

Education Supply Chains

A Better Hiring Toolkit

In collaboration with:



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1. Introduction

This Better Hiring Toolkit defines an industry standard for schools and colleges working with supply chains.

The standard is framed around Keeping Children Safe in Education (KCSIE) - statutory guidance for schools and colleges in England on safeguarding children and safer recruitment. This Better Hiring Toolkit provides simple guidance to support schools and colleges to hire new employees in line with regulatory and industry best practices. At the heart of the Better Hiring Toolkit is the safety of organisations, their pupils, finances, and their customer data.

Those responsible for recruiting or supervising staff or volunteers have an obligation to conduct a safe and fair recruitment process. Schools and colleges should ensure that pre-employment checks are robust so that they protect their students, staff and reputation, whilst ensuring compliance with regulations. Now more than ever, schools and colleges are reliant upon all the information gathered during the recruitment process to determine the suitability of an applicant and their fitness to undertake the role.

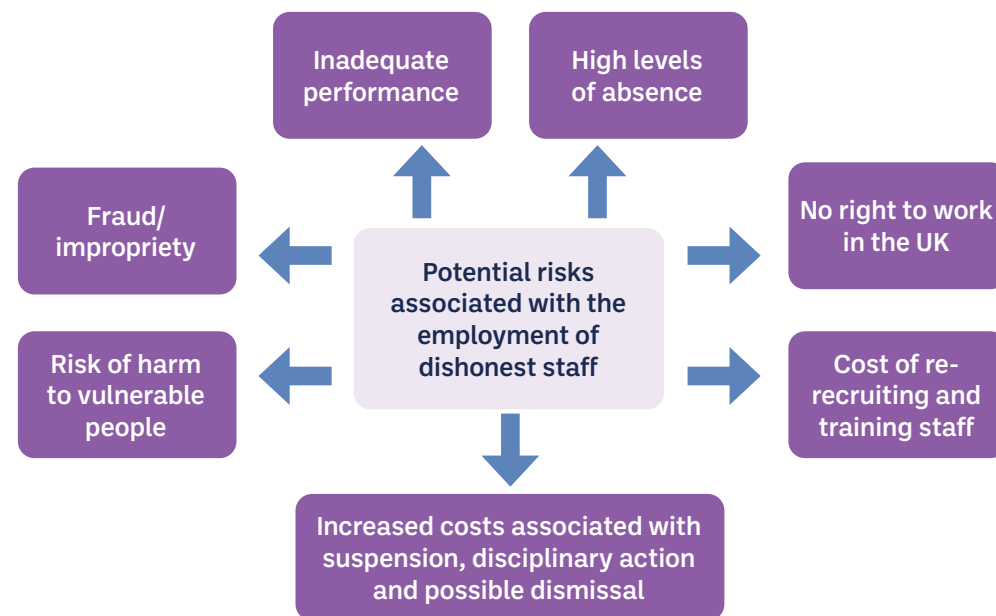
This Toolkit is more than just a vetting standard and addresses long standing issues such as safeguarding management for different employment models and how suppliers should make referrals to the DBS. The Toolkit promotes the use of frameworks and accredited audit schemes such as APSCo Compliance+ and the REC so schools and colleges know how to choose suppliers who are externally and independently audited. It provides advice and guidance to schools and colleges on reporting to the industry regulator, the Employment Agency Standards Inspectorate within the Department for Business and Trade, and what reportable incidents look like. Vetting challenges such as identifying name changing in hiring are also addressed and practical guidance provided to make the hiring and onboarding process as smooth as possible.



Why we need to get it right

An effective, safe and fair recruitment process will include a range of robust vetting checks, including detailed references, at appropriate stages. This ensures that as much relevant information as possible is gathered about conduct and suitability from multiple sources about prospective employees to make the safest and fairest recruitment decision. School and college staff have particularly important roles regarding safeguarding, as they are in a position to identify concerns early, provide help for children, promote children's welfare and prevent concerns from escalating.

Safer recruitment and robust vetting provides schools and colleges with the first opportunity to deter and prevent those who may be unsuitable for work from securing a role with them. However, it is just one of many barriers that organisations can and must put in place as part of their commitment to a safeguarding culture.



Employers who put in place an efficient system for managing and recording safeguarding related conduct concerns, (e.g., low-level concerns and allegations), will benefit from gathering the information required to share effective references, and conduct information with the Disclosure and Barring Service (DBS) and other relevant organisations when it might be required.

Cases for Change

The Soham murders case in 2002 involving the infamous Ian Huntley exposed serious failings within the education vetting system which is designed to prevent people who may pose a threat to children from taking up employment in schools.

Though Ian Huntley had no convictions for previous sex offences, he had been brought to the attention of Police ten times and Social Services on five occasions. Between August 1995 and May 1996, Huntley established numerous sexual relationships with teenage girls, all of whom were under the legal age of consent. Social services investigated four relationships between Huntley and schoolgirls, one only 13, and an alleged indecent assault on an 11-year-old girl. But checks made by the Police on Huntley when he was appointed caretaker of Soham Village College failed to unearth these details of his past.

Huntley applied for the post of residential site officer at Soham Village College in October 2001 under his mother's maiden name, Nixon, providing his full address, his national insurance number and employment record.

Under the vetting system in place at the time he also had to disclose his date of birth, any previous names and home addresses for the previous five years. The county council said these details, including the name Ian Huntley, were passed on to the Police. Huntley began work before the check came back.

The civilian operator failed to check him under the name Huntley. Police admit this was an error and disciplinary proceedings against the operator would follow. However, the PNC would not have shown he was charged with rape in 1998. Nor would this check have thrown up any of the other accusations and reports made against him which did not result in a charge. This sort of information is held locally on Police "intelligence" databases. The check showed "no trace" - on the face of it, Huntley had no convictions, had never been cautioned or bound over and there was no "intelligence" on him. Police refused to speak about the checks they carried out on Huntley, it must be presumed that they did not provide details of the accusations levelled against him.

Unbeknown to senior staff at school and the education authority, the checks on Huntley, undertaken by two Police forces, where Huntley grew up, had not been carried out fully. Huntley went on to lure two 10-year old girls into his home and subsequently murdered them.

His girlfriend at the time, Maxine Ann Carr—the girls' teaching assistant—had knowingly provided Huntley with a false alibi. She received a three-and-a-half-year prison sentence for conspiring with Huntley to pervert the course of justice.

A number of inquiries, launched by then Home Secretary, David Blunkett, investigated the failures of both the police and other social and vetting agencies, in stopping Huntley sooner, and system wide communication and intelligence-sharing errors were identified, which led to the suspension, and early retirement, of the chief of a Police force involved.



There is a concern **that many abusers do not have convictions** and no intelligence is held about them. Therefore, the selection and recruitment process, if properly conducted, is an important, indeed essential, safeguard."

Sir Michael Bichard
(2004) Soham Inquiry



For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee they will be stopped. **Our task is to make it as difficult as possible for them to succeed"**

Sir Michael Bichard
(2004) Soham Inquiry

Identifying name changes in hiring

The Better Hiring Institute (BHI) recognises that the UK must do all it can to close the gaps to prevent any real or perceived threat to the public, in particular children or vulnerable adults to stop someone from being employed who might have changed their name for nefarious reasons.

Working with a range of government departments including Home Office, the Disclosure and Barring Service, HMPO and others, in addition to employers from a variety of sectors, the Better Hiring Institute have developed guidance on how employers can identify when job applicants and current employees have changed their name in hiring and during employment, most of which occurs for legitimate reasons.

An occurrence of name changing is often evidenced by a marriage certificate, divorce certificate/record, or any additional identity document. Visit [Better Hiring Institute checklists](#) and supporting documentation to confirm that you have fully investigated any signs of previous name changes and improve your knowledge on tell-tale signs that may need to be addressed.

PRISIM model of safer employment

It is important to embed a culture that applies a 360° approach to safeguarding in employment. This makes best use of the induction, probationary period and effective supervision as part of an ongoing culture of safeguarding and vigilance to identify for all staff or volunteers any behaviours or attitudes which may cause concern and which may not have been shared in the references.

The 'PRISIM model of safer employment' is a framework that encompasses a 360° approach to safeguarding.

It supports employers within education to embed a **safer employment mindset at every stage of the employment journey** – from planning recruitment through to managing leavers.

It also supports employers to **move beyond compliance**, encouraging schools and colleges to be 'curious' about their own culture and their approach to sharing effective references and conduct information in order to fulfil their responsibilities to keep everyone safe.



A safeguarding mindset

A safeguarding mindset is the difference between compliance and curiosity. We know from many inquiries and serious case reviews that a culture of compliance alone does not keep children safe.

For curious organisations, when something does not seem right, they seek additional information to validate or challenge their observations. This means they will have the evidence they need to make the right decision.

It's everyone's responsibility in a school or college to help safeguard children. Those recruiting need to be curious when planning the recruitment and employment process and be able to understand what the safeguarding risks are in the roles being recruited for. This will ensure that relevant information can be asked for on references, and relevant evidence of suitable conduct can be gathered and recorded throughout the recruitment process.

Setting out safeguarding expectations

Letting applicants know about expectations and responsibilities demonstrates an organisation's commitment to safe practice and ensures any related conduct issues can be identified and managed quickly and effectively. Safeguarding expectations and responsibilities should be included in:

- job adverts and application packs
- job descriptions and person specifications
- explanations of the different vetting checks being carried out for the role
- any selection tools used to assess the safeguarding mindset, values and attitudes.



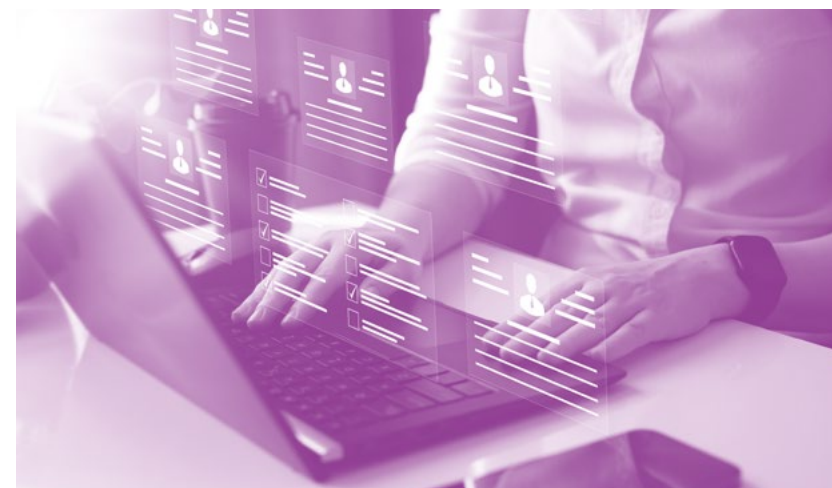
Compliance

Compliance is when a school or college meets the minimum standards and ticks all the right boxes, **but does not explore or consider anything that sits outside of that process.**



Curiosity

Curiosity is when a school or college goes beyond compliance and is **actively curious** about the information they do and don't have.



