

# The consequences of providing misleading information on a job application form

An employee's appeal against the finding of an Employment Tribunal that his dismissal for dishonesty in failing to disclose a prior gross misconduct dismissal was fair was rejected by the Employment Appeal Tribunal (EAT). The EAT upheld the original Employment Tribunal decision, affirming that the employer had acted reasonably in dismissing the employee after a thorough investigation into his omissions on his application form.

## What happened in this case?

Mr Easton, a career civil servant, was dismissed from the Home Office in June 2016 for gross misconduct. In 2019, after settling the Employment Tribunal claim related to his dismissal, he applied for a role with Border Force, a part of the Home Office. On his application form, he omitted details of his previous dismissal and a three-month gap in his employment history.

Although the form did not explicitly require applicants to provide the reasons for leaving previous employment nor specify precise dates of employment, Mr Easton was aware that any prior dismissals and employment gaps were relevant to the Border Force's hiring decision.

After Mr Easton was hired in January 2020, a former colleague

alerted his new manager about his past dismissal. An investigation followed, and Border Force concluded that Mr Easton had been dishonest in withholding this information, leading to his dismissal in November 2020.

### **What was decided?**

The Tribunal found that Mr Easton deliberately presented his employment history in a way that concealed his previous dismissal and employment gap, despite knowing that such information was relevant. The Tribunal determined that the omission was dishonest, and that Border Force had acted reasonably in treating this as gross misconduct.

Mr Easton appealed to the EAT, arguing that Border Force was already aware of his prior dismissal since it was part of the Home Office. However, the EAT rejected this argument, emphasising that the Home Office is a large organisation and could not be expected to have collective knowledge of all HR records. The Tribunal also found that Mr Easton's failure to disclose this information deprived Border Force of the opportunity to assess his application fully at the interview stage.

The EAT ultimately agreed with the Tribunal's conclusion that Border Force had reasonable grounds to believe Mr Easton had acted dishonestly. The appeal was dismissed.

### **What does this mean for employers?**

Employers should ensure that job application forms clearly

outline the information candidates are expected to provide, particularly in large recruitment exercises where previous employment records may not be easily accessible.

Employers may also wish to review recruitment forms to ensure clarity regarding the disclosure of prior dismissals and employment gaps to prevent disputes of this nature. Such forms should also ask the applicant to confirm that the information provided on the form is complete and accurate and that they acknowledge that they may be dismissed from employment if it is discovered that they have provided incomplete, inaccurate or false information.

[Easton v Secretary of State for the Home Department \(Border Force\)](#)

**BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues related to the content of this article, please contact Noelle van Wyk ([NoelleVanWyk@bdbf.co.uk](mailto:NoelleVanWyk@bdbf.co.uk)), Amanda Steadman ([AmandaSteadman@bdbf.co.uk](mailto:AmandaSteadman@bdbf.co.uk)), or your usual BDBF contact.**