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"ROLE MODELLING CUTS THROUGH SOCIETAL CONVENTION AND STEREOTYPING. THE MANTRA "IF I CAN SEE IT, I CAN BE IT" IS POWERFUL"

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ROUNDTABLE

CHAIRED BY JASON SPILLER

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THE DIGITAL DILEMMA OF CANDIDATE AND EMPLOYEE SCREENING

THE USE OF SOCIAL MEDIA SCREENING TO INFORM RECRUITMENT AND EMPLOYMENT DECISIONS HAS INCREASINGLY BECOME PART AND PARCEL OF MODERN EMPLOYMENT. THE SCREENING HAS BECOME A DIVISIVE ISSUE AND LEGISLATION POLICIES AND PROCEDURES ARE NOT ALWAYS UP TO SPEED WITH THE FAST DIRECTION OF TRAVEL. ONE MAIN CONCERN IS THAT PEOPLE HAVE LONG HAD THE MINDSET THAT SOCIAL MEDIA NETWORKS ARE MEANT TO BE PLACES TO CONNECT WITH FAMILY AND FRIENDS, NOT TO BUILD CAREERS.

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IAN MORRISON HEAD OF TALENT ACQUISITION - NOVACYT GROUP

DO YOU CURRENTLY CYBER VET AND SOCIAL SCREEN NEW JOB CANDIDATES AND EXISTING EMPLOYEES AND IF SO, WHAT IS YOUR RATIONALE FOR DOING SO?

Chris Woodward: As a member-based, political organisation, the main focus is on ensuring that core competency and D&I criteria - such as nationality and gender - are met. But we also ensure that an element of research is conducted into shortlist candidates, to ensure that any risks - against our ethical framework - can be identified.

Kerena Hunter: I'm not sure that a blanket approach is right. There is a difference between looking on LinkedIn for a professional role, but trawling through somebody's Facebook or Instagram account is something else. We already have policies around social media for employees and we need to be looking at this proportionally, which roles you screen for, how far you look into people's web histories and what would you do if you find something you don't like.

Anshoo Kapoor: We have our background checks - which are more like pre-screening - but nothing that is focused on cyber vetting or social media. We have a social media policy for existing employees, but not for candidates. We have internally debated the bias issues and how we handle data, but whether it's the right way to go for us is open to conjecture. We do a lot of blind hiring, to mitigate against biases and most recently, we've begun to mask education. So, there is something of a dichotomy where on one hand, we would be blind hiring and then scrutinising people's social media.

Ian Morrison: My initial thought was that social media screening was not something to pursue, but we use LinkedIn as a tool to find the best talent for us, so we are on the threshold of this practice. Likewise, bias is something we are actively trying to eliminate.

Katharyn White: We're all talking about background checking of candidates, but I don't think many organisations actually looks at their current workforce. In all respects, I think it's important to decide what you're actually looking for.

Carla Barnett: LinkedIn is a legitimate source in a business recruitment sense. But as for

Instagram, TikTok or Facebook which are for personal and leisure, connecting family and friends, I don't think that these are legitimate platforms. If a candidate has a particular political persuasion, whether I think it's right or wrong, making sure we've the right processes, policies and practices in place is the issue as is being crystal clear as an organisation, about the standards and values that are expected.

Ian Morrison: It is interesting to note that Facebook is now positioning itself (as is Instagram) in the jobs market, which will inevitably mean that employers will have to consider this, in terms of recruitment.

HireRight: Until recently, social media was not part of the background screening picture because it was often not well understood in the context of privacy or employment laws and privacy regulators were rightly cautious about its use for such purposes. But privacy laws are now more robust and provide better guidelines around how data can be used. Alongside this is a growing focus on a corporation's 'purpose' and values. So, attracting talent becomes a sum of two parts: Does the candidate have the right qualifications and experience and the right character to fit the corporate/team culture and further enhance the organisational purpose and reputation?

WHERE DO YOU DRAW THE LINE, IN TERMS OF BALANCES AND CHECKS?