2. Legal responsibilities

Keeping Children Safe in Education (KCSIE)

This guidance applies to all schools and colleges in England and is for:

- headteachers, teachers and staff
- governing bodies, proprietors and management committees

It sets out the legal duties schools and colleges must follow to safeguard and promote the welfare of children and young people under the age of 18 in schools and colleges.

Statutory guidance sets out what schools **must** do to comply with the law.

Where the guidance states schools and colleges **should** do something, you should follow this unless you have a good reason not to.



[National guidance for child protection in **Scotland** and **The child protection system in Scotland**](#)

[Guidance on Keeping learners safe in **Wales**](#)

[Guidance on Safeguarding and Child protection in school **Northern Ireland**](#)



Data Protection Act 2018 considerations

There is a common myth that data protection is a barrier to data sharing, and it is often used by some organisations as an excuse to justify not sharing information. **Data protection should never be a barrier to responsible data sharing.** High profile inquiries have shown that children and vulnerable adults have come to harm because of this misconception (ICO, DBS Conference 2021).

To adhere to the [key principles of data sharing](#) organisations need to identify a [lawful basis](#), establish necessity and adequacy (which can be subjective). No single basis is 'better' or more important than the others. Which basis is most appropriate to use will depend on the specific case and its' purpose. Some organisations consider consent as the lawful basis when dealing with references or conduct information, but consent cannot be used if there is an imbalance of power. An imbalance of power occurs when for example, the employer can rely on another legal basis, or the data subject may fear adverse consequences by refusing – e.g., not being offered a job!

The [ICO Lawful basis interactive tool](#) can help organisations work out which lawful basis is likely to be most appropriate for their specific processing activities.

As the organisation may be processing [criminal offence data](#) and/or [special category data](#) when sharing effective references and conduct information, they will need to identify both a lawful basis for general processing, and an additional condition for processing this type of data.



A note about...

Criminal offence data

UKGDPR/DPA 2018 gives extra protection to criminal offence data (under [Article 10](#)). This type of data is likely to be high risk to individuals if leaked, and so the organisation must have an [appropriate policy document](#) in place, identify a lawful basis, and complete a [data protection impact assessment \(DPIA\) if sharing this information](#).

When sharing safeguarding related concerns with other organisations, employers may consider using substantial public interest conditions – safeguarding of children and individuals at risk.

When obtaining a reference, employers may consider using 'legitimate interest' as their legal basis. Social care providers and schools and colleges may consider 'legal obligation' to obtain/ provide a reference.

Please visit here for further information on GDPR



Please visit here for data sharing information from the ICO



Regulatory frameworks/ Trade bodies

Schools and colleges looking to outsource recruitment should use accredited suppliers as best practice to increase assurance. Agencies that join trade bodies must follow a certain ethical code and are bound by certain guidelines. By choosing a recruitment company that is a member of a trade body, this provides one level of assurance as they will have gone through a signup process. The three main trade bodies within education recruitment are APSCo Compliance +, Recruitment and Employment Confederation (REC) and Standards in Recruitment.

APSCo Compliance +

APSCo has developed the Compliance+ accreditation to provide an uncompromising quality benchmark for recruitment companies working in high-compliance and safeguarding sectors. It compels members to go beyond statutory safeguarding standards and aim for excellence in competency selection and service quality.

Employers seeking a recruitment partner for roles that require individuals to engage with vulnerable adults and children can rest assured that APSCo members holding a Compliance + accreditation have been thoroughly, and independently vetted to the highest standards. **Compliance+ standards** are recognised by the [Crown Commercial Service](#), and APSCo continue to work with them and other Government and non-governmental stakeholders to ensure that the standards remain appropriate.

It is the best practice quality standard for recruitment companies and compels members to go beyond statutory safeguarding standards and aim for excellence in competency, selection and service quality.

Recruitment and Employment Confederation (REC)

The REC drive standards and empower recruitment businesses to build better futures for their candidates and themselves. They provide legal advice, business support and training to help recruiters. REC members are recognised for their professionalism and the value

they provide to clients and candidates. If a recruitment agency displays the REC logo, it demonstrates that they have passed their Compliance Test and adhere to their Code of Professional Practice.

The REC work with recruiters and employers across the UK. Their team includes legal, compliance, policy, qualification and account management experts who have specific experience working with recruiters to help their businesses thrive.

Standards in Recruitment (SiR)

The SiR Standard Limited accredits recruitment and introduction related businesses in a meaningful way. Created by recruitment legal and compliance specialists, the objective is to provide validation based on actual evidence of good practice. This in turn requires onsite inspection by suitable experts. The Standards continue to evolve as the law and compliance best practice changes.

The teacher agency accreditation is formally recognised by the Crown Commercial Service (England) and the National Procurement Service (Wales) as a certificated standard in their respective commercial framework agreements for the provision of supply teachers for the public education sector.

3. Recruitment and Supply Chain

It is important that HR and Onboarding teams are fully involved in the recruitment process and understand the importance of a robust vetting policy for all employees, regardless of the role.

It is not just new employees who should be vetted. Existing employees should be subject to regular ongoing monitoring, such as right to work and make use of the update service for criminal record checks.

As part of the recruitment process, schools and colleges should ensure that they follow organisational policies when recruiting, always keeping in mind equality, diversity and inclusion (ED&I), consent, modern slavery, counter fraud, reporting and UKGDPR (UK General Data Protection Regulation).

For peace of mind, there are various options if organisations choose to outsource their recruitment and employment screening. These can include framework agreements, direct sourcing, pre-employment vetting organisations or the use of recruitment agencies.

If opting for the internal route and direct sourcing, it is important to ensure that the organisation's policies and procedures are adhered to.



How to choose an outsourced supplier

For schools and colleges seeking to engage a recruitment agency. It is important to note the responsibility still ultimately rests with the school or college, and they should not solely rely on the agency, particularly when making fit and suitable judgements.

Factors to consider:

Reputation/Service delivered

It is often advisable to ask the recruitment company or outsourced provider to supply information on the other schools and colleges that they work with. This will give an insight into their ability to supply or carry out checks on the staff required. If a company is a well-known brand and has a good reputation, that is another level of assurance. Look out for client testimonies on sites such as Trustpilot or reviews which cannot be fabricated. It is important to select a company accredited with one of the three main trade bodies aforementioned.

Why should you choose an accredited recruitment company?

Schemes provide certified safeguarding to agencies that go beyond the statutory requirements. Recruitment agencies will have an annual independent audit process undertaken by external practitioners on behalf of the trade associations to confirm consistency with safeguarding. Choosing an accredited recruitment company provides governance of the audit process and ensures every applicant's competency and suitability and endorses safer recruitment. Finally, they are recognised as a certification by the Crown Commercial Service.

Approach to values

A factor to consider is whether organisational values align with the provider. By sharing the same values, it sets a standard of service and expectations. Consider whether they have an equality, diversity and inclusion strategy, and whether it aligns with your practices.

The importance of the social corporate responsibility

An overlooked factor when selecting a recruitment agency is their pledge to social corporate responsibility. How is an agency contributing to society? Consider their environmental pledges. Are recruitment agencies playing their part by pledging to be carbon neutral? If so, this shows their commitment to the environment and what their business is doing to create a more sustainable planet.

Managing & selecting a partner

When working with a supplier, it is good to assess the service that they provide and how they manage their supply chain. To create a confident supply chain, ensure awareness around compliance is built. Do this by carrying out thorough due diligence on the agency to avoid any risks to clients and the organisation. Working very closely with suppliers enables schools and colleges to identify and manage any potential risk and promote transparency in the process. It is also important to ensure that the agency chosen is vetting compliantly and to the right levels.

For more information on managing and selecting a supply chain, visit – www.betterhiringinstitute.co.uk

Agencies putting workers first.

The UK's number 1 platform protecting non-permanent worker rights is JobsAware, run by a community interest company with cross-government support called SAFERjobs. At no cost, recruitment agencies can partner with JobsAware to promote free services to workers. This ensures a transparent supply chain for hirers and is a robust way for workers to report abuse or exploitation by staffing firms. JobsAware works closely with law enforcement and government regulators to provide intelligence to enforcement bodies. The regulator for the recruitment sector has named SAFERjobs as one of its largest sources of intelligence which helps the regulator improve the sector. The first four UK labour market strategies written by UK Government named SAFERjobs as an excellent way to tackle abuse and exploitation in supply chains. When choosing recruitment agencies, it is advisable to ensure that they already do, or agree to, partner with SAFERjobs. It is already mandatory for recruitment agencies to partner with SAFERjobs when supplying to the NHS.

Concerns about agencies and agency workers

Whilst diligent employment screening is everyone's responsibility, the primary responsibility rests with the employer when there are conduct concerns relating to agency workers. The employer may be the recruitment agency, or it may be the payment intermediary. If there is any doubt on whether it meets the threshold the LADO should be consulted. It is important that schools and colleges report the information immediately to the agency and LADO and a joint decision is made about whether the worker is able to continue working in the same

assignment whilst a full investigation is carried out. If the worker is deemed unsuitable to continue working, the employer may well have a duty to offer alternative lower risk work. This is likely to be a multi-agency investigation and the employer will need to manage the worker and the process itself directly.

If an organisation believes that the recruitment agency is not meeting its obligations under law, this should be reported to the recruitment regulator (see below).

Reporting agencies

It is recommended by the trade bodies to report a complaint to the recruitment agencies first. Ensure that the agency is asked for a copy of their complaint procedure, outlining how they will deal with the complaint and detailing the timescale which it will be processed in. When making the complaint, ensure to state the individual's name that a complaint is being made against, the nature of the complaint, the date the incident occurred, and desired outcome.

