

April 2019

EMPLOYMENT HISTORY AND REFERENCE CHECKS

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INTRODUCTION

What is an employment history and reference check?

An employment history and reference check refers to the process employers must follow to verify information already provided by an individual as part of their application. It allows employers to gain a better picture about the individual's previous employment, training and/or other activities undertaken out in the community, such as volunteer work, which can help confirm a recruitment decision.

Importance of an employment history and reference check

While there is no legal requirement for employing organisations to provide references about people who are or were in their employment, employers have a duty of care to both patients and staff to ensure that all reasonable checks are undertaken to ascertain a person's suitability for any given role.

Over the years, data protection law has had a significant impact on the type of information employers are likely to agree to provide in response to a reference request. Employers have a duty to ensure that any information they share about workers and former employees is a fair and true reflection of their performance and suitability (for example, does not include personal opinions or views which may be regarded as subjective). This standard therefore outlines the minimum information employers should aim to request or provide as part of a factual employment history and/or other reference request.

To comply with amendments to data protection under the General Data Protection Regulation (GDPR) 2018, employers should ensure that all workers are aware that it is the organisation's policy to only provide factual references.

Employers may also wish to take the opportunity to clarify what type of information might be shared about individuals as part of a reference, for instance when conducting exit interviews.

Minimum requirements

When to seek a reference

Factual references should be routinely sought as part of the selection process for all appointments in the NHS.

Reference requests should be made **after the interview process** has taken place and **once a provisional offer of appointment** has been made. In certain circumstances it may be deemed reasonable and proportionate to seek references prior to interview, for example, when making senior appointments, such as medical consultants or board members. All applicants must be advised in writing when obtaining references at an earlier stage in the recruitment process.

In all cases, the new employer must seek the applicant's permission before obtaining a reference from their current employer, as they may not have informed them of their intentions to leave the organisation.

References should never be used as the sole grounds for shortlisting or assessing an applicant's suitability for a post. Any decision to appoint should be made based on the wider range of information gathered as part of the recruitment process. This may include face-to-face interviews, psychometric tests or other forms of selection assessments that may be regarded as relevant and proportionate to the role being appointed to.

Information to be sought

The NHS application form should require applicants to outline their full employment and/or training history. It should also require them to give an explanation for any gaps between periods of employment and training. Any unexplained gaps or discrepancies in employment or training history should be explored during the interview process.

For new appointments from outside of the NHS, employers should seek the necessary references to validate a period of **three consecutive** years of **continuous** employment or training immediately prior to the application being made. The number and type of references obtained for each applicant may vary slightly, depending on whether the individual has held employment or has studied for a consecutive period of three years and/or how many episodes of employment or training they may have had during this time.

References should aim to provide details of:

- where the individual has been employed/volunteered, or has studied
- the dates of employment/volunteering, or duration of study
- the position held or, course undertaken
- any recent or ongoing disciplinary action or referrals
- the reasons for leaving employment, training or study (where this is known).

Additional guidance is provided on pages six to eight, if, for any reason, it is genuinely not possible to validate a consecutive period of three years employment and/or training.

Moving from one NHS organisation to another

If an individual is moving from another NHS organisation, employers should, as a minimum, seek to obtain a reference from the applicant's current or last NHS employer. Employers may decide to obtain additional references covering a longer period where this is relevant and likely to add value in confirming their recruitment decision, and there is an element of discretion here for employers to do this should they choose.

Existing staff changing roles internally

If the individual is changing roles internally within the same organisation or is working in the organisation's internal staff bank, all effort should be made to minimise risk. The recruiting manager should contact the human resources department to verify that all details recorded about the individual on the electronic staff record (ESR)/or other personnel management system are up to date, and that there is no relevant information on their personnel record that may need to be considered against their suitability for the new role. Additional information may be sought through their current line manager, where this is regarded as necessary to confirm the recruitment decision.

Doctors in training

Doctors on rotational training programmes are regarded as being in continuous employment for their full period of training. Employers should use their discretion when deciding the frequency and number of references required when seeking ongoing assurances about a doctor's conduct. Employers may find it useful to obtain information from the most recent Record of In-training Assessment (RITA) or Annual Review of Competence Progression (ARCP). Obtaining additional references should be proportionate to risk.