Adrian Wightman: Before you do any background checks, you have to understand what risk it is that you're trying to mitigate, whether that's a risk to the organisation or a risk to the other employees or your customers. What you must also be clear on is, if you do uncover something in a background check, how does that influence the decision about the individual, who makes that decision and what is the rationale behind the decision?

Nithya Gopalakrishnan: We have started by assessing our communication to new hires and existing staff, the appropriateness of the cyber vetting activities on a global scale and relevance to the role or projects being discussed. Hybrid working/remote working has

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JENNY TAYLOR
RESOURCING MANAGER -
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recently uncovered new challenges, with stories about false digital identities and fake profiles on social media. We believe that establishing the risks associated with the role, clarity on the appropriateness and the level of intrusion, the contractual relationship, data collation and storage, confidentiality and the thorough communication process we wish to follow, will form the rationale that can inform our decision on cyber vetting.

Jenny Taylor: For me, rationale equals relevance. If it's a tick box exercise, is it relevant?

Adrian Wightman: I think it's back to understanding the risk. The risk is if you do no background check, and you inadvertently employ somebody who might then put your customers or your employees at risk, whereas if you understood what the risk is by completing a background check, you could take the appropriate steps to mitigate that risk.

Jenny Taylor: Where does the responsibility lie in terms of indemnity and mitigation and who makes the final decisions; is it down to HR, recruitment, the hiring manager involved in that decision-making process? Too many people involved becomes too many different opinions. That's where bias absolutely can come into play.

Carla Barnett: Everybody has bias and that's why there is a need for diversity of thought, most certainly at the top table. Having decisions made by one person is never a healthy thing. You do need to be able to center check and provide balance.

Anshoo Kapoor: Agreed, there needs to be a very diverse panel making the hiring decision. We have a minimum three-to-five rounds of interview and we tend to have a hiring manager, but also a neutral individual who is not associated with the hire. Then the decision comes in as a concurrence of those individuals.

Chris Woodward: While there is a benefit in researching behavioural precedents, where role modelling is essential, there is a case for emphasising future potential

over past precedent. Whilst past actions can be seen as a predictor of future behaviours, being overly strict can hinder the support of social mobility and could limit access to talent pools.

IS THERE A MORAL ISSUE TO CONSIDER IN LOOKING THROUGH PEOPLE'S SOCIAL MEDIA?

Kerena Hunter: There are so many issues to consider for example, how far back is it reasonable to go in somebody's history? Also, we should look for relevance, in context of the role. Additionally, if your organisation recruits at a devolved level, then it is vital that training and development is put in place for hirers.

HireRight: Long before an organisation may deal with negative publicity or threats of legal action, it can suffer through the many ways that toxic employees negatively impact the people around them. Whether an employee's problematic online behaviour directly impacts co-workers who follow them online or is mirrored in their workplace as bullying or intimidation, if left unchecked, it can lead to dramatic increases in employee

wouldn't have your practicing certificate, so you wouldn't be able to apply. If you're applying for a financial role, having a criminal record for fraud is a mitigating reason. Other than that, if somebody has a spent conviction and it doesn't impact on their role, it should not create bias.

Ian Morrison: Technology is a power that can be a double-edged sword and there is an element of "Big Brother is watching". We must think our way through this and ask, how are we going to address these issues? We must also be mindful that different countries have varying rules and regulations regarding criminal records and employment.

HireRight: It is the employer's responsibility to ensure any background check ordered, including a social media search, is proportionate and relevant to the role the candidate will be undertaking. So, the first thing to do is conduct a risk assessment and categorise roles into those that carry risk and those that do not. A flexible screening programme will allow you to build different packages to address various risks allowing you to adopt a good level of granularity that is privacy compliant and should include:

network sites and to explore any issues highlighted by referees. But my view is that further research into candidates should only be pursued where red flags are raised or issues identified. It's a conundrum that needs to be clarified.

Kerena Hunter: We have "ban the box" as part of our application process, whereby most people don't have to declare convictions - other than where absolutely required, such as social care - until after an offer is made. This prevents bias during shortlisting and interview. But as with DBS checks, we can still decide if the information concerns us.