If an agency is a member of any trade bodies, organisations can directly make a complaint through them. Serious breaches should be reported to the regulator, the Employment Agency Standards Inspectorate within Department for Business & Trade. Referrals can also be made to the TRA regarding worker misconduct. Please see [here](#) for further information.

Top Tips



When considering the use of recruitment agencies, refer to [the Better Hiring Institute](#) for advice and guidance



Where employers are using a recruitment agency, consider the use of an organisation which is a member of a trade body.



To improve transparency in the supply chain and protect worker rights, ensure that any recruitment agencies used partner with JobsAware.



Where there is evidence of misconduct, report to the trade body or the government regulator.



Ensure supply chain checks are carried out and documented

Job transparency

Schools, colleges and organisations committed to fairer recruitment processes need to embrace transparency before the hiring process commences. It is important that the job vacancy advertisement uses accessible, inclusive language, indicates a salary range, safeguarding responsibilities and reassures that workplace adjustments can be made if needed. This will increase the number and diversity of suitable applicants. It is essential the job description and the skills/qualifications that are required are accurate and fair to reduce the chances of unconscious bias. It is also helpful to include a clear description of benefits and ways of working.

In the interest of fairer hiring and transparency, job advertisements should display the company's decision on sponsorships to overseas applicants. The Skilled Worker Visa (previously Tier 2 – work permit) is for those individuals who have been sponsored by an employer to come to the UK to specifically work for a role in that company. It is the company's decision to engage with this type of visa and organisations must be Home Office approved. Check what organisations need to do to employ teachers who are non-UK citizens below.

Please visit here for more information



Reporting diversity statistics within the organisation should also be considered, as having access to quality data on employee diversity is fundamental to creating more inclusive cultures. The better the evidence base that schools and colleges have, the more effectively they can target their efforts to promote equality, diversity and inclusion and manage their organisational cultures. As part of promoting a positive workplace culture organisations should implement reasonable adjustments and support for those who may require them, such as those with caring responsibilities, appreciating they may need to conduct remote interviews and offer flexible working arrangements such as a job share.

Please see here for more flexible working considerations.



As well as promoting equality, diversity and inclusion within the classroom, it is equally important to incorporate an ED&I strategy within the recruitment journey. Building a diverse and inclusive workforce will prevent unconscious bias, allowing both teachers and learners to thrive. Working within education is also becoming increasingly more demanding for staff. Schools and colleges should seek to promote a balanced workplace culture to help maintain a good workforce and prioritise staff wellbeing.

Please visit [Education Support for individual and organisational resources to support teacher wellbeing](#).



Organisations should consider checking an applicant's LinkedIn, HMRC gateway and the National Fraud Initiative (NFI); a data matching exercise that helps prevent and detect fraud at regular intervals. The NFI can help identify individuals who may be committing employment fraud by failing to work their contracted hours because they are employed elsewhere or are taking long-term sickness absence from one employer and working for another at the same time. Publicising participation in the NFI should act as a strong deterrent against fraudulent employment applications and employee identity fraud. Checks against the NFI database should be carried out when vetting, and annually to ensure the most up to date information is on the applicant's electronic file, specifically for Bursar and School Business Manager roles where they are responsible for handling finances. Please visit [here](#) for more information.

Individuals should also be asked to disclose any second jobs they may have or intend to have early on, in the application stage. This should not be viewed as an automatic hinderance to applicants. Second forms of income can be needed for a variety of reasons due to various economic pressures and financial strains. As an employer, the employee's wellbeing is a priority, and this transparency can help organisations support employees where needed. It is, however, important to note second or multiple jobs, whether these are 0 hours, through other agencies or the applicant has their own business, in some cases can be abused, and conflicts of interest may arise.

Application forms

Gathering information and onboarding a new employee starts at the beginning of the recruitment process when an employer first requests a reference (and other) information from the applicant. This is often done in the application form.

A focused application form that demonstrates the organisation's commitment to improving equality, diversity, inclusion and culture can help to attract values that align to the organisation, while deterring those people who know their practice is unsafe.

For any schools and colleges that don't yet have an application form, see an example of an effective application form which includes all of the relevant ways to gather information about an applicant's conduct below.

It is best practice to include a statement in the application form to say that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children. A copy of the child protection policy and practices and policy on employment of ex-offenders should also be included with the application form or refer to a link on the school's website.

A signed medical self-declaration form assessing an employee's fitness to work must also be completed. This assessment should allow the employee to disclose any health issues, illnesses, pending treatments, and to request reasonable adjustments prior to commencing the role. Anything flagged by the employee should then be escalated to an occupational health professional to carry out a required check.

Organisations can download a template application form here



As best practice application forms should include a minimum of:

- Confirmation of name history since birth, date of birth and national insurance number
- Full details of the applicant's current address
- Details of current and all previous employment, dating back to compulsory education (Gaps of more than 12 weeks should be explained and verified by the recruitment business and documented via an electronic note on applicants file once confirmed, if it is not included in the original application form)
- Reason for leaving current (or last) employment
- Details of whether the applicant has worked/lived overseas, while aged 18 and over during the last 5 years for a period of 6 months or more.
- Professional Qualifications/Memberships including dates achieved
- A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.
- Whether the applicant will require any adjusted checks during the interview process or have any accessibility requirements and allowing them to explain what these may be
- Obtaining consent for all checks (including but not limited to, criminal record and referencing checks) and ensuring checks are carried out for which consent is given
- Privacy notice: see [here](#) for further information around GDPR and a privacy notice template for organisations

Convictions

What can schools and colleges ask and when?

- Under the Rehabilitation of Offenders Act (ROA) 1974 schools and colleges are allowed to ask all **shortlisted** applicants for regulated roles or in a **specified establishment (e.g. a school)** to declare all **spent and unspent** convictions and any convictions or adult cautions that would not be filtered. Applicants are obliged to declare all convictions and cautions that have not been filtered by the relevant disclosure body (DBS/DS/Access NI).
- As best practice, schools and colleges should also ask other suitability questions relevant to the role as part of the criminal record self-declaration. Such as, if the applicant is on the children's barred list (if going into regulated activity), prohibited from working in a teaching role, if they are known to the police and children's local authority social care, if they would be disqualified from providing early- or later-years childcare (if relevant to the role), and any relevant overseas information.
- Regulated activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) which has been amended by the Protection of Freedoms Act 2012 (PoFA)
- This information should only be requested from applicants who have been shortlisted where possible.
- Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted applicant should physically sign a hard copy of the application at point of interview if possible.
- Visit [here](#) for more information on regulated activity with children in England.

What can a school or college do with the information they have been given?

- Any recruitment decision ultimately rests with the employer. It is a statutory responsibility under the Rehabilitation of Offenders Act / exceptions order and DBS code of practice that a fair and comprehensive risk assessment process is in place when convictions are disclosed as opposed to just automatically rejecting an applicant. Factors to consider could include the relevance of the offence to the role, the age at the time of the offence, the time passed since the conviction, and any contextual information the applicant can provide as well as any evidence they can give of rehabilitation and positive change that may make re-offending less likely.
- To assist with the assessment process, organisations can ask for a statement from the applicant outlining the circumstances of the offence and detailing any positive steps taken since.
- An organisation cannot make a recruitment decision based on information they are not entitled to know. If an applicant mistakenly discloses information that they should not have, then this information should be ignored.



4. Interviews

All employers want to ensure that they hire the applicant who is the best fit for their organisation.

The application process can reveal a lot about the integrity of an individual and on occasion there may be discrepancies identified as part of the shortlisting process which need to be discussed with the applicant. The recruitment team are unlikely to interview an applicant where a discrepancy is identified during the application stage. They are likely to refer most discrepancies to the Hiring Manager where fraud is suspected.

It would be too costly and time consuming for employers to interview every applicant who applies for a position, so a shortlist is made to reduce the number of applicants who will be interviewed. The application forms and/or CVs are compared to the person specification and job description. This is used to draw up a shortlist of the most suitable applicants, these could be anonymised or reviewed to ensure a diverse shortlist. Then, applicants should be invited to interview. When using an employment agency or business they can shortlist on behalf of the school or college.

The interview should be planned in advance, in accordance with internal policies and processes. An interview is not only an opportunity for the school or college to establish whether an applicant is suitable for them, but it is also an opportunity for the applicant to understand the organisation and ultimately whether they feel they want to embark upon a career there. Consider explaining any employee benefits and staff culture to leave a positive impression.

In advance of the interview, organisations should ensure that they have noted any adjusted checks that the applicant requires and support these. If the interview is remote, confirm a camera will need to be turned on, not only for a more engaging interview, but also to identify the applicant positively is who they say they are, should they be offered the role. If a discrepancy or concern is identified at application stage, consider possible scenarios that the applicant could address these with. Think about the next steps once the applicant has addressed any discrepancies or concerns and whether this may affect the employer's willingness to progress with the hire. This can also be considered after obtaining an explanation. Determine beforehand what constitutes an acceptable and unacceptable answer for each of the interview questions. This will assist in evaluating the applicants and their responses. It may also be significant to note whether the applicant is taking a significant drop in grade or salary, and why.





During the interview, consideration should be given to:

- Using a non-biased approach - asking standardised questions and having a diverse shortlist with multiple interviewees can avoid bias
- Supporting conversations that bring the value of having a neurodiverse and culturally diverse workforce to light
- Outlining the structure of the interview to the interviewee so they know what to expect and can be put at ease. Including a brief overview of the organisation, role, format of the interview, and questions/competencies being assessed. This can keep both parties focused
- Preparation from both sides is key to a productive interview - ask specific questions about previous role(s) and seek additional clarification where needed. Be ready to answer any questions that may be asked regarding the organisation, role, ethos etc.
- Keeping detailed notes or a 'scorecard' of skills being sought to compare applicants after the interview
- Determine the applicant's suitability to work with or around children. Be aware of a lack of recognition and/or understanding of the vulnerability of children, inadequate understanding of appropriate boundaries, indicators of negative safeguarding behaviours and a poor understanding of their safeguarding responsibilities
- For teaching staff consider including a task or roleplay where they can prepare a lesson plan, this can be helpful to see if they are creative and can think in alignment with organisational values and job requirements. Ensure instructions are clear and time is given to prepare
- Allowing time for the interviewee to ask any questions
- Giving the interviewee an opportunity to explain any discrepancies that have become apparent after reviewing their job application
- It is important to let the applicant know approximately when, and how they will hear back from the organisation

Pupils/students should be involved in the recruitment process in a meaningful way. Observing short listed applicants and appropriately supervised interaction with pupils/students is common and recognised as good practice.

