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Employment and Re-Employment Eligibility and Screening Policy

HR4.1 Employment Policies

November 2024

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1. Introduction
   1. MHA considers a number of factors when ensuring the eligibility of a prospective colleague in line with UK legislation and MHA’s policies and procedures. This policy outlines the considerations made throughout the screening process which include:
   * Fit and Proper Person Test
   * Right to Work in the UK
   * Age Restrictions
   * Criminal Convictions (DBS)
   * Health & Vaccinations
   * References
   * Colleagues working with relatives.
   * Re-employment
   * Competency Requirements
   1. MHA will always seek to employ the individual who, overall, is deemed to be the best available candidate for each vacancy. MHA is committed to the equality of opportunity both in the provision of services to older people and as an employer. This commitment to equality is to ensure that no person, prior to or during employment or those who come into contact with MHA, is unlawfully discriminated against for a reason related to race, religion or belief, gender reassignment, sexual orientation, age, disability, sex, marriage or civil partnerships, pregnancy, maternity, or any other differences. For more information on Equal Opportunities, please refer to the equality diversity inclusion policy.
   2. This policy must be read in conjunction with the Recruitment and Selection Policy.
   3. A photograph (on identification for purpose of any of the below eligibility criteria set out in this policy) of the applicant must be presented to the recruiting manager who must confirm that the photograph on the identification is the applicant.
2. Scope and Purpose
   1. This policy is relevant for all applicants with an offer of employment and current colleagues working under a contract of employment with MHA and subsidiary companies.
   2. To establish the minimum criteria of eligibility for employment or engagement which complies with the organisation’s requirements, with current legislation and regulatory requirements. This policy must be implemented in conjunction with the organisation’s Recruitment & Selection Policy, Right to Work in the UK Policy and Equal Opportunities Policy and any other associated policy.
3. Fit and Proper Person Test
   1. MHA will use a variety of methods, including assessments and preemployment checks, to ensure that successful applicants who are working within regulated activity are considered to be a Fit and Proper person in line with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014; Regulation 19. Any assessments, or selection methods, will always follow MHA Values and equality, diversity, and inclusion policy and be relevant to the requirements at that time.
4. Right to Work in the UK
   1. The Right to Work policy outlines the criteria to be checked before commencing employment with MHA and should be read in conjunction with this policy.
5. Age Restrictions
   1. MHA only employ applicants who are considered as adults in line with country wide legislation which is 18+ for MHA services in England and Wales, and 16+ for MHA services in Scotland.
6. Criminal Convictions
   1. MHA has a duty of care to protect the safety and wellbeing of those using MHA services, and MHA colleagues. As an organisation using the Disclosure & Barring Service (DBS) help assess the suitability of applicants for positions of trust (i.e., regulated activity and work). Please refer to the DBS policy.
7. Health and Vaccinations
   1. Alongside a job offer being made by MHA, a pre-employment medical questionnaire will be sent to the successful candidate to be completed and returned to the hiring manager. Should a potential Colleague answer yes to any of the questions the hiring manager should contact Talent Acquisition to discuss with them the notification. Depending on the circumstances, it may be relevant to obtain a more comprehensive Occupational Health questionnaire. If this is relevant, the Colleague should complete and return the form and send it directly to the Occupational Health provider.
   2. Night workers should be offered an annual Night Worker medical questionnaire and the same principles as above apply. This is in line with our responsibilities under the Working Time Directive.
   3. Vaccination provides protection for those using MHA services and protects the wellbeing of MHA’s colleagues and volunteers. To assist in providing a safe environment for those using MHA services, MHA members, and colleagues, MHA supports and strongly encourages the use of approved vaccines. However, vaccination is not a mandatory requirement of employment or volunteering at MHA. Colleagues are encouraged to read this policy in conjunction with the relevant sections of the Infection Control Policy.
8. Obtaining References
   1. Upon an offer of employment, references relating to previous employment will be requested. The purpose of the references will be to understand the person’s suitability for the role. Please refer to the Obtaining and Providing References policy for more information.
9. Relationships at Work
   1. Any suitability qualified relative or partner of an existing colleague may apply for employment with the organisation. However, it is not the policy of MHA to permit relatives or partners to work in direct supervision to one another or to work in areas where access to confidential information may lead to a conflict of interest. Please refer to the Code of Conduct policy and Colleague Relationships at Work for more information.
10. Eligibility for Re-Employment