Ian Morrison: The question then becomes, what crimes are acceptable and which are not?

Carla Barnett: It can be difficult to make such a call. The crux of the issue is, if a person has served their time for whatever crime has been committed, they need employment. The typical scenario is, people are released from prison, nobody wants to employ them and they drift back into their old life.

Ian Morrison: Indeed, who better than a burglar to be a home security advisor or locksmith?

WHAT IF IT'S NOT A CRIMINAL RECORD? WHAT IF IT'S AN EXPRESSED VIEWPOINT?

Nithya Gopalakrishnan: This is a potentially complex and contentious issue with adverse media and there's always a risk attached to being tagged in a post in which we don't necessarily want to be involved. This throws the light on intrusion into personal lives. But the reality is, checks and measures are a necessity.

WHAT IS THE ETHICAL ARGUMENT FOR SCREENING?

Anshoo Kapoor: Where the control sits is a key question, plus who would information of concern be shared with? Ethics, balance, control and governance are essential to outcome.

> "WHILST PAST ACTIONS CAN BE SEEN AS A PREDICTOR OF FUTURE BEHAVIOURS, BEING OVERLY STRICT CAN HINDER THE SUPPORT OF SOCIAL MOBILITY AND COULD LIMIT ACCESS TO TALENT POOLS"

turnover, absence and substantial losses in overall performance. A recent Cornerstone survey found that just one employee in a team of 20 (five percent) exhibiting toxic behaviours could lower productivity within that team by up to 40 percent, with 54 percent of the remaining team more likely to leave. The collateral damage of this can include lost time, increased costs and a serious impact on corporate culture and morale.

WHAT DOES GOOD PRACTICE LOOK LIKE FOR YOUR SCREENING STRATEGY?

Katharyn White: The Law Society has particular rules and regulations. If you have a criminal record, you probably

- Full information about the nature of the search being conducted with an electronic acknowledgment/consent to perform the check with an audit trail.
- Assurance that all data is stored, retained, transferred and accessed in accordance with requirements and that adequate technical and security measures are in place.
- Support for candidates should they wish to exercise their rights to access, rectify or delete data, or to withdraw.
- Filtered reporting matched to two known identifiers to ensure accuracy and job relevance.

Chris Woodward: As part of the hiring process, it is without question appropriate to research candidates on professional

Jenny Taylor: Agreed, we've discussed bias and a diverse ethics committee has to be the gold standard in making these decisions, supported by robust governance. What we all had in place even five years ago, is simply not fit for purpose.

Kerena Hunter: Every business has a set of values that should be clear enough to provide a moral compass and ethical framework in decision making.

> "TECHNOLOGY IS A POWER THAT CAN BE A DOUBLE-EDGED SWORD AND THERE IS AN ELEMENT OF "BIG BROTHER IS WATCHING". WE MUST THINK OUR WAY THROUGH THIS"

HireRight: Knowing where to draw the line is important for compliance, relevance, and proportionality. If I want to make my social media posts public, I can, but equally I can restrict access and keep what I want private, and that must be respected. Requests for passwords to accounts should never be made - employers should only access public social media posts.

IS THE CURRENT LEGISLATION SUFFICIENT?

Carla Barnett: I don't think we're quite there yet in terms of legislation - which is why we're here today - there's just so many levels of complexity.

Nithya Gopalakrishnan: The question around compliance and legislation is complex when it comes to cyber vetting or digital checks. It's challenging to keep up with the pace of digital advancements and knowledge gaps will exist in knowing the threats that exist to our businesses. The level of devolved, diversified, or decentralised decisions on the compliance areas depends on the countries we operate in, the legal framework in these circumstances and the jurisdiction it falls under.

Kerena Hunter: A concern is, what is best practice in procedure and what feedback you give to candidates who have not been accepted for a role? Do you tell them why? Do you give them feedback, if it was due to their social media history?