Post-interview, once an assessment has been made of who is right for the role, based on skills and best fit, it is important to communicate clearly and timely on whether or not the applicant is successful. This is crucial because the applicant may remain interested in future positions and leave a positive review due to their experience with the company.

Maintain a polite and professional approach throughout the email or phone call, informing the applicant why they were unsuccessful and personalise the communication with some constructive feedback whilst being mindful of language. If an unsuccessful applicant scored highly throughout the process, be sure to ask them if they are happy to be kept in mind for any future roles. It is good practice to always summarise any phone/in person conversations via email to ensure both parties understood the message.

If the applicant is successful, explain any next steps, what documents will now be required and how long the vetting process should take. Follow this up with email confirmation and explain the offer is conditional dependent on successful vetting results.

TIPS



Opt for a phone offer, if possible. Phone offers are more personal than email offers and can help to better communicate enthusiasm for an applicant.



Follow up with an enthusiastic offer letter. Aim for a warm tone and include all relevant benefit details and contact information, this will allow organisations to easily address any remaining questions.



Prioritise diversity and inclusion by encouraging this throughout the interview process.



Ensure the application form requests all relevant reference information from the applicant and check it demonstrates organisational commitments.

5. Effective pre-employment vetting

Effective pre-employment vetting

An effective recruitment process involves using different checks, including references and values-based recruitment, to make sure relevant information from different sources is gathered about the conduct and suitability of an applicant. For example, references are likely to contain information that might not be received by completing a criminal records check, and vice versa.

Recommended standards to expect from agency supply

Vetting Check	Non-teaching role (e.g. caretaker)	Teaching Assistant	Teacher
Application forms	✓	✓	✓
Proof of Address	✓	✓	✓
Employment history	✓	✓	✓
Right to Work and ID check	✓	✓	✓
Criminal Record checks	✓	✓	✓
Overseas Criminal Record checks	✓	✓	✓
Referencing (to cover a minimum of)	2 years	2 years	2 years
Qualifications	If required for role	✓	✓
Safeguarding and prevent training	✓	✓	✓
Medical questionnaire	✓	✓	✓
Proof of national insurance	✓	✓	✓
TRA check	x	x*	✓
Online check	✓	✓	✓

*Higher Level Teaching Assistants should be subject to a TRA check



Organisations can download a pre-employment checklist here

TIPS



Prevention is better than cure. It is far easier to ensure as much insight before recruiting, than during the employees' tenure.



Use a risk-based approach. A holistic view of risk will require regular audits, enforced annual leave, managed access to systems and facilities, segregation of duties.



Identity is one of the most important checks. Failure to check someone's identity renders any further checks based on uncorroborated identity worthless. Use the [proof of identity checklist](#).



Be transparent and ensure that any applicants understand what is expected of them in the hiring process. Best practice is to put together a profile of a successful applicant so potential hires can assess themselves against that criteria.

6. The Vetting Process

If schools or colleges decide to use third party organisations, such as recruitment agencies or vetting specialists, it is beneficial that the outsourced supplier covers all employment checks rather than referencing alone.

The employer should ensure they do their due diligence and have a robust process in place when choosing an outsourced supplier and managing their performance.

Ensuring staff involved in the recruitment and vetting process are adequately trained and qualified will help organisations to make the safest and fairest recruitment decisions.

Proof of Address

It should be verified that the individual is resident at the address that they have declared using a minimum of one source of evidence. Organisations can collect documentary evidence in the conventional way or by validating against third party authoritative sources such as the electoral register, IDSPs or other recognised residency validation sources.

If a Criminal Record check is required, organisations may need to obtain additional sources of address validation depending on the statutory body's identity verification requirements.

The relevant ID guidance for those statutory bodies within England and Wales, Scotland and Northern Ireland can be found below:

[Please see here for a list of acceptable POA documents for DBS checks](#)

[Please see here for a list of acceptable POA documents for Disclosure Scotland checks](#)

[Please see here for a list of acceptable POA documents for AccessNI checks](#)



What is...

Values-based recruitment?

Values based recruitment supports organisations to gather information about the **values, behaviours, and attitude** of potential employees, so that employers can assess whether they will be suitable to work for an organisation. This information can be compared to information gathered in references and other vetting checks, which helps make sure employers have a full picture of the person's character before employing them.

Identity & Right to Work

Establishing an applicant's identity and right to work is essential to protecting schools and colleges. The direction of travel is towards online solutions in particular with recent changes to right to work policy and digital identity strategy. This is done either in house or by using trusted third parties.

Identity Checks

Identity checks must be performed on all applicants whether they are a UK resident or an overseas applicant seeking work in the UK. This is to confirm that the applicant is who they claim to be and are not impersonating another individual or faking an identity.

There are two elements to identity checks. The first is to confirm personal identity such as name, age, and place of birth. The second is to evidence residential history in terms of address and current country of residence.

Please visit the [Proof of identity checklist](#) for what documents can be accepted.

Proof of identity checklist



Right to Work

Employers or agencies must check whether an applicant has the right to work in the UK before they can be employed. By carrying out right to work checks, employers prevent illegal working and avoid civil penalties.

For a list of what documentation can be accepted and information on how to conduct a right to work check, please refer to the Employers Right to Work checklist.

Employers Right to Work checklist



Employers must do one of the following before the employee commences employment to verify their right to work:

- a right to work check using Identity Document Validation Technology (IDVT) via the services of an Identity Service Provider (IDSP)
- a Home Office online right to work check
- a manual right to work check

From 1st October 2022 British and Irish workers can only have their right to work document checked face-to-face or digitally via an Identity Service Provider (IDSP). Employers can work with IDSPs to utilise Identification Document Validation Technology (IDVT) to carry out digital identity checks on behalf of British and Irish citizens who hold a

valid in-date passport (including Irish passport cards). For more information on digital right to work visit [here](#).

Whilst it is not mandatory for employers to use a certified IDSP for the purposes of right to work, the Home Office recommends employers use a certified IDSP. This will provide assurance that their chosen IDSP meets relevant scheme guidance and the standards set out in the trust framework. For a list of certified IDSP's and further information see [here](#).

If right to work checks cannot be done digitally, and if the applicant does not want to post their documents, an in-person face-to face check must be done. For physical checks, only original documentation must be used as proof of identity. The individual's full name, signature and date of birth must match evidence.

Since 1st July 2021, an online check must be completed to validate the right to work of individuals who hold digital proof of their immigration status or a biometric residence permit. This will include most EU, EEA and Swiss citizens. Please visit [here](#) to view a job applicant's right to work details online. If an online check has been conducted to confirm an individual's right to work in the UK, a clear, certified copy of the online check response must be retained.

IDSP's may also be used to verify an applicant's identity for a DBS check. Please see [here](#) for further information.

Criminal Record Checks

Criminal record checks most commonly refer to the statutory function of criminal disclosure performed by three distinct bodies: The Disclosure and Barring Service (DBS), who cover England & Wales, Disclosure Scotland (DS), and Access Northern Ireland (ANI).

Each of the three bodies provides the same fundamental service – issuing disclosures of an individual’s criminal convictions, cautions and other information considered relevant by the police – but do so with varying approaches, according to the obligations, processes and conviction filtering schemes laid out by their relevant country’s legislation:

Disclosure and Barring Service (England & Wales)

DBS offer Basic, Standard and Enhanced levels of disclosure (revealing unspent, filtered convictions and filtered convictions with barred list information respectively), but individuals must meet certain eligibility criteria to be entitled to request a check. The DBS have an eligibility tool which will walk through this determination which can be found [here](#).

All individuals employed regularly in a specified establishment (e.g., a school), or in regulated activity should have an enhanced DBS check including children’s barred list. If using a Compliance+ accredited agency organisations have the assurance that update checks will be conducted every 12 weeks. Where an applicant is on a long-term assignment of over 12 weeks, it is best practice that an Update Service check is completed before the start of the new assignment.

The purpose and vision of the DBS is to help employers make safer recruitment decisions and to prevent unsuitable people from obtaining employment. Ultimately, the DBS acts to safeguard the public and promote civil liberties.

Click [here](#) to view the DBS Safeguarding and Quality Charter, which sets out how DBS is committed to safeguarding through the provision of a quality service.

Disclosure Scotland (Scotland)

Disclosure Scotland offer Basic and Standard checks as well as an additional scheme for the Protection of Vulnerable Groups (PVG) which continuously monitors the suitability of individuals to work in regulated settings with vulnerable adults and children. Eligibility guidance for these can be found [here](#).

All employees working in a specified establishment should be subject to a level 2 PVG disclosure, please visit [here](#) for more information.

Access Northern Ireland (Northern Ireland)

They offer Basic, Standard and Enhanced checks which correspond to the level of information revealed by the same checks conducted by the DBS. Guidance can be found [here](#).

An applicant to a school or college in Northern Ireland should be subject to an enhanced check with Access NI. The DBS are responsible for administering barred list information here.

Each body has its own filtering rules defined by their governing country’s legislation on the rehabilitation of offenders. This means that the same individual could apply for the same basic level of disclosure in all three countries, and their disclosure could reveal completely different information on each as the differing rehabilitation periods of a past conviction are applied specific to the location in which they live and work at the time. Disclosures from all three bodies can be applied for online either through their own portal or registered umbrella organisations, and turnaround times vary between a few days to a couple of weeks in normal circumstances. Employers should have a criminal record check completed prior to the applicant starting.

The most time-consuming part of the hiring process in fact tends to be referencing, not criminal record checks. The majority of DBS checks are returned within around 2 weeks. Those that take longer are usually because of mistakes on the application which means that the DBS can’t match the applicant with background information. A very common name without a previous name or a mistake in the date of birth will mean the application takes longer to process because the DBS cannot be sure they’re disclosing the right information about the right person.