Senior appointments

Under the fit and proper person requirements (FPPR) regulations, available on the [CQC website](#), employers must be able to demonstrate that the necessary pre-employment checks have been undertaken on all staff in director level positions, including the uptake of references. In addition, any checks should also include carrying out a free online check against the [Companies House register](#). This check can be used to provide assurances that individuals have not been disqualified and/or are not subject to restrictions which would prevent them from being considered for a director level position. Further guidance on the [fit and proper person requirements and meeting compliance](#) can be found on the NHS Employers website.

Although not a core element of normal pre-employment screening processes, employers may also wish to carry out a finance check when considering senior appointments. It is important to note that interpreting the implications of financial information will require a far greater degree of judgment than the checks outlined in the NHS Employment check standards. We would therefore recommend that any such checks are managed under the organisation's local security policy. Further information on finance checks can be found in the FAQ section of the [NHS Employers website](#).

How to seek a reference

Employment and/or training history should be obtained in writing (either via hardcopy, email or fax). Emailed confirmation from employers/charity bodies or training institutions should be sent from a recognised company email address.

Employers will need to satisfy themselves that both the referee and the organisation are bona fide. All references must include the referee's name, job title and a main landline number.

Using a standard form to obtain employment and/or training history can help referees to more easily identify what information they need to provide. This can significantly reduce the time it takes them to provide a response and speeds up the new employers' ability to appoint. It can also help ensure a level of consistency of information provided about each applicant, and in ensuring information is relevant, factual and justifiable in all cases.

Employers must also make sure that any questions posed about an applicant's health or disability are in line with the provisions outlined in the Equality Act 2010, see further information in the [work health assessment standard](#). The standard templates provided as appendices at the back of this document, are intended to help employers avoid any challenge of discrimination in this regard.

- [Appendix 1](#) should be used to seek verification of employment history from successful applicants **after** the interview process has been completed.
- [Appendix 2](#) should be used to seek verification of employment history from shortlisted applicants **prior** to interview.
- [Appendix 3](#) should be used to seek further information from the applicant to verify any gaps in employment history or training.
- [Appendix 4](#) should be used to seek verification of training history.

If employers have access to the Electronic Staff Record (ESR), they can initiate a standard reference request using the Inter Authority Transfer (IAT) functionality. The functionality allows the employer to review, validate and amend any information contained on the standard reference request form before they submit it to the relevant organisation. This process is unique in that on receipt of a reference request, the referee will be presented with a standard template (based on the ones provided in this document) which is pre-populated with a number of fields from ESR. On receipt, the referee can verify that the information is correct and/or amend or provide additional information. When satisfied, they can submit the completed template to the organisation requesting this information. Further information about this functionality can be found on the [ESR website](#).

Alternatively, employers may set up the reference interface provided by their preferred recruitment software (such as NHS Jobs, TRAC, or Health Jobs UK) to reflect the suggested templates.

Dealing with requests for information

Requests for employment history should be dealt with by the human resources department or other relevant personnel function. This is to remove the risk of an applicant directing the new employer to someone who may provide inaccurate or fraudulent information.

Should the recruiting manager require additional information to verify skills and experience (due to the nature of the job being applied for) this should be indicated on the reference request and the human resources department will refer this to the right person in the organisation who can provide this information.

It is recommended that employers provide information about their policy on providing references on their main website and intranet. This should set out who can provide references, in what circumstances, and, the type of information that will be provided.

Setting up a dedicated email address for incoming reference requests will be helpful to avoid any unnecessary delays in managing and responding to reference requests which may otherwise be misdirected to line managers.

Any local policy should be well communicated to all workers so that they understand what information will be shared about them, and who they can nominate as a referee when they apply for a job.

What to do if an employer reference is unobtainable

There may be a number of perfectly genuine reasons as to why an applicant cannot provide you with a referee from a previous employer. For example, this may be because the individual has never worked before, or they have not worked for some considerable time, or their previous employer has ceased trading. In such cases, we would recommend that you seek a reference from their last known employer and source additional character or personal references in order to validate the required three year period.

If the applicant's previous employer refuses to provide a reference, the employing organisation may seek the necessary assurances by obtaining a character or personal reference (see further details in the section below). Where limited references are available, the decision to appoint must be based on what the applicant can reasonably provide to support their application.

Negative references

Where negative issues are included in a reference, information should be carefully considered and weighed up against the wider range of evidence gathered as part of the recruitment process.

It's important to note that an individual's circumstances may change over time and no assumptions should be made about the individual's suitability for another role in a different setting.

Employers should aim to investigate negative information by sensitively raising it with the individual concerned, giving them opportunity to explain the situation in more detail and/or, where appropriate, give them chance to outline any learning from past mistakes or experiences in order to obtain the necessary assurances about their suitability for a role.

