



your personal and business needs - secure in our hands



Attwaters' Employment Update

CV fraud may be considered a necessary evil by some but it is nonetheless a very serious issue that does not appear to be given the respect it deserves. The Chartered Institute of Personnel and Development in a recent survey highlighted that because of CV fraud 25% of employers take back previous job offers made to applicants. The results of various surveys have commented that job applicants may “enhance” their CVs or even go so far as to make up qualifications, accomplishments, previous salaries, etc to obtain employment. It is accepted that some CVs may contain inaccuracies which are simple mistakes made by the job applicant who failed to proof read their CV. However, the detrimental effect on a business can be considerable. Examples include;

- The potential risk of fraud from an employee who has already lied on their CV;
- The difficulties for current employees having to deal with increased workload or problems caused by the new employee;
- Employee motivation being adversely effected;
- Reduced level of service for customers/clients effecting established relationships putting them at risk;
- Potential fines from regulatory bodies due to the new employee failing to deal with the responsibilities appropriately;
- Possible breaches of H&S regulations which may lead to injury or death.

Aside from the obvious management, customer/client and (more importantly) H&S issues that may arise from CV fraud the business may also be losing out financially due to an individual who but for their representations would not have been successful in their application. An exaggeration in itself is not a criminal offence; however, financial gain due to fraud may ultimately lead to a custodial sentence. This has already been shown in a handful of cases with the NHS where CV fraud has led to prison sentences. The issue is whether due to the statement made in the CV or interview the innocent party (the employer) was induced into entering the contract because of that statement. In real terms the statement must be material to the decision and relied upon. So the statement “I enjoy ...” may not be strictly true but unlikely to be material to the decision to employ however “I am a member of ... professional body and have ... professional qualifications” will be.

CV fraud that has induced an employer into a contract of employment and discovered at a later date may be

considered a breach of contract (in this instance a breach the implied duty of trust and confidence). However before a dismissal could take place the breach would need to be considered fundamental to the contract; such as, lying about professional qualifications. Should the CV fraud be discovered either during the probation period or before the employee has secured sufficient service for unfair dismissal notice may be served. In any event a fair process must be followed to minimise any potential risk of future claims.

Should dismissal be the response to CV fraud a business may consider suing the individual for losses due to the misrepresentation. Aside from the practical consideration that an individual may not have the funds to cover any award or costs incurred during legal proceedings the loss would need to be more than just the salary loss as a defence would be that the costs of a salary would have been incurred in any event. Damages may include loss of profits, loss of business, damage to goodwill etc.

In all things prevention is better than cure and as such to minimise any potential CV fraud businesses may consider the following;

- Any CV received should be checked for gaps in employment and for any unusual job moves;
- When undergoing the interview process take into account possible work based or competency based tests;
- Insist on seeing original or certified copies of qualifications and/or professional qualifications;
- Any job offers should be in writing highlighting that CV fraud may result in dismissal and are subject to references;
- Seek references prior to employment if possible and always within the probation period;
- When using a recruitment agency request details of how they deal with CV fraud who is ultimately responsible is misrepresentation occurs.

Should you wish any further information concerning this article or any other employment matters please contact Tim Carter by clicking on the button below.

[Contact Tim Carter](#)



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