# Employment history and reference checks

July 2013



## About the NHS Employment Check Standards

This document outlines the employment history and reference checks that NHS organisations (across England) are required to undertake in the appointment and ongoing employment of individuals in the NHS. It is one of a set of six documents that make up the NHS Employment Check Standards.

The NHS Employers organisation has developed these standards with the Department of Health and employers in the NHS. The standards, last updated July 2013, include those that are required by law, those that are determined by Department of Health (DH) policy in relation to compliance with the Government's core standards outlined within the Standards for Better Health, and those required for access to the NHS Summary Care Record (SCR).

All NHS providers (including NHS organisations and private providers) are required to be registered with the Care Quality Commission (CQC) and, as part of this registration, are required to comply with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. The CQC's Essential Standards of Quality and Safety outline 16 core standards which must be met, including having robust recruitment practices in place (Outcome 12: *Requirements relating to workers*, specifically refers). NHS providers should therefore provide evidence of compliance with the NHS Employment Check Standards as part of the CQC's annual regulatory framework.

Failure to comply with these standards could potentially put the safety and even the lives of patients, staff and the public at risk.

The NHS Employment Check standards apply to all applications for NHS positions (prospective employees) and staff in ongoing NHS employment. This includes permanent staff, staff on fixed-term contracts, volunteers, students, trainees, contractors, highly mobile staff, temporary workers (including locum doctors), those working on a trust bank, and other workers supplied by an agency. Trusts using agency, contractor or other external bodies to provide services must ensure, through regular audit and monitoring, that their providers comply with these standards.

#### Avoiding discrimination

Under the Equality Act 2010, employers must not unlawfully discriminate in their recruitment processes on the grounds of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership. To avoid discrimination, employers must treat all job applicants in the same way at each stage of their recruitment process.

#### **Recording and protecting data**

NHS employers must carry out all checks in compliance with the Data Protection Act 1998. Information should only be obtained where it is absolutely essential to the recruitment decision and kept in accordance with the Act. Employers must record the outcome of all checks undertaken, using the Electronic Staff Record (ESR), where available, or an alternative HR management system. These checks form part of the information governance and assurance standards linked to the use of the NHS Summary Care Record (NHS SCR). For more details, visit the Health and Social Care Information Centre: **http://systems.hscic.gov.uk** 

## Contents

Introduction	4
Minimum requirements	5
Advice for employers	6
Doctors in training	7
<ul> <li>Volunteers, work experience and student placements</li> </ul>	7
Internal applicants	7
Executive and other senior appointments	7
Other types of confirmation	8
Overseas employment or training	8
Handling of incoming reference requests	9
Authenticity of information received	10
Appendix 1: Cover letter and confirmation of employment (with sickness absence) request	11
Appendix 2 - Cover letter and confirmation of employment (without sickness absence) request	14
Appendix 3 - Personal statement - gaps of employment/training	17
Appendix 4 - Cover letter and confirmation of training	18
Further information	20

### Introduction

The primary purpose of an employment history and reference check is to obtain information about an applicant's employment and/or training history in order to ascertain whether or not they are suitable for a particular position. Employers have a duty of care to patients and staff to ensure that all reasonable checks are undertaken to identify any reason that, if known, would result in an individual not being employed or appointed to undertake any activity on its behalf.

Employers also have a duty to staff and former employees under the Data Protection Act to ensure that when providing personal data within a reference, that this information is true, accurate, fair and can be justified. Any statement made in a reference which is untrue is likely to bring with it a claim for libel. It is therefore recommended that employers make clear that it is their company policy to provide only factual information about an individual's employment with them.

As a minimum, the following information should be obtained and verified:

- where the individual has been employed/studied
- dates employed/studied
- position held/course undertaken
- recent or ongoing disciplinary action or referrals.

The secondary purpose is to cross-reference information gained through the reference with that provided by the applicant as part of their application. Any gaps or discrepancies in employment or training history should be further investigated at interview so that the employer can make an informed view as to the probity of the individual. Where there are gaps in employment or training history, employers will need to seek appropriate assurances from the applicant and, where in any doubt, should obtain suitable personal references.

It is essential that managers do not solely rely on employment history and reference checks to confirm the suitability of the applicant for the new role, and that any decision to appoint is made based on all information gathered as part of the wider range of checks required as part of the recruitment process.