    1. Former Colleagues of the organisation who voluntarily left the organisation or who were declared redundant are always eligible to apply for re-employment. However, such employment will not be treated as continuous unless the contract is renewed within **six weeks** of the previous termination date. Where employment is renewed within four weeks, Colleagues who previously received a redundancy payment from the organisation will not be required to pay back the redundancy payment but will lose the accrued service if (s)he should be made redundant again.
    2. Any MHA colleague who leaves MHA and returns within a 6-month period will be entitled to have any relevant and in date compliance training reinstated onto their training record in the Learning Zone. This will be a manual process by People Development and would require management authorisation. In this case, the line manager must email [peopledevelopment@mha.org.uk](mailto:peopledevelopment@mha.org.uk) to ask for this process to be actioned as soon as possible.
11. Competency Requirements
    1. During the application process, an applicant’s full employment history must be obtained. This means reviewing their career to-date and ensuring that details are provided.
    2. If an applicant has not provided full employment history on their application form (or CV), interviewers must explore any gaps. A note must be made using the application support document – employment history form.
    3. The line manager or recruitment team (as agreed at the start of the recruitment process) will check professional qualifications and memberships or certificates of competence before a job offer is confirmed.
    4. Colleagues who are required to drive a car supplied by the organisation or private vehicle for business purposes must possess a full and valid driving licence which allows them to drive in the UK together with fully comprehensive motor insurance for business purposes. Further details can be found in the Driving Safely for Work and Business Expenses Policy and Schedule.
12. Screening Levels and Provisions
    1. All external applicants for employment will be required to complete and sign the organisation’s Application Form or Application Support Documents - CV Application (if applying by CV). These documents contain an acknowledgement that information provided is true to the best of a candidate’s knowledge and belief. Any misrepresentation or failure to disclose material facts will therefore constitute grounds for summary dismissal.
    2. Applicants, Colleagues, and other relevant persons will be expected to co- operate and to give such assistance as is necessary for the organisation to obtain a continuous record of written evidence confirming that there is nothing in their background which would reflect adversely upon their suitability for the proposed employment or engagement, and which meets the requirements of MHA and its regulating bodies.
    3. Employment must not commence until the screening process has been concluded and the results judged to be satisfactory. In no circumstances will employment be confirmed, or the screening process be considered to be complete until written confirmation of all checks has been received. All offers of employment are made subject to this condition.
    4. In exceptional circumstances only and when taking up telephone references, the telephone number of the person called should be checked independently and should not be supplied by the individual being screened.
    5. Original copies of any documents relating to right to work such as forms of ID or qualifications or must be produced and seen. A copy will be retained on the individual’s personal file and signed and dated to confirm that original copies have been seen.
    6. All information supplied to the organisation is subject to the provisions of the Data Protection Act 2018 and will be retained and handled as required by The Act (see Data Protection Policy for details).
13. Colleague Records – Employment Eligibility Personal Files
    1. Personal files are kept for colleagues to record their employment eligibility amongst other information such as records and personal development plans.
    2. Personal files are kept both on paper and digitally through mhapeople (iTrent). From January 2023, some items required in the personal files are also required to be uploaded to mhapeople.
    3. Colleagues who started prior to January 2023 require record of their invitation to interview and offer letter in their personal files (after January 2023, this information is automatically recorded in mhapeople).
    4. By April 2024, all personal files must be in the format set out in this checklist, including location of items.
    5. Line Managers must make a note of the date on which documents were checked; either by making a dated declaration on the copy (e.g. “the date on which this right to work check was made: [insert date]”; or a manual or digital record may be made at the time you conduct and copy the documents which includes this information (note: it is not sufficient to write a date on the document copy; you must state that this is the date the check was performed).
    6. Colleagues must keep the copies securely for the duration of the person’s employment and for a further two years after they stop working for MHA.
    7. Personal files are to be audited quarterly for all new starters in the preceding 3 months should be checked and a form completed. The Personal File Checklist should be used to record any audits that have taken place in the fille(s) - whether it be an Administration Audit, HR Advisor spot audit, or a Quality Assurance audit.
    8. Central support colleagues who are undergoing personal file audits (for example, HR advisors) should refer to the Personal File Audit Assessment Tool.
    9. Colleague records must be retained for the entirety of the colleagues employment and for 6 years after leaving MHA’s employment. Any ID documents must be destroyed 2 years after leaving MHA’s employment.
    10. **Refer to Appendix 1 for FAQ** and guidance on colleague personal files (section / file 1).