Ian Morrison: I don't think we should be in the business of counseling candidates and the danger is, if you become too involved with them, you may end up with a grievance and litigation.

Jenny Taylor: It depends on the type of organisation you work in and if it has a very clearly defined criteria of what is and what is not acceptable for a particular role. Clarity, definition and unambiguity are essential. Importantly, from a GDPR perspective, they have the right to access that report.

Chris Woodward: When providing feedback to unsuccessful candidates we find that there's enough talent-based information that can be referenced without needing to expand into facts from researching personal information. Facts from researching personal information are considered secondary to talent-based information.

Kerena Hunter: If you are going to do social media screening, you must tell people up front about what you will be looking at. People will ask for the rationale as to why they didn't land the job and, as said, be able to obtain that information.

DO YOU COLLECT AND CURATE INFORMATION FROM SOCIAL MEDIA?

Chris Woodward: We don't routinely collate information from social media as part of our core recruitment processes, I don't think we need to. Obviously, we do store CV content and we have to be GDPR compliant. If personal information is shared on a network and an organisation sees this, then it is appropriate for this information to be considered, if there is an objective role requirement or conflict with ethical framework criteria.

Anshoo Kapoor: There is a legitimate question to be asked about the length of time that you would hold that information.

Kerena Hunter: Perhaps it should be considered along the same lines as DBS xchecks, whereby once you've seen the information and used it in your decision making, you don't keep a copy.

Katharyn White: Really, with GDPR, there should be public information films about it, because I think individuals should also be equipped to challenge their employers, to understand what they're doing with their data.

Carla Barnett: Up to a point, but technology is accelerating and soon we will be having to gain a grip on the Metaverse. The point being, no legislation can be set in stone and could quickly become inadequate to protect all parties.

Kerena Hunter: We need to be mindful that for many young people, practically all of their interactions are on social media and this could have implications later on.

WHAT MEASURES DO YOU CURRENTLY TAKE TO ENSURE THAT SOCIAL SCREENING IS NOT DISCRIMINATORY OR BIAS?

Anshoo Kapoor: Who are we to judge if a candidate is lonely, isolated, introvert or extrovert? It's whether they are a good fit for the role. Bias comes when unofficial filters are adopted and decision making is reactionary.

Jenny Taylor: I think we have to ask; "why are we doing social media checks"? Right now, opinion is split, the why cannot be answered and the policies don't underpin the process and there is some ambiguity surrounding governance and policies.

Katharyn White: There's always been evolution in how and what we check in recruitment. References used to be sacrosanct, but now they are just part of the tick box exercise. I'm sure there will be new iterations of the types of checks we do as technology continues to force change. It's about being constantly open to evolution and having an ethical perspective and conversations.

Chris Woodward: It is very hard to remove subjectivity, bias and judgmental behaviours in recruiters, regardless of the amount of training that you put in place. Personally, I am not sold on the benefits of social screening unless a specific issue is flagged first. Are we almost saying it's impossible to actually comply with this and to not discriminate?

Carla Barnett: Discriminate is quite a big word. The bias element of it is just really hard to resolve. Everyone has their views and values and some people's perspectives may not match yours, that's the reality of life.

Chris Woodward: It is important to be really clear and objective on what competencies you are hiring for in order to remove subjective bias from the process. There are cultural norms that do create bias - an example is educational background. Having a really clear top down and prioritised view on what good looks like in general, across key selection criteria, is really important.

Carla Barnett: If the point is, not the qualification - be it a Masters or PhD - but where it was obtained, then that is a bias of concern.

Kerena Hunter: We could use social media to facilitate cultural add rather than cultural fit.

Anshoo Kapoor: The world of work is so changed. Now we are all talking about the gig economy and the workforce is made up of part-time contracts, fixed-term contracts and contractors. So would social media screening be practical, let alone equitable?

WHAT DIFFERENCE IS REMOTE AND HYBRID WORKING MAKING TO SCREENING?

Carla Barnett: When you engage with new recruits remotely, there are bound to be differences between the screen persona and in the flesh, we all tend to demonstrate behaviours remotely and the relationship seems more transactional.