The request for employment history and reference information should be directed to the Human Resources, or other relevant personnel department. This is to avoid the applicant directing the employer to obtain information from somebody else who may provide inaccurate or fraudulent information.

Should the recruiting manager require additional information regarding the applicant's skills and experience due to the nature of the job being applied for, it is acceptable for them to seek clarification from the applicant's previous line manager.

This document only covers employment history and reference and should be read in conjunction with the *Registration and qualification check* document of the NHS Employment Check Standards.

### **Minimum requirements**

Employers are required to:

• Make it expressly clear to all prospective employees that any conditional offer of appointment is subject to satisfactory employment checks being obtained and that information will be verified.

It should also be made clear that any offer of appointment may be withdrawn if, at any time, it subsequently becomes apparent that the applicant has either knowingly withheld information, or has provided misleading or false information. Employers must have procedures in place for dealing with the withdrawal of conditional offers of appointment.

- Request that applicants provide their full employment and/or training history, including an explanation of any gaps between periods of employment or training when completing the application form.
- Obtain factual information from the Human Resources, or other relevant personnel department(s). Recruiting managers may consider it worthwhile to seek additional references from previous line managers.
- Always obtain confirmation of employment and/or training in writing, either via post, email, fax, or using the organisations preferred recruitment software (such as NHS Jobs or Health Jobs UK for instance).

Electronic confirmation must come from a company email address (private email addresses such as Yahoo, Hotmail etc are not acceptable). Employers, including agencies providing staff to the NHS, will need to satisfy themselves that both the referee and the organisation are bona fide. This could include checking that the organisation exists (using the phone book, internet or business directories). All references must include the referee's name, job title, a mainline switchboard number.

The templates provided in the Appendices at the back of this document outline the level of information that should be sought.

#### For all new appointees coming into the NHS for the first time

Seek to validate a minimum of three years continuous employment and/or training including details of any gaps in service. The number of references may differ for each applicant, depending on how many episodes of employment/training they may have had in the last three years prior to making their application.

Where an individual has been with one employer for three years or more, one confirmation of employment/training is sufficient, provided that all requested details have been confirmed by the previous employer. Where a prospective employee has changed employment frequently within the last three years, a sufficient number of confirmations must be obtained to cover the continuous three years history.

## For appointees who are moving from another NHS organisation or another NHS staff bank

Seek reference(s) from the applicant's current/last NHS employer. Employers must assess whether any additional references are required to provide adequate assurances.

- Always seek the applicant's permission to obtain a reference from their current employer as they may not have informed their current employer of their intentions to leave.
- Check all information obtained in the reference with the information provided by the applicant as part of their application. If any discrepancy is found, this should be sensitively raised with the applicant. Only where the employer is fully satisfied with the explanation given, should the applicant be appointed.
- Where a gap in employment history or training has been identified, request that the applicant provides further details using the template provided at Appendix 3.
- Hold and maintain accurate factual information relating to an employee's appointment using ESR where available, or other relevant personnel management system.

Any information obtained should be retained for the minimum periods outlined within with the Department of Health's guidance *Management of Records Code of Practice* at:

## www.dh.gov.uk/en/Publicationsandstatistics/Publications/RecordsManagementCo deofPractice

- For incoming reference requests, identify the person(s) who need(s) to provide the information being requested, and direct all incoming references to them immediately on receipt.
- Reply to any requests for references as soon as practicable, delays in issuing references costs the employing organisation time and money.

## Advice for employers

Employment history and reference checks should be obtained when an individual is being considered for employment/work (paid or unpaid i.e. volunteer work) and should only be used to confirm a recruitment decision. Information should not be used for the purpose of short-listing or selection.