Colleague Records – Missing Document Procedure

* + 1. Before commencing employment with MHA, all colleagues must be meet the employment eligibility and screening requirements set out in this policy. All documents must be recorded in the colleague’s personal file.
    2. MHA recognise that over time, some documents may be misplaced, and colleagues who have been at MHA for many years may also have missing documents.
    3. The procedure for missing documents is applicable to both physical personal files and documents recorded on mhapeople.
    4. The Personal File Missing Document Report Form can be used to record missing documentation in line with the procedures set out in Table 1 (below).
    5. The procedures set out in the table below must be followed for each missing document, the Personal File Missing Document Report Form can **only** be used for the documents that state to use the form in the procedure column.

| **Missing Document** | **Location** | **Procedure** |
| --- | --- | --- |
| **Job Description and Person Specification** | Folder only | Re-print job description and person specification, ask the Talent Acquisition Team / Shared Services for advice on how to access. |
| **Application Form** | If application form completed through mhapeople then no need to print and file. | Complete application form again and file along with the Personal File Missing Document Report Form |
| **Interview Assessment Questions** | Folder only | Complete Personal File Missing Document Report Form |
| **Proof of Identity and Signed and Stamped Proof of right to work in the UK** | For checks - upload check and expiry date into mhapeople – then file all documents in the folder which must be initialled, and date stamped. | The colleague cannot work without proof of identity and evidence of their right to work in the UK.  **Immediately re-collect evidence of both from the colleague.** |
| **Visa Expiry Date (if applicable)** | Upload visa information into mhapeople only in “visa” section under “check details”. | If applicable, **immediately record the visa expiry date.** |
| **Work Permit / Sponsorship (if applicable)**  **Expiry Date** | Upload check and expiry date into mhapeople only in “check details” section*.* | If applicable, **immediately record.** |
| **Reference request letters for obtaining references** | Folder only | Complete Personal File Missing Document Report Form. |
| **References or other evidence** | Folder only | If the colleague is relatively new to MHA, make attempts in line with the obtaining and providing references policy to gain copies of the original references. If all attempts are unsuccessful, complete Personal File Missing Document Report Form  For long serving colleagues, complete the Personal File Missing Document Report Form.  Please note, all attempts at obtaining references must be recorded. |
| **DBS (DBS type, number, and date of DBS check) Including Risk Assessments if applicable.** | Uploaded to mhapeople  Any risk assessment required – to be kept in the folder. | The colleague cannot work without the correct DBS check which must be in date. **Immediately re-collect evidence of a valid DBS check or complete a new one.**  Refer to the DBS policy for more information on colleagues working whilst their DBS is in final check stages. |
| **Professional Registration proof.**  **e.g. Nurse PIN; Music Therapists Wales & Scotland care registration.** | mhapeople under “check details” section. Choose drop down “Qualifications” for Music Therapy – record type, date received, and expiry (if applicable) | If applicable, the colleague cannot work without Professional Registration proof. **Immediately re-collect evidence from the colleague.** |
| **Contract of Employment (signed)** | Folder | Re-print the original contract of employment for signing, ask the Talent Acquisition Team / Shared Services for advice if needed. |
| **Night workers letter annual dated copy of letter sent to Night workers with Medigold questionnaire link.** | mhapeople under “check details” – night worker assessment. | Resend or ask Medigold for a reprint of the confirmation letter. |
| **For Colleagues who started before Jan 2023 – Invitation to interview** | Folder (Automatically recorded in mhapeople after Jan 2023) | For Colleagues who started before Jan 2023 – Complete Personal File Missing Document Report Form. |
| **For Colleagues who started before Jan 2023 – Offer of employment letter** | Folder (automatically recorded in mhapeople after Jan 2023) | For Colleagues who started before Jan 2023 – Complete Personal File Missing Document Report Form. |
| **Relevant for section / file 3: Personal Development Plan** | | |
| **Missing Document** | **Location** | **Procedure** |
| **Induction Documentation** | Folder | Go through the induction checklist with the colleague and ensure they have knowledge of induction requirements (e.g., emergency protocols). Then complete the Personal File Missing Document Report Form. |
| **Probation Review Forms** | Folder | For colleagues that passed their probation at 6 months, complete the Personal File Missing Document Report Form  For colleagues who had their probation period extended, contact the shared services team for a copy of any documentation reflecting this to record in the file. Then complete the Personal File Missing Document Report Form |

