

Obtaining References Policy & Procedure

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Policy Owner: People Strategy & Projects Team, Corporate People
Distribution: Not confidential but intended for internal use only

Purpose

Barnardo's has designed this Policy & Procedure to ensure the organisation adopts strong safeguarding practice and pre-employment checking to maintain an appropriately skilled and qualified workforce.

We will:

- A. Set minimum standards for recruiting to roles within Barnardo's under the Recruitment and Selection policy.
- B. Ensure as far as is reasonably possible that the information provided by candidates during the recruitment process is correct.
- C. Assess the applicant's suitability for the role applied for and previous work record such as performance in the job, absence record, disciplinary issues
- D. Where applicable, assess if the applicant is suitable to work with children and adults at risk.
- E. Take account of relevant safeguarding guidance and when necessary, seek further advice from the appropriate regional and national bodies set up by Government.
- F. Ensure references are processed in accordance with Data Protection legislation.

Scope

This policy and procedure applies to all job applicants selected for appointment regardless of their contract status or roles within Barnardo's. It also applies to existing As & When workers, employees, and agency workers who apply for new roles within Barnardo's.

Roles and Responsibilities

Recruiters (person responsible for managing the vacancy process) are responsible for ensuring that all references for each selected candidate are requested and followed up in a timely manner and forwarded to the line manager for decision; advising the line manager if there are difficulties obtaining references or when unsatisfactory references are received; logging the receipt of returned references.

Line managers are responsible for pre-employment checking and ensuring selected candidates are suitable; deciding if references are satisfactory before job offers are confirmed; liaising with People Advisors where full references are not received,

unsatisfactory references are received or there is a need to withdraw a job offer if the reference criteria is not met; and orally confirming information with referees where this is a requirement for the post, or if considered necessary to provide clarity and ensuring a full written record is kept.

AD People/People Advisors and Local People Teams are responsible for advising line managers on the interpretation of this policy and acceptable standards of referencing to ensure compliance with statutory and legal obligations, and for supporting managers in the withdrawal of job offers.

Procedure

1. Line Managers and Recruiters should ensure that any job offers are made using the appropriate template conditional offer letter which makes clear that the offer is made subject to all required pre-employment checks which includes satisfactory references. Satisfactory must meet the following criteria:
 - For all **regulated activity/work posts**:
 - A minimum of two references covering at least the previous five years must be supplied. (**In addition, for regulated activity/work in Family Placement**, references covering a candidate's full employment/work history (including volunteering) where they have worked with children and/or adults at risk must be supplied including the reason for leaving. - see also Additional Reference Requirements on Inside.Barnardo's).
 - If a candidate applying for a regulated activity post has relevant work experience going back further than 5 years, the line manager should consider obtaining references from the relevant employer in addition to the two references within the last five years. If however, an applicant's last employment in education/working with children and/or adults at risk was over five years ago relevant references must be obtained from that employment. Barnardo's reserves the right to take up additional references as appropriate outside of the five year reference period if the candidate has previously worked in a relevant field.
 - At least one referee must provide comment on an applicant's work and relationships with service users which may mean going back further than the previous 5 years.
 - Where an applicant has worked in two (or more) positions at the same time working with children and/or adults at risk, the recruiting manager should obtain references from both employers.
 - **For apprenticeships in regulated activity** where it is not possible to obtain relevant references covering the previous 5 years, a minimum reference period of two years is acceptable, supported by a robust risk assessment (the 'General Risk Assessment' form on Barnardo's intranet can be used for this purpose).
 - For all **non-regulated activity posts** - A minimum of two references covering the previous two years must be supplied.
 - **For Retail posts** - Two references must be supplied.
 - **For all references:**

- At least one referee must be the line manager or Human Resources contact for the current or most recent employment. If the applicant has not been employed before they can provide an academic referee or someone who has supervised them in some way e.g. a youth group leader, scout leader. If the applicant has worked in a voluntary or unpaid capacity e.g. as a member of a Parents Teachers Association, then the Chair of the committee can be included as a referee. One referee can be a personal contact who can provide a character reference but they must not be related to the candidate, or live at the same postal address.
 - Factual references that only confirm dates employed are acceptable if they state that it is company policy to just provide that level of information (and the specific requirements for regulated activity posts have been met by other references). If it does not state that it is normal company policy then the line manager should go back to the referee to clarify this with them and try to ascertain why they have only provided factual information.
 - For candidates who have lived and worked abroad extra care must be taken. For example, additional written references should be sought, and followed up by telephone.
 - Barnardo's will decide if references are satisfactory and may withdraw job offers where full and agreeable references are not received.
- There are **additional referencing requirements** to be undertaken to ensure compliance with their professional standards for posts covered by the
 - National Care Standards in Scotland;
 - Fostering and Adoption Regulations;
 - Children's Homes: National Minimum Standards;and
 - roles working with children and young people in Northern Ireland;
 - schools based roles
 - See '**additional reference requirements**' on Inside.Barnardo's for further information.
2. Recruiter to request references using the standard reference request pro forma and covering letter, enclosing a copy of the job description. All reference requests should be saved into the candidate's Electronic Staff Files (ESF) and notified to the line manager for approval and clearance. All references must be on headed paper or from an authenticated company email address.
 3. Recruiter to chase outstanding references at regular intervals until we have the necessary level of referencing and advise the line manager if there are challenges in obtaining any of the required references.
 4. There is an **exception in Retail only** where a new employee can start within 5 days of the offer being made without references as long as all the required asylum and immigration information has been provided.