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Anshoo Kapoor: In the tech market, there is so much demand and the pace is relentless and so we have grown accustomed to recruiting and onboarding at speed and people in those markets tend to be familiar with the process.

Chris Woodward: It enables you to be more targeted with outreach campaigns, having a clear EVP and enhancing the effectiveness of engagement with potential candidates throughout the hiring process is the trick to finding scarce, top talent. I'm not sure that social screening is a game-changer here.

Kerena Hunter: There is an element of people being mindful of what society is thinking about. Currently, there's fewer men in primary schools and social care and social work for example. Some of that is changing because of social media and the environment, some of that is

could potentially merge with psychometric assessment outcomes. It's not just what you put on your platforms, but how you're using those platforms that help discern levels of flexibility, agility, or wider psychometric dimensions. Data could become integrated across public sources. Maybe this could become comparable with real-time engagement data that you might have within your organisation. In the future, we'll see more instant data in that space. There is the potential to create personas for what we want as an organisation, matching to candidate profiles, but having that done in an automated way.

Kerena Hunter: One big area to consider in terms of the current climate is the candidate experience - if this is good then people will want to apply. But if the decisions are all made via AI, then we lose the human judgement element.

exhaustive search is conducted with a quick turnaround time. Specialist analysts should then review results to ensure accuracy.

Searches should be designed to identify risk-creating behaviours such as harassment, violence, intolerance and crime, to highlight content that may introduce a toxic work environment or present brand risk. For companies that are sensitive to substance abuse, searches could be tailored to include the above categories plus drug and alcohol content. Custom keywords can help tailor search criteria further, allowing you to comply with legislation by ensuring that protected characteristics are pre-filtered and do not appear in results and/or using different keywords for different role types/risks. It can even assist in creating an ongoing monitoring programme post hire that can be deployed to both manage ongoing risk or be part of your wellbeing programme by looking for behaviours that would allow teams to identify when pastoral support is needed.

> "WHO ARE WE TO JUDGE IF A CANDIDATE IS LONELY, ISOLATED, INTROVERT OR EXTROVERT? IT'S WHETHER THEY ARE A GOOD FIT FOR THE ROLE. BIAS COMES WHEN UNOFFICIAL FILTERS ARE ADOPTED AND DECISION MAKING IS REACTIONARY"

about society in itself and how it tackles professions at a young age and targets children in schools. That society element is something we have to tackle if we want to have diversity, especially in gender heavy professions.

WHAT DO YOU SEE AS THE FUTURE OF SOCIAL SCREENING IN THE MODERN CHANGING WORLD OF WORK?

Anshoo Kapoor: It needs to maintain a human element, more dialogue and conversation and removing the assumptions of social screening. Also there needs to be checks and measures, machine and AI will give you certain outcome, but you need to be able to question those outcomes, choose to concur or disagree.

Chris Woodward: In the war for talent, talent has already won so candidate experience is a key focus. With this in mind, that metadata from platform usage

Nithya Gopalakrishnan: Our organisation is considering a thorough approach to cyber-vetting and evaluation of next steps, as we audit our capacity, capability, process and procedures to handle large data sets that are highly personal and confidential. Do we have suitable protocols to protect the individual's digital identity and preventive measures to avoid wrongful use of any data within the organisation or externally if we consider using a third party. I think it is a precarious proposition to launch cyber vetting processes without carefully considering our readiness and threats that we may be exposed to as a business, if things did not go as planned.

HireRight: The best social media search products use AI-based software which can read text and images like a human, identifying thousands of job-relevant, potentially high-risk behaviours. They should offer a combination of both automated and human analysis where technology is used, to ensure a robust and

We are currently seeing an average ten percent 'hit' rate for customer-defined criteria on public social media searches and most of these hits would not be picked up in an adverse media search. So, when it comes to analysing behaviours that impact corporate culture and reputation, this shows how important the social media check can be to an organisation to verify that candidates who are "good on paper" can be "great in person" too.

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