It is recommended to have a process in place if information is identified on the criminal record check. They should ensure that there is a consistent and fair approach to all criminal record information to maintain every effort to prevent unfair discrimination against those with criminal records or other information revealed in a disclosure. Cases should however be assessed individually and a case-specific assessment of whether it impacts their fitness and suitability to work within a school or college should be conducted. It is important to note the Children's Barred List check (formerly List 99) allows schools and colleges to check against a database to see if there is a possible match for a person included in the Children's Barred List. If a person is included in the children's barred list, employment by the school or college is prohibited.

Criminal record checks can be conducted through an outsourced provider. The Criminal Records Trade Body (CRTB) is the trade body for criminal record checks working closely with the DBS, DS, and ANI. Where outsourcing, it is advisable to consider using a CRTB member because of the role they play in industry. The CRTB cover almost 50% of all police checks processed in the UK. The role of the CRTB is to:

- Promote ethical hiring
- Develop strong relationships with DBS, DS, and Access Northern Ireland
- To input into policy development
- To provide feedback on potential changes

The CRTB have several goals including to encourage the adoption of enhanced identity verification processes, to support applicants in understanding eligibility of checks, and highlight the work of JobsAware in preventing employment screening scams.

For further information visit:

[Criminal Records Trade Body \(CRTB\) - Professional Background Screening Association \(thepbsa.org\)](https://www.thepbsa.org)

[DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Check someone's criminal record as an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[DBS Update Service: employer guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Guidance overview: Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Overseas Police checks

As best practice overseas police checks should be obtained from any country where the applicant has worked/lived overseas, while aged 18 and over during the last 5 years for a period of 6 months or more. Some employers may have slightly different requirements. They should be dated within 3 months of the start date (where applicable). Please see [here](#) for further guidance.

Overseas trained teachers (Outside EEA, Switzerland, Australia, Canada, New Zealand, & US) will need to provide an original UK ENIC check to establish their qualifications are equivalent to the UK.

Overseas trained teachers (From EEA, Switzerland, Australia, Canada, New Zealand, & US) will need to provide evidence that they have applied to the Teaching Regulation Agency ("TRA") for the award of QTS. These applicants should not be placed in qualified teaching roles until the QTS award is confirmed within 12 weeks of the application.

Qualifications

An applicant's educational achievements are a key benchmark for their suitability, and frequently influence a final recruitment decision. However, with diploma mills and forgery rife, particularly within professional sectors (with fake degree certificates costing as little as £50), education checks are even more critical to an effective vetting process than most realise.

Organisations should check qualifications when it is essential to the role. When checking, a copy of the original certificate(s) must be obtained to check the validity. If it is not in English, then consider asking for it to be translated into English by an official translator.

As best practice, obtain a copy of the applicant's highest education qualification that is legally required for the job e.g. PGCE, master's degree, NVQ Level 3. If an applicant has lost their degree certificate, contact their university to obtain official confirmation of the qualification.

It is no longer considered best practice to simply see the certificate and establish that the awarding body is legitimate. It is recommended that the individual's enrolment, attendance and attained grades are verified directly with the awarding body, whether through an integration with their database or traditional correspondence.

There are many organisations in the market who either do not check applicable qualifications at all, or simply accept a certificate provided by the applicant without any secondary verification. Diploma mills see a high proportion of their trade for qualifications which might be relevant to a role, but which are not classified as 'professional' as these typically go hand in hand with professional registration/memberships, which can be separately verified. In the vetting process, such qualifications should be viewed as a greater potential fraud vector than Professional Qualifications, instead of the afterthought they commonly are today.

In the case of a teacher in England the recruitment business will check their qualifications via the Teaching Regulation Agency ("TRA") check. Including the completion of teacher induction or probation.

In Wales, this check will be via the [Education Workforce Council](#).

In Scotland, this check will be via the [General Teaching Council for Scotland](#).

In Northern Ireland, this check will be via the [General Teaching Council for Ireland](#).

Where the applicant will be in teaching work but is not a qualified teacher then the prohibition lists must be checked via TRA and a record of the results/lack thereof retained.

Training

All staff should undergo safeguarding and prevent duty training (including online safety) at induction or within the last 12 months before being placed in a school. The training should be regularly updated. In addition, all staff should receive regular safeguarding and child protection updates, including online safety (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to continue to provide them with relevant skills and knowledge to safeguard children effectively.

If an applicant already holds a safeguarding certificate obtained elsewhere, it is best practice to ensure the certificate is dated within the last 12 months and the training is endorsed by either APSCo, REC, NSPCC, a Local Authority/LSCP or a school or college.

Education Workforce Council (EWC) Register Check – Welsh Schools Only

Please visit [here](#) to conduct an EWC check. This is a requirement for Welsh schools only, the applicant should confirm their name, DOB and either TRN or NI number so the check can be run. All teachers and teaching assistants need to be registered as a member of the EWC

Online checks

It is best practice for a recruitment agency to carry out online checks, see below for more information:

Adverse Media

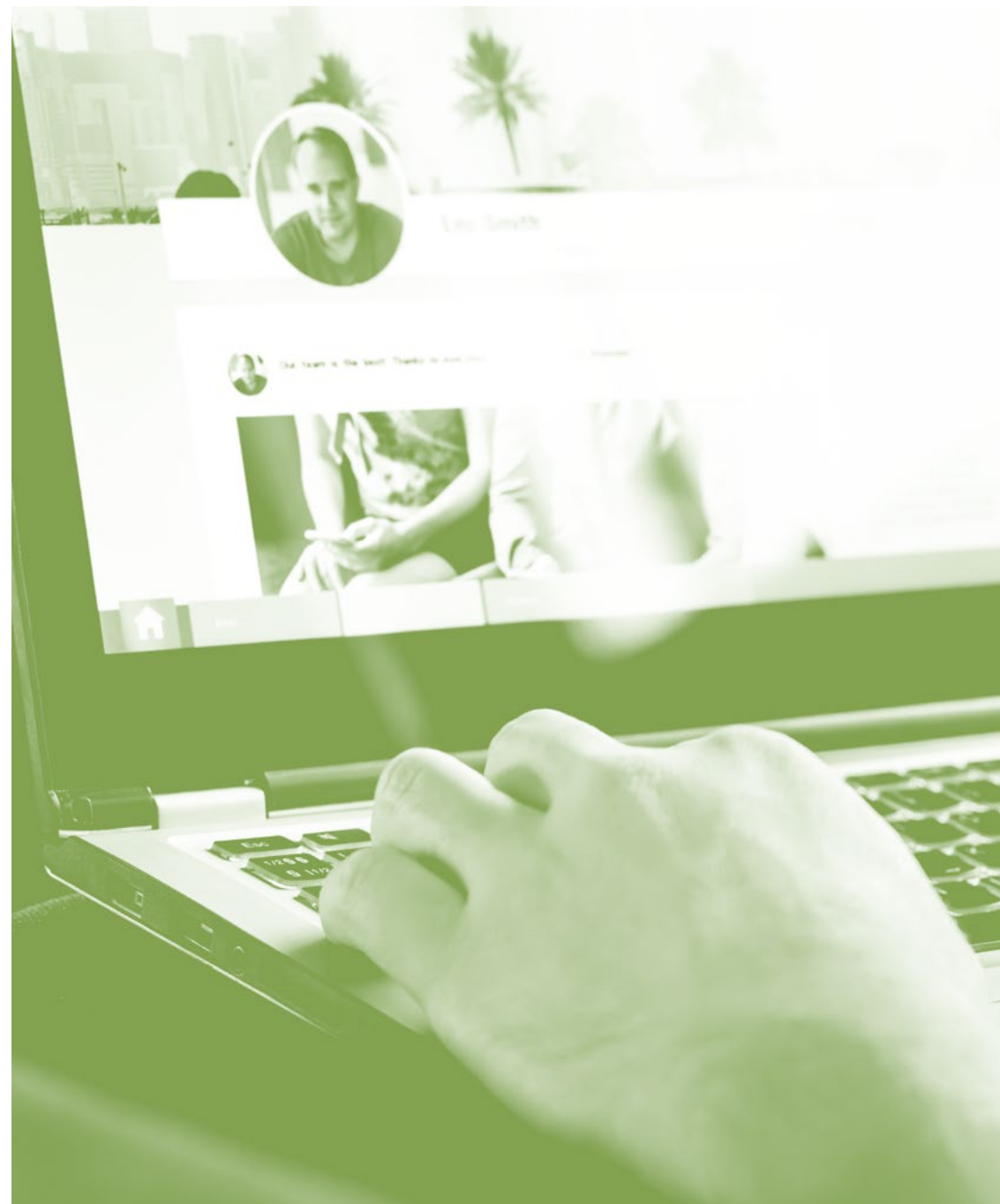
There are numerous and varied risks presented by working with businesses or individuals who have a negative media profile and employing such a person only magnifies those risks. Being able to identify involvement in organised crime, drug trafficking, fraud, financial coercion, money laundering and terrorism before an individual has entered the business is a significant safeguard from the reputational, legal, and commercial jeopardy an organisation might face, particularly in high regulatory environments such as a school or college.

Whilst typically the focus is on sources in the traditional news media such as newspapers (online & print) and broadcast news (radio & TV), new media sources such as web content, blogs and unstructured data sources like forums, chat rooms and social media feeds are just as critical data points.

Reviewing publicly available sources can flag racism, sexism, hate speech, drug use, and any other risk categories that an organisation may deem as indicating unsuitability for the position applied for or incompatibility with the culture and values of the organisation. Such checks can be of value in identifying past conduct of an individual which may be an indicator of their unsuitability for the role or represent a risk to the business (reputational, commercial, safeguarding or fraud) which did not or has not yet led to a conviction, caution, reprimand or inclusion on any sanctions, enforcement, or fraud lists.

It is important to keep a consistent approach in decision-making, record any adverse content posted by or associated with an applicant and for decisions to be made based on a positive verification of the applicant.

For best practice on conducting online media checks visit the Better Hiring Institute website [here](#).



Referencing

References are a fundamental part of verifying an applicant's previous work experience, education, skills, and integrity (amongst other things). This guidance addresses common questions relating to seeking and obtaining references.

A standardised referencing template combined with a consistent turnaround time for references would help standardise the process for schools and employment agencies alike. Schools, colleges and recruitment businesses can download an example reference request here:

Example Reference Request



When to seek reference?

