

# Employment References Policy

W16.4

Additionally refer to:

- Recruitment and Selection
- Disciplinary Policy
- Disclosure and Barring Service Checks, (DBS)
- Maintaining Personal Files
- Fixed Term Contractors and Temporary Workers
- Verification of Professional Registration
- Equality & Diversity
- Data Protection Policy
- NHS Employers Employment History and Reference Checks Guidance

This Policy is currently under review. Continue to use this version until new policy is launched (expected 2024)

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Document Lead	Workforce Projects Manager
Lead Director	Workforce Director
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## Version Control Sheet

<b>Document Lead/Contact:</b>	Keith Hudson, Workforce Projects Manager
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## Version History

Version	Date	Author	Status	Comment
1	April 2011	William Wraith	Final	Employment References Policy
2	July 2020	Keith Hudson	Draft	Employment References Policy, W16.4

<b>Contents</b>	<b>Page</b>
1. Introduction	5
2. Overview	5
3. Definitions	5
4. Responsibilities	6
5. Pre-employment References	6
6. Providing a Personal Reference	7
7. Providing an Employment Reference	8
8. Providing a Financial Reference	8
9. Data Protection and Safe Handling and Storage of References	8
10. Training Needs	9
11. Review and Monitoring Process	9
12. Equality Impact Assessment (EQIA)	9
13. Standards of Business Conduct	9
14. Process for Monitoring Compliance	10
15. References	10

<b>Appendices</b>	<b>Page</b>
A Reference Provided by The Shrewsbury & Telford Hospital NHS Trust plus Factual Reference Flow Chart	11
B Self-Declaration Form for Internal Candidates	13
C Equality Impact Assessment	15

## **Policy on a Page**

This policy outlines the process that applies to both requesting and providing employment references.

The Trust recognises that it has a responsibility to both existing and ex-employees, to provide a factual, fair and timely reference in accordance with amendments to data protection under the General Data Protection Regulation, (GDPR), 2018.

Factual references will be sought as part of the selection process for all appointments.

The Trust will comply with equality, human rights, employment legislation and all statutory and mandatory compliance.

## **1. Introduction**

- 1.1 This policy applies to requesting and providing references in relation to employment and describes the processes in place to ensure effective recruitment of staff. It outlines the steps to be followed including pre-employment checks. It applies to all staff who have a responsibility for recruiting staff, hiring agency staff or engaging volunteers.
- 1.2 The Trust recognises that it has a responsibility to existing and previous employees to provide a factual, fair and timely reference in order to assist their future employment prospects.
- 1.3 Reference requests concerning financial matters including mortgages and personal loans will be handled by the Pay Services department and are excluded from the scope of this policy.
- 1.4 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality and Diversity Policy (W30). Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, or by staff who may have an essential skills need in literacy or those whose first language is not English or for persons with little experience of working life.

## **2. Overview**

- 2.1 This policy applies to all staff including staff registered with the Temporary Staffing Department and those employed on temporary or fixed-term contracts.
- 2.2 This policy also applies to agency workers where it is deemed appropriate for the Trust to provide a reference for these workers.

## **3. Definitions**

- 3.1 Pre-employment reference check – to comply with amendments to data protection under the General Data Protection Regulation, (GDPR) 2018, it is Trust policy to only provide factual references as part of the selection process for all applicants seeking employment with the Trust.

A reference should aim to provide details of:

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

A copy of the Reference template used by the Trust along with the Factual Reference Flow Chart can be found in Appendix A.

- 3.2 Financial reference – a reference which confirms financial details, for example salary, for the purpose of mortgage applications, home rental etc.
- 3.3 Character/personal reference – a reference provided by a colleague in a personal capacity. Such references should not be on headed paper, official work email address or with the organisational stamp.

3.4 Employment reference – a factual reference provided to either an external organisation, or internally to confirm employment with the Trust.

#### 4. Responsibilities

##### 4.1 Trust Board

The Trust Board has a strategic responsibility to ensure that the policy is communicated to all employees and is effectively implemented.

##### 4.2 Recruitment Team

The Recruitment Team is responsible for requesting all pre-employment references for non-medical staff in line with employment legislation and NHS standards.

##### 4.3 Medical Staffing

Medical Staffing is responsible for requesting pre-employment references for medical staff in line with employment legislation and NHS standards.

##### 4.4 Workforce Assurance Team

The Workforce Assurance Team is responsible for extracting data from the electronic staff records to populate the Trust's factual reference template, (Appendix A).

##### 4.5 Human Resources, (HR), Advisory Team

The HR Advisory Team is responsible for providing information regarding any live warnings etc.

##### 4.6 Applicants

All applicants are responsible for ensuring they complete the appropriate section of the application form giving details of suitable referees.