Where, necessary, employers may wish to seek additional references, as outlined in the sections below, to help validate their decision to appoint.

Other types of reference

Character/personal references

Character and personal references can provide invaluable information to help build up a picture of the applicant's reliability, social skills and experiences. They may also be useful to further support an application if the individual has a previous criminal record history or where they genuinely cannot provide a previous employer reference, for example, because their previous employer has ceased trading. They can also provide additional information to support a person's application where the employer reference outlines that the individual has left because of an irretrievable breakdown in relationships.,

The distinction between employer and character/personal references should be made clear to employees.

Employer references provide factual information about their employment. If an employee is approached to give a character or personal reference, it is advisable for them to clarify that the information they are providing is based on their relationship with the applicant in a personal capacity. Such references are not required to be presented on headed paper or with the organisation's stamp.

Asking specific questions will be helpful in ensuring the referee provides you with accurate and factual information. These questions could include how long they have known the applicant, in what capacity they have known them, and what skills/experience the individual has demonstrated that might be regarded as valuable attributes for the position they are applying for.

Character and personal references should be sought from personal acquaintances that are not related to the applicant, and who do not hold any financial arrangements with that individual. Personal acquaintances may include professors, academic advisors or someone of some standing in the applicant's community. Further guidance about persons of some standing in the community can be found on the [NHS Employers website](#).

Volunteer activity reference

Where the applicant has indicated that they have undertaken volunteer work, references may be sought through the relevant charity body or organisation hosting that activity.

Training history reference

If the applicant has indicated that they have left or are leaving full-time education, references to validate their training history should be sought from the individual's professor, academic tutor or head teacher using the template in appendix 4.

Self-employment reference

For periods of self-employment, references should be sought to confirm that the individual's business was properly conducted. This may include seeking information from customers or clients, bankers, accountants, HM Revenue and Customs, or [Companies House](#).

Overseas references

As part of the application process, individuals are required to give a reasonable account of any significant periods of time spent overseas (for the purpose of this standard, this should be where individuals have spent a continuous period of six months or more overseas).

If the applicant has declared that they have been employed (including volunteering activities or time served in the armed forces), or have trained overseas, every effort should be made to seek adequate references from the relevant body as early in the recruitment process as possible to prevent any unnecessary delays in making the appointment.

In a number of European countries, employees are issued with a government-issued labour book which contains information about their employment history. If applicants present a labour book, employers may accept information presented within this document instead of seeking a separate reference directly from the applicant's employer.

Confirmation of dates should be cross-referenced with documentary evidence provided by the applicant such as a passport, work permit or other documentary evidence confirming their travel and immigration status. See further guidance in the right to work check standard on the [NHS Employers website](#).

Every effort should be made to ensure that documents presented by prospective employees are verified as bona fide through the relevant issuing body. Where this is not possible, these may be verified through the country's relevant UK embassy or consulates. Further information can be found on the [Foreign and Commonwealth Office](#) website or by telephoning 020 7008 1500.

If an applicant is unable to provide sufficient documentary evidence of time spent abroad, employers will need to consider what additional assurances may be gained at interview, or through evidence of other relevant training and experience in the UK. Where the necessary checks cannot be undertaken, or sufficient assurances are not available, it may not be possible to employ the individual. Employers will need to have policies in place to manage any withdrawal of an offer of employment.

Employers are advised to allow extra time in their recruitment process when requesting references from overseas as they will need to be translated. The [Security Industry Authority](#) provides guidance on how to go about translating documents via official sources.

Armed forces references

Applicants from the armed forces should possess a Certificate of Service under cover of an official letter. Where the individual can present this, employers may accept this instead of needing to request a separate factual reference.

Certificates of service contain security marks such as holograms and therefore employers should verify these in the same way as any other official documentation.

Retaining and recording information

Information relating to an employee's appointment should be recorded on ESR (where available) or another relevant personnel management system in line with the Data Protection Act 2018 (underpinned by the General Data Protection Regulation 2018).

Any information gathered should be retained for the minimum periods outlined within the codes of practice for handling information in health and social care which can be found on [NHS Digital's website](#).

Discrepancy in information provided

From time to time the information provided in a reference may contradict the information provided by applicants in their application. There may be a reasonable explanation for apparent discrepancies and employers should proceed sensitively to seek the necessary assurances directly with the applicant.

