

Employment angles: (legal tips from Ken Allison, a consultant and speaker who specialises in exploding the myths and removing the anxieties about employment law)

Who says being economic with the truth on your CV does not work?

It certainly seemed to work for Lee McQueen the recent winner of 'The Apprentice', regularly watched by 8 million viewers on BBC television. Is it legal, and what can you do about it if you discover that you have been misled?

This year's winning apprentice was caught out exaggerating the extent of his university education, and in his defence he has said 'I was trying to paper over my insecurities over my lack of formal education'.

Recent research by The Risk Advisory Group shows that an estimated 65% of all CVs contain false information, with women in their early 30s being the worst offenders! Is this an offence?

Probably not, unless the individual obtains an advantage from this deceit. To pursue a criminal case you would probably have to show that you relied on the information that was false, and that it was not simply incidental. For instance, in 2003 a successful applicant for a post as a Finance Director of an NHS Trust was sentenced to two years imprisonment for producing a bogus degree certificate.

Some tips: -

- If you discover deception during a selection process you probably will think twice about hiring the individual, but even Lee McQueen (who had been a Recruitment Consultant) suggested that if he discovered deceit or misleading information on a CV, he would ask himself, does it really make any difference to my decision.
- If you discover it after making an offer of employment, you can rescind the offer providing the individual has not accepted.
- If they have accepted an offer, you could treat it as gross misconduct and terminate without giving them notice, but it may be safer to pay them any notice entitlement.
- Frequently, the false information is discovered after the employee has started work, and the CV is looked at when the employee seems unable to do the job as expected. Usually this is within the first twelve months of service, so it will be safe to dismiss them with notice, its also best to give them a written invitation to a meeting, and a right of appeal.
- All the above courses of action are not entirely risk free, but usually a threat to inform the police if it is serious deception, will ensure that the individual departs quietly!

All reasonable efforts have been taken to ensure that the advice contained in this article represents both best practice, and the law as it stands at the time of publication. It should not be relied on as a substitute for taking advice about specific situations.

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