This Retail exception can only be applied if there are no safeguarding implications for that particular role and a risk assessment has been completed, where the outcome of a basic criminal records Disclosure is pending.

If the recruiting manager decides to apply this exception the recruiter will continue to chase the outstanding references for a maximum of 4 weeks following the start date. If references are still outstanding after this time the file will be passed over to the Local People Team, who will discuss with the line manager and provide appropriate advice. After 4 weeks, if references have not been received that are satisfactory in accordance with this policy, the employee's employment may be terminated under the Probation & Transition Policy.

5. Line manager to check the returned references, and decide if the references are satisfactory. Line managers should seek advice from the Recruiter or Local People Team when;
 - i. there are difficulties obtaining references;
 - ii. unsatisfactory references are received;
 - iii. when there is a concerning level of absence identified;
 - iv. there is incomplete information, particularly regarding the reason for leaving (see point 6 below); or
 - v. there are discrepancies between the information provided by the applicant and referee.
6. Line manager to follow up by phone with the referee any areas of concern on the references, making a note of any conversations. The note should be signed and dated and saved to the candidate's Electronic Staff File.

The line manager must advise the referee that although any information provided during the conversation will be treated in confidence and that whilst Barnardo's will endeavour to ensure it remains confidential this may not always be possible to ensure compliance with data protection legislation

In addition, for all **regulated activity/work posts** references should be checked to ensure all questions have been answered satisfactorily, including reason for leaving. If some questions have not been answered satisfactorily or the reference is vague or unspecific, line managers must follow up with a telephone call to the referee to seek answers or clarification as appropriate and to ensure the validity of the reference. The line manager must make a note of conversation, sign and date it, and save it to the candidate's Electronic Staff File.

7. Line manager to undertake a risk assessment (see General Risk Assessment Form located on Barnardo's intranet), if potential concerns are highlighted in the reference and/or questions have not been answered satisfactorily e.g. if an applicant's reason for leaving remains unclear where the role has involved working with children and/or adults at risk.
8. In consultation with the Local People Team, job offers should be withdrawn where the risk is considered too high and Barnardo's referencing requirements cannot be met. The line manager should keep a written record of the rationale for their decision.
9. Once the referencing is complete the manager must sign the reference sign-off form to confirm that the references are satisfactory and comply with the conditions of this policy. A copy of the form must be sent back to the recruiter

and a copy saved to the candidate's Electronic Staff File.

10. If development areas are highlighted in the reference of a selected candidate these should be discussed during induction and form part of the Probation and Transition Period plan prior to confirmation in post.
11. Reference information must be processed in accordance with Data Protection Legislation.

A candidate may request copies of their references and written records of decisions made about their references under their subject access request rights. Such requests must be handled by the line manager with support from their Local People Team. Requests must be managed carefully as Barnardo's has obligations to both the candidate and the referee.

Note: Under the Data Protection Act 2018 any employment reference **provided in confidence** is exempt from disclosure under a subject access request. This means that if Barnardo's receives a subject access request, confidential employment references received from and given to third parties about an individual, will be exempt from disclosure. In all other instances, disclosure will generally be the norm. See additional guidance on 'Access to References' on Inside.Barnardo's.

To ensure effective recruitment decisions and safeguarding of children and young people strict adherence to satisfactory referencing is required. However, Barnardo's will be sensitive and reasonable where compliance cannot be achieved due to career breaks or absence from the workplace related to disability, caring responsibilities or gender reassignment.

Definitions

For the purposes of this policy a 'regulated activity post' is any post which is required to have the minimum of an enhanced disclosure check.

Associated guidance and documents

Additional Referencing Requirements – see Inside.Barnardo's
Guidance on access to references – see Inside.Barnardo's
Agency worker Guidance – see Inside.Barnardo's

References

Data Protection Act 2018
Information Commissioner's Office guidance
Department for Education (DfE) Safer Recruitment Guidance (formerly CWDC Guidance 2009)
Keeping Children Safe in Education (2019)

Review

This policy will be reviewed at three yearly intervals. Proposed changes will be subject to consultation with UNISON.

Statutory changes will be incorporated automatically and any legal or organisational developments may prompt more frequent reviews.

Compliance measures

Recruitment Centre and Local People Teams monitoring of general adherence to policy.

Feedback from UNISON and Barnardo's EDI staff networks.

Audits

Document History

Version	Date	Author	Status	Comment
1	01.09.13	Policy & Advice Team	Revised Policy	
1.1	14.07.14	Policy & Advice Team	Revised Policy	Amendment to Retail exception – dismissal after 8 weeks if full references on received
1.2	July 2016	Policy & Advice Team	Policy Reviewed	Minor amendment of wording on Retail exception
1.3	April 2017	Policy & Advice Team	Minor amend	Minor amend to ref NI needs in additional requirements doc
1.4	October 2017	Policy & Advice	Minor Amend agreed by ER & Policy Manager following consultation with relevant Retail & CS Managers/ ADPs	Minor amend to ref requirements for Retail & additional enhancements to refs for Schools
1.5	November 2017	Policy & Advice Team	Minor amends	Amendment made to ref requirements relating to regulated posts, in particular apprenticeships and those in schools.
1.6	October 2018	Policy & Advice Team	Minor amends	Amendment to reflect DPA 2018 & timescales for chasing outstanding references reduced (Retail Exception).
1.7	Jan 2020	Policy & Advice	Amendments made in light of Ofsted feedback.	Updated to reflect Ofsted requirements for Family Placement roles

Owner

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