In exceptional circumstances where there is serious misdirection, employers may feel it appropriate to report their concerns to the NHS Counter Fraud Authority. Employers can:

- call the NHS Fraud and Corruption Reporting Line on (freephone) 0800 028 40 60 (lines are open 8am-5pm Monday to Friday)
- fill in the online reporting form on the [NHS Counter Fraud Authority website](#)
- ask your organisation's local counter fraud specialist (LCFS) for advice. Each organisation should have a nominated LCFS.

Appendix 1: Confirmation of employment (with absence request)

STANDARD REQUEST: To be used only **AFTER** a conditional offer of appointment has been made. If requesting information prior to a conditional offer being made, please use the letter provided in [appendix 2](#).



[Date]

Human resources officer

Recruitment officer

NHS organisation receiving request

HR department initiating request

Dear [HR officer's name]

Re: [applicant's name] - [ref. number] - [post title] - band []

The above named person has been offered the post of [post title] at the [name of the NHS organisation initiating request].

I would be grateful if you could complete the attached confirmation of employment request and return it to me as soon as practically possible to ensure timely recruitment.

The last two questions should be referred to the applicant's most recent manager, should you not be able to answer them yourself based on the information available to you.

Please note that under the Data Protection Act (as amended by the General Data Protection Regulation 2018) and Freedom of Information Act, applicants may request access to any information that is held on them.

Thank you in advance for your assistance in this matter.

Yours sincerely

[Recruitment officer's name]

CONFIRMATION OF EMPLOYMENT (WITH SICKNESS ABSENCE) REQUEST

STANDARD REQUEST: To be used only **AFTER** a conditional offer of appointment has been made. If requesting information prior to a conditional offer being made, please use the form provided in appendix 2 of the [Employment History and Reference Check Standard](#).

Information provided in this reference reflects the most up to date information available at the time the request was fulfilled.

Name of the applicant		
National Insurance number or date of birth		
Please confirm employment dates		From: To:
Please confirm the applicant's current/most recent job title and grade		
Please confirm applicant's reason for leaving (if known)		
1. How many days absence (other than annual leave) has the applicant had over the last two years of their employment, and in how many episodes?		
2. Are there any warnings on the applicant's record that have not been disposed of?		Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details (this may include warnings that could have been imposed, if the individual had not left before an investigation had concluded)		
3. Is the applicant under investigation for any matter (incl. conduct, or performance) under any of your employment policies?		Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details (this may include any formal action that could have been taken, if the individual had not left before the investigation had concluded):		
4. Please provide details of when you last completed a check with the Disclosure and Barring Service (DBS)		
— Date DBS check was last completed.		Date
— Please indicate the level of DBS check undertaken (basic/standard/enhanced without barred list/or enhanced with barred list)		Level
— If an enhanced with barred list check was undertaken, please indicate which barred list this applies to		Adults <input type="checkbox"/> Children <input type="checkbox"/> Both <input type="checkbox"/>

— Did the check return any information that required further investigation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Are you aware of any recent/outstanding allegations that were made against the applicant that relate to any safeguarding issues/referrals (including any referrals to the DBS)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give details		
<p>6. The answers given above have been provided in good faith and are correct to the best of my knowledge and belief.</p> <p>Referee name (please print): _____ Signature: _____</p> <p>Email address: _____ Telephone number: _____</p> <p>Date: _____</p>		
<p>Data Protection This form contains personal data as defined by the Data Protection Act 2018 (as amended by the General Data Protection Regulation 2018). This data has been requested by the Human Resources/Workforce Department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.</p>		

Appendix 2: Confirmation of employment (without absence request)

PRE-OFFER REQUEST: To be used where requesting information **PRIOR** to a conditional offer being made.



[Date]

Human resources officer

Recruitment officer

NHS organisation receiving request

Human resources department initiating request

Dear [HR officer's name]

Re: [applicant's name] - [ref. number] - [post title]

The above named person has applied for the following post of [post title] at the [name of the NHS organisation initiating request].

I would be grateful if you could complete the attached confirmation of employment request and return it to me as soon as practically possible to ensure timely recruitment.

The last two questions should be referred to the applicant's most recent manager, should you not be able to answer them yourself based on the information available to you.

Please note that under the Data Protection Act (as amended by the General Data Protection Regulation 2018) and Freedom of Information Act, applicants may request access to any information that is held on them.

Thank you in advance for your assistance in this matter.