It is acceptable to obtain references prior to interview for senior appointments such as medical consultants, board directors etc. All applicants must be notified in writing where obtaining references earlier in the recruitment process. Where requesting information prior to any offer of appointment being made, employers should use the standard template at Appendix 2. Any such requests must not ask for information in relation to absence or sickness record in compliance with the Equality Act 2010. See further guidance in the *Work health assessment* standard at:

www.nhsemployers.org/RecruitmentAndRetention/Employmentchecks/WorkHealthAssessments Employers, particularly those outside the NHS, are increasingly taking a cautious approach when giving references and will only provide basic factual information to confirm periods of an individual's employment and position held while avoiding answering subjective questions on skills and personal qualities. It is therefore crucial for employers to use all the appropriate selection tools available to them as part of the recruitment process, such as the application process, assessments/psychometric tests, and face to face interviews in order to assess a applicant's suitability for a particular role. Employers should refrain from responding to or asking for comments in relation to whether or not a former employee would be suitable for the role they are applying for, or whether the referee would re-employ them, as this is subjective and may bear no reflection on whether or not the individual is suitable for the new role they are applying for.

#### **Doctors in training**

Doctors on rotational training programmes are considered as being in continuous employment throughout the full period of their training. Employers should use their discretion when deciding the frequency and number of references required when seeking ongoing assurances of conduct for doctors during their period of training. Obtaining additional references should always be proportionate to risk. Employers may find it useful to obtain information from their most recent Record of In-Training Assessment (RITA) or Annual Review of Competence Progression (ARCP).

#### Volunteers, work experience and student placements

Employers should use their discretion as to how many references are required for volunteers, work experience placements and student placements.

#### **Internal applicants**

Where an individual applies for a new position within the same organisation, or is moving from the organisation's own staff bank, all effort should be made to ensure any risk is minimised. Recruiting managers should contact the Human Resources department to verify that all details recorded on ESR/or other personnel management system are up to date, and that there is no relevant information on the individual's personnel record which will need to be considered before any appointment is made.

Should the recruiting manager wish to seek additional information about the individual's suitability for the new role, information should be obtained from individual's line manager. The value of such a reference needs to be proportionate to risk and balanced against roles and responsibilities of the job being appointed to.

#### **Executive and other senior appointments**

Employers must pay special attention to obtaining references for all senior positions. It is recommended that confirmation of employment is requested by the HR or other relevant personnel department, and an additional reference is obtained. It is up to the employer to determine the most appropriate referees for the position they are offering, and the level of checks required. This may include using an external agency to investigate the prospective employee's previous employment history and their reasons for leaving previous posts.

It is recommended that employers undertake financial security checks as a matter of good governance on senior positions such as chief executives, board directors or senior

financial managers with responsibility for the management and handling or organisational budgets.

It is important to note that interpreting the implications of financial information is not straightforward and is not seen as a core aspect of pre-employment screening. It will require a far greater degree of judgement than the other pre-employment checks outlined within the NHS Employment Check Standards and should be dealt with more fully under employers' security policies and practices.

Further information on financial security checks can be found in the supplementary Q&A document at: www.nhsemployers.org/RecruitmentAndRetention/Employment-checks/ToolsAndResources/

#### Other types of confirmation

Depending on the individual's circumstances, other types of references may also be required if the applicant has:

• Not worked or been in full time education within the last three years preceding the application. In such cases, in addition to asking for a personal statement from the applicant using the standard template at Appendix 3, employers should request two personal references from persons of some standing in their community who have known the applicant for at least three years.

Persons of some standing may include a GP, lawyer, MP or minister of religion, etc). The personal reference should clearly state the referee's name, job title, company, address, and length of time the individual has been known to them.

- Worked overseas for a continuous period of three months or more (see section below).
- Been in full-time education in the last three years. In this case, a reference should be obtained from the relevant school, college or university using the standard template at Appendix 4.
- Served in the Armed Forces or Civil Service during the previous three years. In this case, a reference should be obtained from the relevant service or department
- The applicant has been self-employed. Evidence should be obtained (for example, from HM Revenue & Customs, bankers, accountants, solicitors, client references etc) to confirm dates of employment, and any other information such as confirmation that the individual's business was properly conducted and the applicant's involvement in the business was terminated satisfactorily. In addition, it is recommended that one personal reference from a person of some standing in their community should also be sought.

#### **Overseas employment or training**

Prospective employees will need to give a reasonable account of any significant periods of time spent overseas (for the purpose of these standards this should be where they have spent a continuous period of three months or more).

The following documentation may be requested to seek additional assurance of time spent overseas:

- proof of overseas residency, such as a document from a landlord
- overseas employer references or academic references/certificates
- proof of itinerary
- confirmation of travel from UK departments and agencies overseas for example, FCO missions, British Council, Non-Government organisations and agencies.