1. Roles and Responsibilities

| Role | Responsibilities |
| --- | --- |
| **All Colleagues** | All those persons referred to within the scope of this policy are required to adhere to its terms and conditions. |
| **Administration Managers** | Working with the line manager to ensure that colleague personal files are kept up to date and in line with this policy. |
| **Line Management and Recruitment Managers** | Individual line managers are responsible for ensuring that this policy is shared with colleagues and applied within their own area.  To ensure the personal files of colleagues on paper and mhapeople are up to date and valid in line with this policy and the Personal File Checklist. |
| **Talent Acquisition Team** | Any queries on the application or interpretation of this policy must be discussed with Talent Acquisition as appropriate prior to any action being taken. |

1. Training and Monitoring
   1. Compliance is assessed through direct observation, monitoring, and supervision of MHA colleagues.
2. Communication and Dissemination
   1. This policy is disseminated and implemented within all MHA services through MHA’s channels of communication.
   2. Each colleague’s line manager must ensure that all teams are aware of their roles, responsibilities.
   3. This policy will be available to the people we support and their representatives in alternate formats, as required.
   4. Queries and issues relating to this policy should be referred to the Standards and Policy Team at [policies@mha.org.uk](mailto:policies@mha.org.uk)
3. EDI Impact Assessment
   1. Impact assessment to be confirmed.
4. Resources
   * [Information Governance Policy and appendices](https://intranet.mha.org.uk/Interact/Pages/Section/ContentListing.aspx?subsection=6391)
   * [Right to Work In the UK](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2236&utm_source=interact&utm_medium=quick_search&utm_term=hr4.1b)
   * [Criminal Records Disclosure and Barring DBS Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2463&utm_source=interact&utm_medium=quick_search&utm_term=dbs)
   * [Obtaining and Providing References Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=4178&utm_source=interact&utm_medium=quick_search&utm_term=hr9.12)
   * [Vaccination Policy - Colleagues and Volunteers](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=11861&utm_source=interact&utm_medium=quick_search&utm_term=vacc)
   * [Colleagues Working with Relatives](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=4260&utm_source=interact&utm_medium=quick_search&utm_term=working+with+rel)
   * [Business Expenses Policy, Schedule, and Guidance [](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2494&utm_source=interact&utm_medium=quick_search&utm_term=expenses+)
   * [Driving for Work Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=12464&utm_source=interact&utm_medium=quick_search&utm_term=driving+for+)
   * [Equality,](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2457&utm_source=interact&utm_medium=quick_search&utm_term=equal+opo) Diversity, and Inclusion Policy
   * [Volunteer - Recruitment and Selection Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2845&utm_source=interact&utm_medium=quick_search&utm_term=recruitment+vol)
   * [Code of Conduct Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2486&utm_source=interact&utm_medium=quick_search&utm_term=code+of+con)
   * [Role and Secondment Evaluation and Approval – Policy and Procedure](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=12061&utm_source=interact&utm_medium=quick_search&utm_term=role+)
   * [Personal File Checklist](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=14839&utm_source=interact&utm_medium=quick_search&utm_term=hr4.1a)
   * [Personal File Missing Document Report Form](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=14930&utm_source=interact&utm_medium=quick_search&utm_term=hr4.1c)
   * [HR Personal Files Audit Assessment Tool](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=14932&utm_source=interact&utm_medium=quick_search&utm_term=hr4.1d)
   * [Sponsorship process and FAQs](https://intranet.mha.org.uk/page/15343?SearchId=743591)
5. Appendices