Yours sincerely

[Recruitment officer's name]

CONFIRMATION OF EMPLOYMENT (WITHOUT SICKNESS ABSENCE) REQUEST

PRE-OFFER REQUEST: To be used where requesting information **PRIOR** to a conditional offer being made.

Information provided in this reference reflects the most up to date information available at the time the request was fulfilled.

Name of the applicant		
National Insurance number or date of birth		
Please confirm employment dates	From:	
	To:	
Please confirm the applicant's current/most recent job title and grade		
Please confirm applicant's reason for leaving (if known)		
1. Are there any warnings on the applicant's record that have not been disposed of?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give details (this may include any warnings that could have been imposed had the individual not left before the investigation concluded).		
2. Is the applicant under investigation for any matter (incl. conduct, or performance) under any of your employment policies?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give details (this may include any formal action that could have been taken had the individual not left before the investigation concluded).		
3. Please provide details of when you last completed a check with the Disclosure and Barring Service (DBS)		
<ul style="list-style-type: none"> — Date DBS check was last completed — Please indicate the level of DBS check undertaken (basic/standard/enhanced without barred list/or enhanced with barred list check) — If an enhanced with barred List check was undertaken, please indicate which barred list this applies to 	Date Level Adults <input type="checkbox"/> Children <input type="checkbox"/> Both <input type="checkbox"/>	
— Did the check return any information that required further investigation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are you aware of any recent/outstanding allegations that were made against the applicant that relate to safeguarding issues/or referrals - including any referrals to the DBS)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If yes, please give details:

4. The answers given above have been provided in good faith and are correct to the best of my knowledge and belief.

Referee name (please print):

Signature:

Email address:

Telephone number:

Date:

Data Protection

This form contains personal data as defined by the Data Protection Act 2018 (underpinned by the General Data Protection Regulation 2018). This data has been requested by the Human Resources/Workforce Department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.

Appendix 3: Personal statement

PERSONAL STATEMENT	
To be completed by the APPLICANT and used to clarify any gaps in employment or training history.	
Name	
Reference number	
Dates the statement refers to	From: To:
Please briefly describe what were you doing during the time this statement refers to (for example, caring for a family member; travelling; unemployed; looking for work)	
I can confirm that the information given above is accurate and true.	
Applicant name (print):	
Signature:	Date:
Email address:	Telephone no:
<p>Data Protection</p> <p>This form contains personal data as defined by the Data Protection Act 2018 (underpinned by the General Data Protection Regulation 2018). This data has been requested by the Human Resources/Workforce department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.</p>	
<p>Please note that we may require you to provide additional documentary evidence such as a passport or other travel documents, proof of seeking benefits (if unemployed) to further validate the information you have provided within this form.</p>	

Appendix 4: Confirmation of training request



[Date]

Registrations manager

Recruitment officer

Registrations department
receiving request

Human resources department
initiating request

Dear [registrations manager's name],

Re: [applicant's name] - [ref. number] - [post title]

The above named person has been offered the post of [post title] at the [name of the NHS organisation initiating request].

I would be grateful if you could complete the attached confirmation of training request and return it to me as soon as practically possible to ensure timely recruitment.

Please note that under the Data Protection Act (as amended by the General Data Protection Regulation 2018) and Freedom of Information Act, applicants may request access to any information that is held on them.

Thank you in advance for your assistance in this matter.

Yours sincerely,

[Recruitment officer's name]

CONFIRMATION OF TRAINING REQUEST

Information provided in this reference reflects the most up to date information available at the time the request was fulfilled.

Name of the applicant		
Date of birth		
Current home address of applicant		
Reference number		
Please confirm study dates	From:	
	To:	
Please confirm the course on which the applicant was registered		
Please confirm the qualifications that the applicant achieved		
1. Was the above named person subject to any formal disciplinary action or given any warnings about their conduct during the time that they were on the course specified above?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give details:		
2. Are you aware of any recent or outstanding allegations which were made against the applicant that relate to any safeguarding issues/referrals, including any referrals made to the Disclosure and Barring Service (previously known as the Independent Safeguarding Authority)?		
If yes, please give details:		
3. The answers given above have been provided in good faith and are correct to the best of my knowledge and belief.		
Referee name (please print):	Signature:	
Email address:	Telephone number:	
Date:		
<p>Data Protection</p> <p>This form contains personal data as defined by the Data Protection Act 2018 (underpinned by the General Data Protection Regulation 2018). This data has been requested by the Human Resources/Workforce Department exclusively for the purpose of recruitment. The Human Resources/Workforce Department must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.</p>		

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