Obtaining and verifying information about a prospective employee's employment or training history overseas is likely to add time to the recruitment process, therefore it is recommended that information is sought early to avoid any unnecessary delays.

Confirmation of dates should be cross-referenced with passports where possible (it should be noted, that some countries no longer stamp passports), work permits and other documentation confirming travel and immigration status, or by contacting embassies and consulates where appropriate.

UK representatives for overseas countries can be found on the Foreign and Commonwealth Office website, **www.gov.uk/foreign-commonwealth-office**, or by phone on 020 7008 1500.

Every effort should be made to obtain confirmation from overseas employers or academic institutions. Ultimately it is the employer's responsibility to satisfy itself that an individual is suitable for employment and the extent to which checks are pursued should reflect the role being appointed to. Employers should always ensure that they independently confirm the details of the applicant's previous employer and check confirmation details in the same way as they would check details in the UK.

Employers may wish to consider using an external screening service to carry out overseas checks. This has a number of advantages, including having an understanding of foreign languages, knowledge of a country's legislation and having a good understanding of the reliability of information from the specific country.

Where an applicant has not been able to provide sufficient documentary evidence of time spent abroad, employers will need to consider what additional assurances may be gained at interview, or through evidence of other relevant training and experience in the UK. However, it should be recognised that it might not be possible to employ the individual where the required checks cannot be undertaken, or sufficient assurances cannot be obtained through other means, therefore employers will need to have policies in place to manage any withdrawal of an offer of employment.

#### Handling of incoming reference requests

Employers should ensure that they have a clear policy in place regarding the provision of references - making clear who can provide references, in what circumstances they can be provided, and what information they should include. This policy should be made readily available and communicated to all staff.

Employers are recommended to do the following when handling incoming reference requests:

- Set up an email address to which all incoming reference requests can be directed, with this address published on the employer's website for contact by employers seeking references.
- Advise all line managers that they should redirect any requests for references to the appropriate person in the Human Resources department or other relevant personnel department.

Where the employing organisation insists on obtaining a reference from the previous line manager, then that request should be managed through the HR department.

- Use the template form at Appendix 1 or 2 as applicable, to provide references.
- Return incoming reference requests as soon as practicable. In seeking that all NHS organisations do this, the average time to recruit will be significantly reduced.

#### Authenticity of information received

Every reasonable effort should be made to ensure that the information obtained is from a trustworthy person within the organisation where the applicant claims to have worked or trained, so requests should be gathered from independently identified Human Resources or other relevant personnel departments.

Checks may return information that contradicts the details provided by the applicant and raises concerns. In this situation employers should:

- Proceed in a sensitive manner. There is often a reasonable explanation for apparent inconsistencies.
- Attempt to address your concerns directly with the applicant. Employers may wish to call them back for a second interview, so that they can follow up with the relevant sources.

In exceptional circumstances, where checks reveal substantial misdirection, employers may feel it would be appropriate to report concerns with NHS Protect (Tel: 0207 895 4500, Weston House, 246 High Holborn, London, WV1V 7EX), or report it to the local police.

## Appendix 1: Confirmation of employment (with absence) request



[Date] Human Resources Officer NHS organisation receiving request

#### **Recruitment Officer**

Human Resources Department Initiating Request

Dear [HR Officer's name],

#### Re: [Applicant's Name] - [ref. number] – [Post Title] – band []

The above named has been offered the post of [post title] at the [name of the NHS organisation initiating request].

I would be grateful if you could complete the attached confirmation of employment request and return to me as soon as practically possible to ensure timely recruitment.

Could I ask that the last two questions are referred to the candidate's most recent manager should you not be able to answer them yourself based on the information available to you.

Please note that under the Data Protection Act of 1998 and Freedom of Information Act 2000 candidates may request access to any information that is held on them.

May I take this opportunity to thank you in anticipation of your assistance in this matter.

Yours sincerely,

[Recruitment Officer's name]

#### CONFIRMATION OF EMPLOYMENT (WITH SICKNESS ABSENCE) REQUEST

STANDARD REQUEST: To be used only AFTER a conditional offer of appointment has been made. If requesting information prior to a conditional offer has been made, please use the form at Appendix 2 of the Employment History and Reference Check Standard.