This can vary from employer to employer. Employers may ask for references either before the interview, post-interview (but before making the offer) or after the offer is made. Ideally, references should be requested at the earliest opportunity as otherwise they could delay the vetting process. Schools are expected to take up at least one reference prior to interview where possible.

Best practice would be to request employment references, where possible from an admin office address or similar, rather than contacting named individuals, who may supply an incorrect reference.

How to seek a reference?

Before proceeding with the reference checking process, employers must verify the applicant's information is legitimate and correct, confirm the company exists, the referee is employed by the company in the position stated and that all phone numbers and email addresses provided have been proven to be bonafide. The applicant is required to give consent before contacting the referee for a reference. This can be asked for or stated in the employment history section of the application form. Once this information has been verified, contact a company for reference; organisations must contact a formal department such as referencing team or HR/admin. References from a school or college must be provided by, or the content confirmed by, the headteacher / principal.

When receiving the reference, it is important to cross-check the applicant's initial details to verify the reference.

Organisations are encouraged to use the latest technology such as open banking, to speed up the hiring process. Open banking confirms dates of employment according to payroll records and is therefore particularly useful to cover gaps in referencing and/or confirmation of employment.

How many references should be requested?

A minimum of two written professional references covering a minimum of two years should be expected from agency supply. One of which must be from the most recent employer in an education setting. References should be verified with a stamp, be on letter headed paper, compliment slip or from a company email address. If verbal references are sought, they should be verified via email following the discussion to ensure the legitimacy. References should be provided by a referee with sufficient seniority in the school such as a Headteacher. Where a reference has not been completed by a senior member of staff, references should be countersigned by them.

Adverse references

Where an unsatisfactory reference is received, the recruitment business, school or college will take the appropriate action to ensure that no applicant with child protection, safeguarding, or disciplinary issues or concerns is placed on assignment. If there is something of concern on the reference or information that needs clarifying, the previous employer should be contacted to understand the full picture.

What to do when it has proved impossible to gather a reference?

There may be several genuine reasons why an applicant cannot provide a referee from a previous employer. This may be because they have no previous employment, they have not worked for some considerable time, or their previous employer has ceased trading. Businesses that no longer trade can be verified by the Companies House website which can be found [here](#). It is recommended to also source personal references from someone of professional standing that can comment on their character.

Organisations can download a personal or character reference template [here](#).

For professional factual reference templates, click [here](#) to download.

Should a company suggest that they cannot provide a reference, they should be contacted and encouraged to discuss the issue verbally and asked to provide a follow-up written reference. Moreover, should a company refuse to provide a reference, it is deemed good practice to use bank statements, payslips, or HMRC (HM Revenue and Customs) documentation to confirm the period of employment. If alternative proof is used, it is recommended this is risk assessed and approved by senior management.

Gaps in employment history

It's best practice to ensure any gaps in employment history are fully explained. It is essential that the applicant provides sufficient evidence to determine what they have been doing in that period. A personal reference should be sought from a person of professional standing who knew the applicant during the period in question. If an applicant states they have been travelling during this period, employers can ask to see their passport for any stamps they have obtained while travelling. If an applicant has a period of unemployment where they have been receiving state benefits, Job Centre summary letter or another government source can be sought to confirm this.

Open banking is particularly useful here to cover gaps in referencing and/or confirmation of employment.



Dealing with discrepancies

From time to time, the information provided in a reference may contradict the information provided on the application. In this case, employers must proceed sensitively and seek a reasonable explanation from the applicant first. Reference discrepancies include the start and end dates of employment, salary, the reason for leaving, duties and job titles. Commonly, applicants tend to make date errors; in this case, it is always best practice to confirm with the applicant the reason for that error.

If the applicant is adamant that the information they have provided is correct, the referee should be contacted to confirm.

Obtaining references for training and/or qualifications

Verifying training and qualification can be difficult, particularly certificates from private providers. Training requirements will vary depending on the role, although once the specific qualifications and requirements are established, it is easier to identify what is needed. For private providers, it is best practice to contact the training provider to ensure the certification is valid. Moreover, it is important to ensure that training is up to date where relevant and that certification provides an outline with the training content. It is important to obtain original certificates and check the validity with a training provider.

Self-employment references

For periods of self-employment, evidence is required to confirm self-employment status. This can be done by searching the business on the Companies House website, ensuring the email address is genuine and belongs to the business. The applicant is required to produce information from their accountants or HMRC to evidence self-employment. If they cannot provide this information, tax returns can be requested to confirm their self-employment status.

Overseas references

Applicants are asked to provide a reasonable account of any significant periods spent overseas. Best practice should be where individuals have spent a continuous period of 6 months or more overseas. It is good practice to check the company website to ensure it appears as a credible business. Applicants must provide detail of name, official email address and how to best contact the company. The reference should be sent electronically. If the reference is in a language other than English, it will need to be translated by an official translation service.

Umbrella contractors

If an individual has worked for an agency or umbrella company, references should be obtained from the umbrella company where they are the employer. Some umbrella companies may manage applicants' non-billable expenses, for example, by helping them to claim back tax paid on expenses at the end of the year. The Umbrella Company enters contracts with recruitment agencies and manages all administration aspects for its applicants. An umbrella company acts as an employer to agency contractors.

If the applicant was supplied through a recruitment agency, it is the agency's responsibility to conduct the pre-employment checks before placing the applicant on the umbrella companies' payroll. Umbrella companies would need to obtain applicant references for their own records once the applicant is on their payroll.

Single Central Record of Recruitment and Vetting Checks

All schools and colleges must retain a single central record of all staff, including agency workers. This includes vetting check information such as ID, qualifications, TRA checks, Right to Work check and others. If an agency worker is being placed in a school or college, it is best practise to ensure this has been sent to the school or college in electronic format, along with a copy of any unclear criminal record disclosure checks.

See [KCSIE](#) for further guidance on what should be recorded.

See KCSIE here



Section summary/key takeaway points



Ensure reference requests are clear so the referee knows what specific information is required about the suitability and conduct of the person. [Download sample template.](#)



Use several sources to ensure reliability. Do not rely on only one check. Reliability is significantly improved by checking several factors.



References can sometimes prove difficult to obtain. Document efforts to obtain references from all sources as part of the applicants electronic vetting record and demonstrate a clear approach to how these have been followed up and/or verified.



Check the authenticity of official documents and numbers. Do not rely on a document or number, such as a National Insurance Number, without checking its authenticity with the source.



Keep all completed checks retained on the applicants file during employment and for 2 years after the employee has left the organisation.



All information considered in decision making should be clearly recorded along with decisions made.



Confirm the applicants' name on any qualifications or checks match their current legal name, if they are in a previous name or one not recognised obtain proof of name change.



Be aware of fraudsters in roles where finances are handled, unfortunately employees can abuse their position of trust for selfish reasons. Be sure to make use of the NFI to help detect and prevent cases of fraud.



Know the source of any reference. Do not rely on employment, professional or academic references from uncorroborated individuals or organisations.

7. References and Conduct Information

How to effectively share references and conduct information

When providing a reference, in addition to verifying standard employment information, such as:

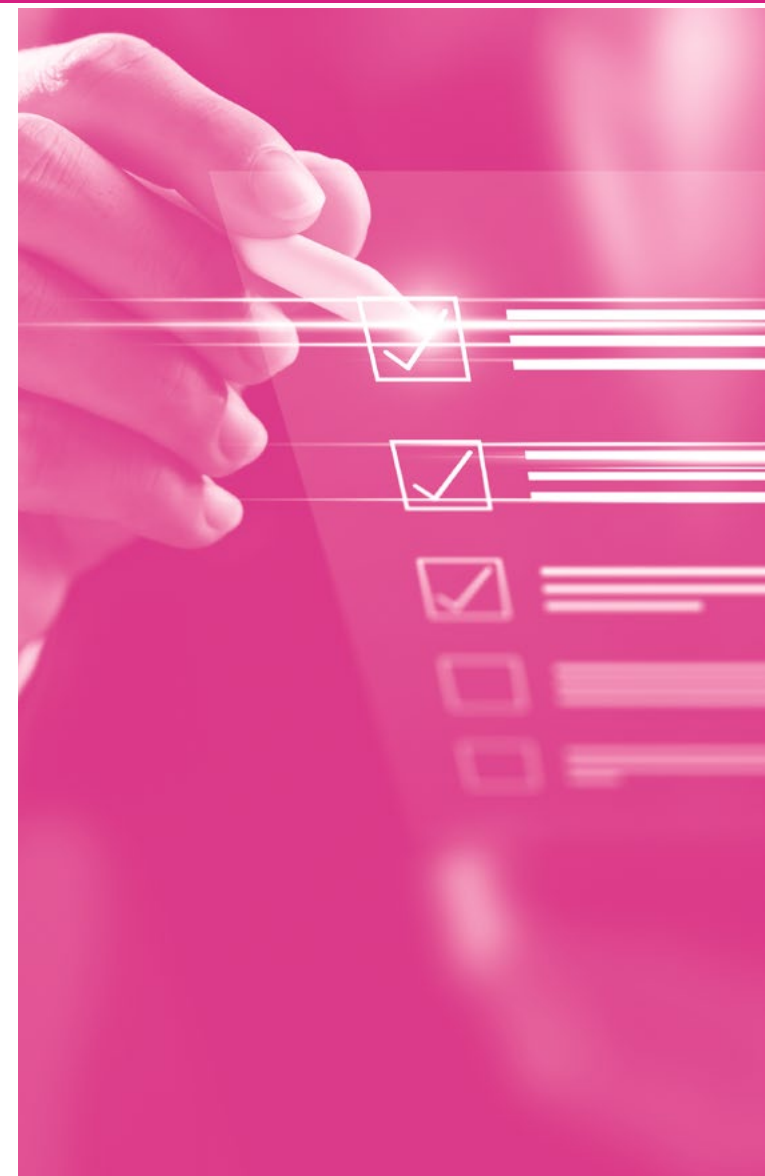
- the referee's relationship with the applicant
- where the individual has been employed/volunteered or studied
- the dates of employment/volunteering or duration of study (exact dates, not just months and years)
- the position held or course undertaken
- confirmation of salary
- reasons for leaving employment, training or study (if known)

supplying an effective reference for a previous employee who has a new role working with children or vulnerable adults should also detail evidence of conduct.