Appendix 1: FAQ Guidance for Employment Eligibility Personal File / Section 1

Appendix 1: FAQ Guidance for Employment Eligibility Personal File / Section 1

* + 1. **Do all colleagues have to have their photograph on the personal file checklist?**
  + Colleagues in a role that involved regulated activity (e.g., personal care) are required to have a recent photograph in their personal file under schedule 3 of the Health and Social Care Act (2008) (Information Required in Respect of Persons Employed or Appointed for the Purposes of a Regulated Activity). We suggest a recent photo is included at the front of the file on the personal file checklist. It is recommended that all colleagues regardless or regulated activity have a recent photograph on the checklist.
    1. **Where are colleague’s emergency contact details kept?**
  + Recorded on mhapeople only. Colleagues should enter these details themselves, managers to check that their colleagues have filled out emergency contact details. If the manager cannot see their colleague’s emergency contacts email people support at [recruitmentandonboarding@mha.org.uk](mailto:recruitmentandonboarding@mha.org.uk)
  + For colleagues moving to a new role, follow the role approval process set out in Role and Secondment Evaluation and Approval – Policy and Procedure.
  + For night workers, lone workers, and weekend workers, refer to operational management for guidance on keeping information on shift rotas and colleague emergency contact details.
    1. **Is proof of a national insurance number is required as part of the right to work alongside a valid passport or birth certificate for UK citizens?**
  + National insurance is required if colleagues provide either UK/Irish birth or adoption certificate, a certificate of registration or naturalisation as a British citizen (instead of a British or Irish passport or passport card). An official document stating the national insurance number of the individual is also required for payroll purposes so is always required for recruitment purposes.
    1. **How and where should right work checks be recorded?**
  + Right to Work in the UK Policy and Procedure – Checks, expiry date, and evidence of a colleagues right to work are to be uploaded into mhapeople:

|  |  |
| --- | --- |
| **UK Citizenship** | British/Irish passport or Irish passport card. If you do not have a passport /card, an official document stating the national insurance number of the individual (e.g., P45) ALONGSIDE either UK/Irish birth or adoption certificate, a certificate of registration or naturalisation as a British citizen. |
| **EU** | Passport and Share Code |
| **Non-EU** | Current Visa and Passport, and Share Code |