Name of the applicant			
National Insurance number or date of birth			
Please confirm employment dates	From:	To:	
Please confirm the applicant's current / most recent job title and grade			
<ol> <li>How many days sickness has the applicant had over the past two years, and in how many episodes?</li> </ol>			
2. Are there any current warnings on the applicant's record?		Yes 🗆	No 🗆
If yes, please give details:			
		1	1
<b>3.</b> Is the applicant currently under investigation for any matter (incl. conduct, capability or performance) under any of your employment policies?			No 🗆
If yes, please give details:			
4. Please provide details of when you last completed a CRB/DBS check			
- Date when CRB/DBS check was last completed		Date	
<ul> <li>Please indicate the level of CRB/DBS check undertaken (Standard/Enhanced/ or Enhanced with Barred List check)</li> </ul>		Level	
- If Enhanced with Barred List check was undertaken, please indicate		Adults	
which barred list this applies to		Children	
		Both	
<ul> <li>Did the check return any information t</li> </ul>	hat required further investigation	Yes 🗆	No 🗆
5. Are you aware of any recent/outstanding allegations that were made against the applicant that relate to any safeguarding issues/referrals (including any referrals to the Disclosure and Barring Service or Independent Safeguarding Authority)?		Yes □	No 🗆

lf	If yes, please give details:			
6.	The answers given above have been provided in goo	ad faith and are correct to the best of my		
0.	knowledge and belief.	a faith and are correct to the best of my		
	Referee name (please print):	Signature:		
	Email address:	Telephone number:		
	Date:			
Da	ata Protection			

This form contains personal data as defined by the Data Protection Act. This data has been requested by the Human Resources/Workforce Department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.

## Appendix 2: Confirmation of employment (with no absence) request



[Date]

Human Resources Officer NHS organisation receiving request **Recruitment Officer** 

Human Resources Department Initiating Request

Dear [HR Officer's name],

#### Re: [Applicant's Name] - [ref. number] – [Post Title]

The above named has been offered the post of [post title] at the [name of the NHS organisation initiating request].

I would be grateful if you could complete the attached confirmation of employment request and return to me as soon as practically possible to ensure timely recruitment.

Could I ask that the last two questions are referred to the candidate's most recent manager, should you not be able to answer them yourself based on the information available to you.

Please note that under the Data Protection Act of 1998 and Freedom of Information Act 2000 candidates may request access to any information that is held on them.

May I take this opportunity to thank you in anticipation of your assistance in this matter.

Yours sincerely,

[Recruitment Officer's name]

#### CONFIRMATION OF EMPLOYMENT (WITHOUT SICKNESS ABSENCE) REQUEST

PRE-OFFER REQUEST: to be used where requesting information PRIOR to a conditional offer being made			
Name of the applicant			
National Insurance number or date of birth			
Please confirm employment dates	From:	To:	
Please confirm the applicant's current / most recent job title and grade			
1. Are there any current warnings on the app	olicant's record?	Yes □	No 🗆
If yes, please give details:			
2. Is the applicant currently under investigation capability or performance) under any of years		Yes 🗆	No 🗆
If yes, please give details:			
3. Please provide details of when you last co	ompleted a CRB/DBS check		
- Date when CRB/DBS check was last completed		Date	
<ul> <li>Please indicate the level of CRB/DBS check undertaken (Standard/Enhanced/ or Enhanced with Barred List check)</li> </ul>		Level	
- If Enhanced with Barred List check wa	as undertaken, please indicate	Adults	
which barred list this applies to		Children	
		Both	
- Did the check return any information t	hat required further investigation	Yes □	No 🗆
4. Are you aware of any recent/outstanding allegations that were made against the applicant that relate to safeguarding issues/or referrals (including any referrals to the Disclosure and Barring Service or Independent Safeguarding Authority)?		Yes □	No 🗆
If yes, please give details:			

<ol> <li>The answers given above have been provided in good faith and are correct to the best of my knowledge and belief.</li> </ol>			
Referee name (please print):	Signature:		
Email address:	Telephone number:		
Date:			
Data Protection			
This form contains personal data as defined by the Data Protection Act. This data has been requested by the Human Resources/Workforce Department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.			