When sharing conduct information, it's important that the details provided are fair and accurate and can be backed up with evidence. If appropriate, relevant information could include:

- specific verifiable comments about someone's performance history and conduct
- if and how someone failed to meet the requirements of their probation
- information about any disciplinary procedures the applicant has been subject to
- information about substantiated safeguarding related concerns, or ongoing investigations
- details of any complaints or founded/upheld allegations relevant to the role applied for that have been raised about the applicant that relate to the safety and welfare of children
- whether the referee is satisfied that the applicant is suitable to work with children and, if not, provide specific details of their concerns and the reasons why they believe the person may be unsuitable, including transferrable risk
- whether or not they would re-employ the applicant in the same job
- positive achievements such as awards, commendations and feedback from colleagues or people who use services.

Organisations can download an example reference response letter here



Compare and be curious about the different sources of information received and gathered to ensure it gives a full and accurate picture of the applicant's conduct and suitability. Where necessary, there may be a requirement to seek additional references.

Ultimately, the decision to recruit or not lies with the employer. If necessary, carry out a risk assessment to determine all relevant information is present, or if there are any areas of concern, before allowing the person to start in post. Complete a pre-employment risk assessment form and make an informed recruitment decision based on all of the information as part of the interview and checking stages. Make sure the applicant has an opportunity to share their views and perspective before reaching a final decision.

Download a pre-employment risk assessment form here



If there are concerns but an organisation wants to give the person an opportunity, as part of the risk-assessment consider putting in place additional measures, including:

- higher levels of supervision
- a probationary period with a focus on the areas of concern, extending the probationary period if required
- additional induction and training.

If the applicant challenges a reference on the grounds of fairness or accuracy this could lead to potential claims of discrimination. An organisation should give the applicant the opportunity to address any concerns with the reference(s).

Remember, employers may be failing in their duty of care by not providing a detailed reference. As per KCSIE, schools have a statutory responsibility to provide a proper reference in a timely manner. Organisations have a responsibility to make sure references provided are accurate, dependable and do not contain any material misstatement or omission. Relevant factual content of the reference may be discussed with the applicant unless it is a confidential reference.

The exit process, undertaken when people leave the school or college for any reason, is the opportunity to review and collate all of the information gathered and recorded about an individual's conduct and performance during the time they were employed, and to make a decision about how and to whom this information will be shared with. This may include:

- Providing a reference to potential future employers of the individual
- Making a referral to DBS
- Sharing information with the Local Authority or Police
- Making a referral to a professional body who the individual is a member of

Please view the [Better Hiring Toolkit for Care](#) for further information on sharing effective references and conduct information relevant to work in a regulated environment with children/vulnerable people.



Identifying and managing concerns

Organisations can only share meaningful conduct information on a reference if they gather and accurately record relevant information relating to conduct and concerns at every stage of the employment relationship. Identifying and managing concerns is the responsibility of every organisation involved in providing education and support to children.

Schools and colleges should have their own procedures for dealing with safeguarding concerns or allegations against those working in or on behalf of schools and colleges in a paid or unpaid capacity, i.e. members of staff, including supply teachers, volunteers and contractors.

If an allegation of abuse is made against an agency worker, the school should lead the investigation, with support from the agency, DSO and LADO if involved, sharing information with the agency at all stages. The agency will need to conduct an investigation alongside the school to reach their own outcome as they will need to satisfy themselves to decide whether to remove the worker completely or place them into a different setting if appropriate. It is the agency's responsibility to then reach a formal outcome and determine what action should be taken once the outcome has been established. In the case of a supply chain, the employer in the supply chain would lead the investigation and reach an outcome before considering appropriate action.

The possible outcomes of an allegation are set out in KCSIE and are as follows:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence, or
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

If the worker is employed by an Umbrella company; the Umbrella company should be offered the opportunity to lead the investigation, with the support and guidance of the agency also to be involved. The Umbrella company should then make an employment decision on whether they want to continue to employ the worker and in which type of work, once an investigation outcome is reached. This is a separate decision to the agency, who, dependent on the outcome, can decide whether to continue supplying them to their clients in regulated settings independently of any decision reached by the Umbrella company.

In the case of LCC (Limited Company Contractors) where the worker has chosen to work as a contractor the agency are responsible for leading the investigation and, once an outcome is reached, for making a decision on what the future relationship with the LCC should be.

If the worker subsequently terminates their engagement with their agency this must not prevent an allegation being followed up. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children and adults with needs for care and support, including any in which the person concerned refuses to cooperate with the process.

Visit KCSIE for full guidance on safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors.

See KCSIE here



When to make a barring referral to DBS

Barring referrals should be made to DBS when an employer or organisation believes an individual working in regulated activity has caused harm or poses a future risk of harm to adults at risk and/or children. A referral might be the last layer of defence if there are no criminal offences that would show on a DBS check if the individual attempted to gain further employment in [regulated activity](#).

The following two stages need to be considered when making a [DBS barring referral](#) and if both conditions are met, organisations have a legal duty to refer.

Condition 1

The organisation withdraws permission for an individual to engage in regulated activity with children and/or adults at risk or the organisation moves the individual to another area of work that isn't regulated activity.

Being removed from regulated activity can include:

- dismissal
- redeployment- moving someone to a non-regulated activity but keeping them within your employment
- retirement
- redundancy
- resignation
- suspension

If an individual has retired, been made redundant or resigned before an investigation has been completed you should continue with the investigation and decide on whether or not you would have kept the individual in regulated activity.

Condition 2

- The organisation thinks the individual has carried out one of the following.
- Engaged in relevant conduct in relation to adults at risk and/or children. An action or inaction has harmed an adult at risk and/or child or put them at risk of harm. Relevant conduct is an action or inaction that has harmed or placed a vulnerable adult (adult at risk) or child at risk of harm. This is a legal term which is defined for both vulnerable adults and children under Schedule 3 of the Safeguarding Vulnerable Group Act 2006.
- Satisfied the harm test in relation to adults at risk and/or children e.g., there has been no relevant conduct but a risk of harm to a child or vulnerable adult (adult at risk) still exists. For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to adults at risk and/children. For example, a teacher who confides in their head teacher that they are sexually attracted to children (but who had not engaged in ‘relevant conduct’) would satisfy the harm test.
- Been cautioned or convicted of a relevant offence.

The [DBS referrals flowchart](#) may help you decide if it is appropriate to refer someone to DBS. An organisation who is under a duty to refer and fails to refer to DBS without reasonable justification is committing an offence. If convicted they may be subject to a fine.

What makes a good quality referral?

Including all the right information as early as possible means that DBS can make a more accurate and timely decision. The more information the organisation can supply – the more information DBS have to make an appropriate decision.

For further information see [How to make a Good Quality Barring Referral](#)

Where can we get support to make a referral?

For information about anything related to barring, including how to make a referral, organisations can contact:

Helpline: 03000 200 190

Email: support.barring@dbs.gov.uk

DBS Regional Safeguarding Outreach service

DBS has a [Regional Safeguarding Outreach service](#), which focuses on working collaboratively with safeguarding organisations, and organisations that are recruiting. Their aim is to work more closely with organisations to build and develop relationships, and to act as a single point of contact for all DBS-related enquiries within their region. For further information contact DBSRegionaloutreach@dbs.gov.uk.

For further information see [DBS barring referral FAQs](#).

8. Onboarding

Once the applicant has received an offer and has passed vetting, a good onboarding process is essential to welcome and retain new staff members.

It is important to note the onboarding process starts from application stage and continues through to the first few months of the start date.

The following should be considered:

- **Ongoing transparency** - outlining the employee's responsibilities, what will be expected from them and what they can expect from the process and role, particularly regarding safeguarding expectations. Visit [here](#) for information on the Online Safety Audit Tool designed to help trainee teachers (ITTs) and early career teachers
- **Regular communication and supervision** - keeping the employee well informed and appropriately supervised throughout will manage expectations. Providing a relevant point of contact is helpful not only once they are settled but also whilst they are in the hiring process to ensure they are at ease
- A **welcome message and introduction** to the team members they will be working with once they have accepted the role will help put a new starter at ease
- Conduct a tour around the organisation so they are familiar with the environment
- Set out reasonable timeframes for reading the necessary policies and for training
- Once an employee is settled in and stuck into work, ask them if there was anything else that may have been beneficial to their start in the company. This is a great way to develop onboarding processes

Ongoing Monitoring

Ongoing monitoring on existing employee's, particularly in positions of trust is essential to continue the protection of schools and colleges. Ongoing checks should include criminal record checks, media checks and NFI checks for relevant positions.

8. FAQs

Legal requirements (DPA/GDPR) FAQs

Can an employer be sued by an applicant if they withdraw a conditional offer of employment due to unsatisfactory references?

If the employer feels that references are unsatisfactory, the employer may state that the contract is no longer legally binding, and the applicant cannot rely on its terms. The applicant may try to argue that the references were satisfactory, and the contract is binding. Although this would be unusual, if the applicant successfully sued for breach of contract the damages would be limited to the notice period.

Does GDPR/UKGDPR/DPA 2018 stop organisations from sharing personal data and safeguarding related data?

No. UKGDPR/DPA 2018 is an enabler for fair and proportionate data sharing, rather than a blocker. It provides a framework to help organisations make decisions about sharing data.

How long can a reference be stored?

UKGDPR/DPA 2018 does not stipulate how long an organisation should store a reference, but they should ensure that they are adhering to UKGDPR/DPA 2018 general principles and not contravening other laws or recognised guidance.

Can an employer share information about disciplinary action, related concerns or an investigation in a reference?

Yes, if the information is relevant to the post being applied for. There is nothing in law that prevents an employer sharing or asking about disciplinary action, related concerns or an investigation.

Is consent always needed to share references or safeguarding related concerns with another organisation?

No. An organisation can usually share without consent if they have a good reason to do so. It may often be inappropriate to rely on consent as the legal basis to rely upon when sharing conduct information.

Providing satisfactory references are an essential component of pre-employment checks carried out by prospective employers to satisfy their legal obligations. Most employers will stipulate they require the applicant to provide details of referees in their application forms and a conditional job offer will often be dependent upon satisfactory references being received.

If an individual does not consent/withdraws consent for references to be provided then in most cases, they may no longer be considered for the role applied for. Therefore, consent is not the only legal basis to rely upon when giving a reference.

Can employees use discrimination law to challenge the employer not providing a reference?