##### 4.7 Employees

Employees seeking a reference from the Trust should ensure they include the correct contact details for the Workforce Assurance Team (not their line Manager's name) to enable a timely reference to be provided. All requests should be sent to the following email address; [sath.esr@nhs.net](mailto:sath.esr@nhs.net), and employees must include their name and National Insurance number, along with confirmation of their consent.

#### 5. Pre-Employment References

5.1 All offers of employment should be subject to obtaining references covering a period of three years, which are satisfactory to the Trust (see 5.3.2 regarding existing staff). *References should normally be requested **after** the interview for the successful candidate only.* Where references are requested prior to interview, for example, for senior appointments such as Medical Consultants or Executive Directors, these must not be seen by the Interview Panel until the outcome of the interviews is known, as references should not form part of the decision making process of the interview. All applicants must be advised in writing when obtaining references at an earlier stage in the recruitment process.

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

5.3 For all new appointments, the Trust will seek the necessary references to validate a minimum period of three consecutive years of continuous employment or training immediately prior to the application being made.

- 5.3.1 If the applicant is employed by another organisation, one reference **must** be from their current or most recent employer.
  - 5.3.2 If the applicant is changing roles internally within the Trust, or is currently working as a member of the Trust's staff bank, or is someone wishing to return to the Trust, (having left employment within the last 3 years), they will be required to complete a Self-Declaration form, a copy of which is contained in Appendix B.
  - 5.3.3 If the applicant is unemployed, one of the references must, wherever possible, be from the applicant's most recent employer and references from the last three years of employment; if the applicant has been unemployed for a lengthy period, advice should be sought from the Recruitment Team.
  - 5.3.4 If the applicant has indicated they have left or are leaving full-time education, references to validate their academic history should be sought from the individual's professor, academic tutor or headteacher.
  - 5.3.5 For periods of self-employment, references should be sought to confirm that the Individual's business was properly conducted. This may include seeking information from customers or clients, bankers, accountants, HM Revenue and Customs, or Companies House.
  - 5.3.6 If an applicant is registered with an Agency or Consortium, references must be obtained from that Agency or Consortium.
  - 5.3.7 Where the applicant has indicated they have undertaken volunteer work, references may be sought through the relevant charity or organisation hosting that activity.
  - 5.3.8 As part of the application process, candidates are required to give a reasonable account of any significant periods of time spent overseas (a continuous period of six months or more). If the candidate has declared that they have been employed or have trained overseas (including volunteer work or time served with the armed forces), references should be sought from the relevant body. In a number of European countries, employees are given a government-issue labour book which contains information about their employment history. The Trust will accept this document instead of seeking employment references, however, candidates will be asked to provide supporting documentary evidence such as a passport or work permit.
- 5.4 Advice should be sought from the Recruitment Team or Medical Staffing, (where appropriate), where no references are obtained or where a reference is incomplete, unsatisfactory or gives limited assurance.
- 5.5 If the applicant does not name their current (or any other) employer as a referee, this should be discussed at interview. Should the applicant refuse to give the name of a referee it must be explained to them that **NO** offer of employment can be made without suitable references being received that are satisfactory to the Trust.

## **6. Providing a Personal Reference**

- 6.1 Personal references, eg. for a colleague, are provided at the discretion of the referee and will not be authorised by the Trust. These include character references and testimonials.

- 6.2 If an employee is approached to give a personal or character reference, it is advisable for them to clarify that the content will be provided through his/her relationship with the candidate in a personal capacity.
- 6.3 Personal references must **NOT** be issued on Trust headed paper.
- 6.4 It should be made clear that the reference is personal, and is not authorised by nor provided on behalf of the Trust.
- 6.5 The referee who provides a personal reference is personally liable for any adverse consequences of such a reference, with no recourse to the Trust.

## **7. Providing an Employment Reference**

- 7.1 Requests to the Trust to provide an employment reference should be sent wherever possible by email using a professional address to [sath.esr@nhs.net](mailto:sath.esr@nhs.net) . Any paper requests received must be on the headed notepaper of the company/organisation making the request. Some organisations, such as the NHS may request references as part of an automated process by e-mail which can be easily verified by contacting the company/organisation. If this is not possible, please refer to the Recruitment Team for guidance.
- 7.2 To comply with current legislation, upon receiving a request for an employment reference, clarification will be sought from the recruiting organisation that consent has been given by the individual for data to be released.
- 7.3 All non-medical employment reference requests will be dealt with by the Workforce Assurance Team, in conjunction with the HR Advisory Team. For medical staff, reference requests will be dealt with by Medical Staffing,
- 7.4 Any employee who provides a reference who is not authorised to do so may be subject to disciplinary action in accordance with the Trust's Disciplinary Policy (W7)
- 7.5 The reference will be provided using a standard template (Appendix A).
- 7.6 For candidates who are transferring from the Trust to another NHS Employer, the Workforce Assurance Team may provide a reference using the Inter Authority Transfer function on the Electronic Staff Record (ESR).
- 7.7 Formal performance, disciplinary or other issues that have not been previously discussed with the employee will not be referred to in the reference. If the employee resigned before a disciplinary investigation has been concluded or action has been taken, a note will be made on the reference to this effect.