* + 1. **What does “Visa Renewal Date” mean?**
  + This is part of the right to work checks, the date of the visa expiry and therefore the renewal date must be recorded in mhapeople.
    1. **What is a “Work Permit / Sponsorship”?**
  + Also relating to right to work checks, any work permits or sponsorship expiry and therefore renewal dates must be recorded in mhapeople under work permits.
  + [Sponsorship process and FAQs](https://intranet.mha.org.uk/page/15343?SearchId=743591)
    1. **What is the difference between “Reference Request Letters” and “References”?**
  + The reference requests are letters sent out to organisations and individuals as part of obtaining professional and character references for pre-employment validation (see Obtaining and Providing References Policy for more information]. References are the letters returned by organisations and individuals with details about an applicant’s employment history and character.
    1. **What part of the DBS check do I need to record, and where?**
  + Disclosure Certificate Record - The DBS certificate belongs to the colleague, in line with GDPR data protection legislation, only the DBS. Only the DBS number, type of DBS check (e.g., adult first enhanced check), and its expiry date should be recorded. This should be recorded into mhapeople, but any risk assessments kept in the folder.
  + In some circumstances, the DBS Disclosure Certificate Record can be used to record the DBS information in the physical personal file as well as in mhapeople.
  + The hiring manager must input details of the DBS check into mhapeople (iTrent). The system will only ask for the required details (in line with data protection legislation and MHA’s Information governance policies). A step-by-step process on how to input DBS details into MHApeople can be accessed via the intranet here: [**Entering Right to Work, Disclosure and Registration Checks into MHApeople.**](file:///C:\Users\329959\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\X1OX7ZXG\•%09https:\intranet.mha.org.uk\Interact\Pages\Content\Document.aspx%3fid=14173)
    1. **What is a “Professional Registration” and where should it be recorded?**
  + Professional registrations include Nurse Pins, Music Therapist Qualifications, and Care Registrations for Scotland and Wales. The type of registration and issue or expiry date if applicable should be recorded in mhapeople under the “check details” section, there is an option to record the aforementioned types of professional registrations with the exception of music therapy which should be recorded under the option “qualifications”, the step-by-step process linked above for recording DBS information can be used for recording professional registrations too.
    1. **What is the “night workers letter” and where should it be recorded?**
  + The night workers letter is sent to night workers on an annual basis along with a Medigold questionnaire, a dated copy of the letter must be recorded in mhapeople under the “check details” option, choose to drop down “night worker assessment.”
    1. **Does evidence have to be archived from physical personal files when being transferred to mhapeople?**
  + No – can be done if capacity. Checks and audits are not required for every personal file change as long as the change is made in line with the relevant policy.

1. Version Control

| Version | Version Date | Revision Description / Summary of Changes | Author | Next Review Date |
| --- | --- | --- | --- | --- |
| 6 | May 2023 | Policy updates to include FAQ relating to employment eligibility personal files. | * Head of Talent Acquisition and Shared Services * Talent Acquisition Lead * Standards and Policy Manager | May 2025 |
| 7 | June 2023 | Section 13 updated to include the procedure for missing personal file documentation. | * Head of Talent Acquisition and Shared Services * Talent Acquisition Lead * Standards and Policy Manager | June 2025 |
| 8 | August 2023 | Additional FAQ added around right to work in the UK added to appendix 1. | * Head of Talent Acquisition and Shared Services * Talent Acquisition Lead * Standards and Policy Manager | August 2025 |
| 9 | September 2023 | Additional FAQ added around DBS record keeping added to appendix 1. | * Talent Acquisition Lead * Standards and Policy Manager | September 2025 |
| 10 | October 2023 | Clarification around UK Citizenship Signed and Stamped Proof of right to work in the UK and Proof of Identity. | * Talent Acquisition Lead * Standards and Policy Manager | October 2025 |
| 11 | November 2023 | Resources updated | * Standards and Policy Manager | October 2025 |
| 12 | February 2024 | Eligibility for re-employment updated including procedures for learning zone compliance as part of people development. Ex-colleagues will be eligible for re-employment within six weeks of leaving MHA (previously 4 weeks). | * Recruitment and Onboarding Manager * Head of People Development * Standards and Policy Manager | October 2025 |
| 13 | April 2024 | Right to work check evidence must be uploaded to MHApeople and not in the colleagues **physical** personal file.  File retention periods added. | * Head of Talent Acquisition and Shared Services. * Recruitment and Onboarding Manager * Standards and Policy Manager | October 2025 |
| 14 | June 2024 | Resources updated. | * Standards and Policy Manager | October 2025 |
| 15 | November 2024 | Reference to Occupational Health Consent Form removed  Removed Policy Codes | * Standards and Policy Manager | October 2025 |