Yes. An employee may potentially bring a claim for direct discrimination or victimisation. In some cases, indirect discrimination or whistleblowing claims are possible.

DBS barring referral FAQ's

I have reported an employee/volunteer to the police for a safeguarding matter - do I still need to make a referral to the DBS?

YES - If the threshold is met, it is essential that the DBS is informed. The threshold for reporting to the DBS is a) the person was in regulated activity, b) they have been removed from regulated activity, c) they met the harm test, even if the organisation has informed the police of the situation, and no further action was taken. This is because the burden of proof for the police and the Crown Prosecution Service requires that there is sufficient evidence to be able to prove beyond all reasonable doubt that an individual has committed a certain act or behaved in a similar way. However, in order to make a decision to place an individual in a Barred List, the DBS only requires enough evidence to prove that on the balance of probability, a person has committed the same act. i.e., it is more likely than not that it occurred. If the police do charge the individual, they would not automatically inform the DBS of this. Therefore, it is still important a DBS referral is made.

I have made a referral to the regulator. Do I still need to make a referral to DBS?

YES if threshold is met (see above) - Although the regulator may (although they may not) inform the DBS of a case, this does not happen as a matter of course. The legal duty to make the referral sits with the regulated activity provider/personnel supplier. Even if the individual is banned from working within their sector, this does not in itself prevent them from working in regulated activity.

An individual has left my organisation during the investigation. Should I carry on with the investigation and do I still need to make a referral to DBS?

YES - if an individual employed in regulated activity has left the organisation they should continue with the investigation and decide if they would have removed them from regulated activity (whether that would be dismiss them, redeploy them), whether they had engaged in relevant conduct or satisfied the harm test. Even though an individual can no longer cause harm in the organisation they could still cause harm in another organisation. If the organisation is the regulated activity supplier or the personnel supplier, they have a legal duty to make a referral to DBS.

Can the DBS include individuals on the Barred List (Adult and/or Child) if they have not been cautioned or convicted of a serious offence?

YES - The DBS do include individuals in one or both Barred Lists if an individual has been cautioned or convicted of a Relevant offence (Autobar Regulations, 2009). However, the DBS will also consider Discretionary referrals and Disclosure Information (information that comes to light when an individual applies for an enhanced DBS check with one or both barred lists). Therefore, it is possible that individuals who have no Cautions and Convictions could be included in one or both Barred Lists.

Can an individual be included in one or both Barred Lists, despite not having any interaction with the police?

YES - The DBS does not make decisions as to whether an individual should be included in one or both barred lists based solely on their criminal history. Certain cautions and convictions will result in an automatic inclusion on one or both barred lists (relevant offences). When an individual applies for an enhanced DBS check with one or both barred lists because they are looking to work in a regulated activity the DBS will look at what information comes to light on this check and if necessary, follow the discretionary referral route. The DBS also received discretionary referrals. Although with these referrals there may be police involvement, this is not always the case. The DBS makes findings based on the balance of probabilities, therefore police findings are not necessary for DBS to make decisions as to whether someone should be included in one or both lists.

Can I only make a referral to the DBS if the legal duty to do so is met?

NO - Even if the duty to refer is not met, if the organisation believes it is appropriate, they should make a referral to the DBS in the interests of safeguarding adults at risk and children. DBS are required by law to consider any and all information sent to them from any source. This includes information sent where the legal duty to make a referral does not apply. An organisation that wants to make a referral to DBS where the legal duty does not apply, should do so in consideration of relevant employment and data protection laws. They may want to seek their own legal advice and/or the advice of the LADO in relation to these cases.

I have concerns about an individual's behaviour outside work can I make a referral to DBS?

YES - If the criteria is met i.e, a) the person was in regulated activity b) they had been removed from regulated activity c) they met the harm test.

Will regulators automatically inform the DBS if an individual is banned/struck off from working with a specific sector?

NO - The legal duty lies with the regulated activity provider not the regulator. Although a regulator can make a referral, to ensure this is not missed, it is important for the Regulated Activity Provider to make the referral to the DBS if appropriate to do so. Although the individual is banned from work in a certain sector this does not prevent them from working with the entire workforce.

Will the DBS investigate a referral?

NO - The DBS has no investigatory powers and relies upon information provided with referrals and other relevant information that it can gather. If the referring organisation knows about relevant information that exists within another organisation, they should let the DBS know who so that they can contact them to ask for it.

Reference FAQs

Can an employer be sued by an applicant for sharing information in a reference that indicates they are unsuitable for the job?

A reference can show that a person is not suitable for a job as long as the information shared is fair and accurate. The previous employer must be able to back up the reference, such as by supplying examples of warning or dismissal letters.

If the worker thinks that they have been given an unfair or misleading reference, they may be able to claim damages in a court, but they must be able to show that the reference is misleading or inaccurate and they 'suffered a loss' - for example, a job offer being withdrawn as a result of misleading or inaccurate information provided by the former employer.

Organisations should not be deterred from sharing relevant information to safeguard others, if:

1. they have carried out a Data Protection Impact Assessment and have assessed that the information they are sharing meets the criteria for referral or for sharing with another organisation, and
2. they have followed the organisation's sharing concerns, investigation and disciplinary policy.

What can be shared on a reference if someone was dismissed at the end of their probationary period?

Organisations should state that the individual was dismissed for failing to meet the requirements of their probation and can detail what these requirements were.

Managing leavers

What should we do if an individual threatens to sue or take us to employment tribunal if we share information about them?

If you have carried out a Data Protection Impact Assessment and have assessed that the information you are sharing meets the criteria for sharing with another organisation, and you have followed your organisation's sharing concerns, investigation and disciplinary policy, you should not be deterred from sharing relevant information to safeguard others.

What if someone takes a grievance out when we are in a dismissal process?

You should take HR advice before continuing with dismissal. You may need to investigate and resolve the grievance before you complete the dismissal.

What happens if an allegation is made after someone has left your employment?

Carry out an initial fact-finding investigation to see if the concern meets the threshold for referral to the LADO and / or police. If it does you should report it [here](#). Historical allegations should be referred directly to the police.

What if the allegation or concern is about someone who is outside of working hours e.g., someone drunk on a night out?

Low level concerns include behaviour inside and outside of work. Your organisational code of conduct may include reference to behaviour outside of work that brings the organisation into disrepute. If the conduct is relevant, it should be considered and managed using your organisational sharing concerns and disciplinary processes. It is however,

important to consider the transferrable risk; where a childcare professional behaves in a manner in their private lives that would make them unsuitable to work with children. Examples of these concerns are criminal misuse of substances or alcohol, criminal acts of dishonesty, violence against a person, sexual assaults, or internet crime. These should be reported as per the organisations' process.

What if someone refuses to complete the exit interview form or attend an exit interview, can we still share the information we compile about them in the exit process?

Yes, if you have offered them an opportunity to take part in the exit process and they have refused you can still share the relevant information where it meets the relevant sharing and referring information requirements.

What if someone resigns before we have concluded an investigation into conduct?

It is important to conclude the investigation and any subsequent disciplinary process even in the absence of the person being employed. You can use the information gathered to share relevant information with other organisations where relevant.

Organisations can download an example employee exit form [here](#).



Useful Links

[Information Commissioner's Office for Organisations \(ICO\)](#)

[Checking someone's criminal record as an Employer \(DBS\)](#)

[Disclosure Scotland - Types of Disclosure](#)

[AccessNI for employers](#)

[Proof of Identity checklist \(Gov.uk\)](#)

[Proof of Identity used for DBS checks \(Gov.uk\)](#)

[Employers Guide to Right to Work checklist and IDSP's](#)

[BHI Right to Work Toolkit](#)

[Disclosure Scotland – Types of Disclosure](#)

[Criminal Records Trade Body \(CRTB\) - Professional Background Screening Association \(thepbsa.org\)](#)

[DBS update service – Employers guide](#)

[Guidance on overseas police checks and application processes](#)

[Recruiting & Employment Confederation \(REC\)](#)

[The Safeguarding Alliance](#)

[Keeping Children Safe in Education](#)

[APSCo](#)

[Better Hiring Institute](#)

[Reed Screening](#)

[Safer Recruitment Consortium](#)

[JobsAware](#)

9. About Us



The Better Hiring Institute is a not-for-profit social enterprise driving the development of a modern, agile UK labour market, accelerating economic recovery.

Working closely with all the major UK industries, The Better Hiring Institute is driving standardisation, best practice, and digital innovation to reduce hiring times, enable portability, and improve safeguarding. Cross-industry themes include digital standardised referencing, open banking, digital right to work checks, education credentialing, and digital identity. The Better Hiring Institute is already working with many of the UK's largest, household names making UK hiring the fastest globally.



Reed Screening are the leading specialists in pre-employment vetting and are at the forefront of influencing regulation and industry change.

Reed Screening are the only UK, onshore screening company who are open 24/7, they are family owned and give 20% to charity. Their business never sleeps so if you ever need them, they're available.

Their vision is to 'create a safer world at work' by collaborating with government bodies and industry leaders to bring about change.



The Safer Recruitment Consortium is a partnership between four organisations with the safety and wellbeing of children at their heart:

- [NSPCC](#)
- [Lucy Faithfull Foundation](#)
- [NASS](#)
- [CAPE](#)

Representatives of these organisations have been working together, in consultation with the DfE, since January 2014 to ensure that schools, FE colleges and other education providers have access to high quality, up to date Safer Recruitment training.



JobsAware is a brand of SAFERjobs C.I.C that exists to protect workers, especially those in non-permanent work (such as agency workers and the gig economy), against job scams and unfair working practices.

JobsAware provides free help and advice via its website and reporting platform (jobsaware.co.uk) and works with its partners to improve education, awareness and standards for workers.



Disclosure & Barring Service

The purpose and vision of the DBS is to help employers make safer recruitment decisions and to prevent unsuitable people from obtaining employment.

Ultimately, the DBS acts to safeguard the public and promote civil liberties

Supporting templates

[Example application form template](#)

[Sample reference request letter](#)

[Personal/character reference template](#)

[Professional factual reference template](#)

[Reference request response](#)

[Pre-employment check risk assessment](#)

[Employee exit record form](#)

[Low level concerns - Example policy & guidance](#)

[Safe and fair recruitment policy statement](#)

[Volunteer reference template](#)