## Appendix 3: Personal statement

#### PERSONAL STATEMENT

To be completed by the APPLICANT and used to clarify any gaps in employment or train	ning
history.	

Name:			
Reference number:			
Dates the statement refers to:	From:	То:	
Please briefly describe what were you doing during the time this statement refers to (i.e. caring for a family member; travelling; unemployed; looking for work)			
I can confirm that the information given above is accurate and true.			
Applicant name (print):			
Signature:	Date:		
Email address:	Telephone no	:	
Data Protection This form contains personal data as defined by the Data Protection Act. This data has been requested by the Human Resources/Workforce department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure			

Resources/workforce Department must protect any information disclosed within this form and that it is not passed to anyone who is not authorised to have this information.

Please note that you may be required to provide additional evidence such as any travel documents, passport, or proof of seeking benefits if unemployed etc, to further validate the information you have provided within this form.

## Appendix 4: Confirmation of training request



[Date]

Registrations Manager Registrations Department Receiving request Recruitment Officer Human Resources Department Initiating Request

Dear [Registrations Manager's name],

#### Re: [Applicant's Name] - [ref. number] – [Post Title]

The above named has been offered the post of [post title] at the [name of the NHS Organisation initiating request].

I would be grateful if you could complete the attached confirmation of training request and return to me as soon as practically possible to ensure timely recruitment.

Please note that under the Data Protection Act of 1998 and Freedom of Information Act 2000 candidates may request access to any information that is held on them.

May I take this opportunity to thank you in anticipation of your assistance in this matter.

Yours sincerely, [Recruitment Officer's name]

CONFIRMATION OF TRAINING REQUEST			
Name of the applicant			
Date of Birth			
Current home address of applicant			
Reference number			
Please confirm study dates	From:	То:	
Please confirm the course on which the applicant was registered			
Please confirm the qualifications that the applicant achieved			
1. Was the above named person subject to any disciplinary or given any warnings about their conduct during the time that they were on your course?       Yes □       No □			No 🗆
If yes, please give details:			
2. Are you aware of any recent or outstanding allegations which were made against the applicant that relate to any safeguarding issues/referrals (including any referrals made to the Disclosure and Barring Service or Independent Safeguarding Authority)?			No 🗆
If yes, please give details:			
3. The answers given above have been provided in good faith and are correct to the best of my knowledge and belief.			
Referee name (please print):	Signature:		
Email address:	Telephone number:		
Date:			
Data Protection This form contains personal data as defined by the Data Protection Act. This data has been requested by the Human Resources/Workforce Department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.			

## **Further information**

This document uses information from the Centre for the Protection of National Infrastructure (CPNI), **www.cpni.gov.uk** and the Chartered Institute of Personnel and Development (CIPD) **www.cipd.co.uk**.

Every effort is made to ensure that the requirements within these standards are updated in line with new legislation and Department of Health policy as it comes into force. Where employers choose to download hard copies of the standards, it is essential that they regularly refer to the NHS Employers website to ensure that they are fully compliant with any updated legal and mandated requirements.

Alerts to any changes to these standards are published in the NHS Workforce Bulletin, which you can download or subscribe to at:

#### www.nhsemployers.org/Aboutus/Publications/workforce-bulletin/

Employers may also access updates by downloading the free NHS Employers app which can be downloaded from iTunes and Google Play Store by typing 'NHS Employers' in the search bar.

Visit: www.nhsemployers.org/RecruitmentAndRetention/Employment-checks/

#### Email: employmentchecks@nhsemployers.org

#### **NHS Employers**

The NHS Employers organisation is the voice of employers in the NHS, supporting them to put patients first. Our vision is to be the authoritative voice of workforce leaders, experts in HR, negotiating fairly to get the best deal for patients.

We work with employers in the NHS to reflect their views and act on their behalf in four priority areas:

- pay and negotiations
- recruitment and planning the workforce
- healthy and productive workplaces
- employment policy and practice.

NHS Employers is part of the NHS Confederation

#### Contact us

#### For more information on how to become involved in our work, email getinvolved@nhsemployers.org

www.nhsemployers.org enquiries@nhsemployers.org

NHS Employers 50 Broadway London SW1H 0DB

2 Brewery Wharf Kendell Street Leeds LS10 1JR

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