include checking references requesting to see certificates, or setting tests would be an instant improvement, however, there are a number of tricks that employees may use to avoid being caught:

References are often easily forged or made up, and therefore the phone number called for a reference or the address given, should be checked to confirm that it is registered to the company listed. Similarly there are a number of organisations on the web offering fake certificates and qualifications. The Internet is also hot to a number of people offering fake ID's, from passports to driving licences, degree certificates to new social security numbers. Even where genuine records are produced, and searches appear 'clean', histories should be thoroughly researched.

There are various sources of information an employer can make use of in respect of verifying the background of an individual; the DHSS at Newcastle and the National Identification Service are two such examples. A case in Bristol highlighted the issues, when a man previously convicted of rape, raped his colleague after passing all security and personnel checks. The reason his previous conviction had not shown up during the screening process was that he had changed his name by deed poll since the first conviction.

Most reputable security companies have recognised the risks associated with recruiting staff for roles within the security industry. In most cases the vacancies they are filling are the most crucial and most risk-related positions within the organisation, usually with the responsibility for the security of the company's most valuable assets. The majority of decent security firms follow the British Standard 7858, which recommends a 10-year employment history (or as far back as school – whichever is shorter), at least two references, proof of ID and any details of cautions or convictions. Most of these firms will check that the information given is correct.

Since the tragic events of September 11th, more and more organisations are taking more seriously the threat of the enemy within. The collective well-being is once again being viewed as more important than the rights and freedoms of the individual. As the last few years have shown, the risks are now greater than ever. One of the best ways to prevent future problems is to invest in thorough and efficient pre-employment screening programs, and with the correct advice or planning you will still be able to avoid many of the criticisms of invasion of privacy or contravening the human rights act.

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