## **8. Providing a Financial Reference**

- 8.1 Reference requests concerning financial matters including mortgages and personal loans will be handled by the Pay Services department and are excluded from the scope of this policy.

## **9. Data Protection and Safe Handling and Storage of References**

- 9.1 Data Protection legislation requires the information contained in personal/job references to be handled confidentially at all times.



- 9.2 During the appointments process, references received by the Trust for candidates are privileged documents and as such their contents must not be divulged to the candidate, nor should references be photocopied.
- 9.3 Where administration staff, designated recruitment administration staff, and/or managers are handling references, the contents of a reference must not be disclosed to anyone other than members of the interview panel and only then after the appointment decision has been made.
- 9.4 If an applicant wishes to see their references, they should make a Subject Access Request addressed to the Workforce Assurance Team.
- 9.5 References for the successful candidate will be kept in their personal file. If references were obtained for unsuccessful candidates, these will be retained on Trac for a period of 400 days after the application has been submitted. If the application has been submitted via NHS Jobs, these will be retained for a period of 13 months on the NHS Jobs system.

## **10. Training Needs**

- 10.1 Any identified training need will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Risk Management Training Policy. These can be accessed via the Learning zone pages on the Trust intranet.

## **11. Review and Monitoring**

- 11.1 This policy will be reviewed 5 yearly unless there are significant changes at either national policy level, or locally. In order that this document remains current, any of the appendices to the (policy/ guideline / procedure) can be amended and approved during the lifetime of the document without the document strategy having to return to the ratifying committee.
- 11.2 Audits of recruitment files may take place to ensure consistency of security, handling and storage.

## **12. Equality Impact Assessment (EQIA)**

- 12.1 This policy applies to all employees equally and does not discriminate positively or negatively between protected characteristics

## **13. Standards of Business Conduct**

- 13.1 The Trust follows good NHS Business practice as outlined in the Code of Conduct and Managing Conflicts of Interest in the NHS and has robust controls in place to prevent bribery. Due consideration has been given to the Bribery Act 2010 in the review of this policy document and no specific risks were identified.

## 14. Process for Monitoring Compliance

<b>Aspect of compliance or effectiveness being monitored</b>	<b>Monitoring method</b>	<b>Responsibility for monitoring (job title)</b>	<b>Frequency of monitoring</b>	<b>Group or Committee that will review the findings and monitor completion of any resulting action plan</b>
Active management of any complaint regarding references, and monitoring of quality of internal references.	Ad-hoc quality checks.	Head of Workforce Resourcing and Assurance	Ad-hoc	Workforce Committee

- 14.1 Where action is required recommendations and action plans will be developed from the analysis and will be part of the reporting mechanism.

## 15 References

### Associated Documentation

- NHS Employers: Employment History and Reference Checks (April 2019)

### Associated Trust Policy

W16.1 Recruitment & Selection

W07 Disciplinary

W16.3 Disclosure & Barring Service Checks, (DBS)

W27 Maintaining Personal Files

W16.2 Fixed-Term Contractors and Temporary Workers

W16.8 Verification of Professional Registration

W30 Equality & Diversity

IG02 Data Protection, General Data Protection Regulations (GDPR) and Confidentiality



## Reference Provided by The Shrewsbury and Telford Hospital NHS Trust

Name of individual:					
Date of birth or NI number:					
Start date at Trust:		End date at Trust (If Applicable):			
Current/last position(s) held (including grade/band)					
Reason for candidate leaving (if applicable or known)					
Number of calendar days sickness within the last 24 months;	Days:		Episodes:		
Current warnings on the applicant's record or if the applicant has left, were there any formal warnings on the record at the time of leaving?	Conduct/ Disciplinary	V & W	Performance/ Capability		V & X
Is, or at the time of leaving, was the applicant under investigation for any formal matter including conduct/disciplinary or performance/capability, under any Workforce policies?	Conduct/ Disciplinary	Y & Z	Performance/ Capability	Y & AA	Other Y & AB
Are you aware of any recent/outstanding allegations that were made against the applicant that relate to any safeguarding issues/referrals (including any referrals to the Disclosure and Barring Service or Independent Safeguarding Authority)?					AC
Are you aware of any recent/outstanding referrals to the applicant's Professional Registration Body?					AD
If Yes, Please give details;	AE				

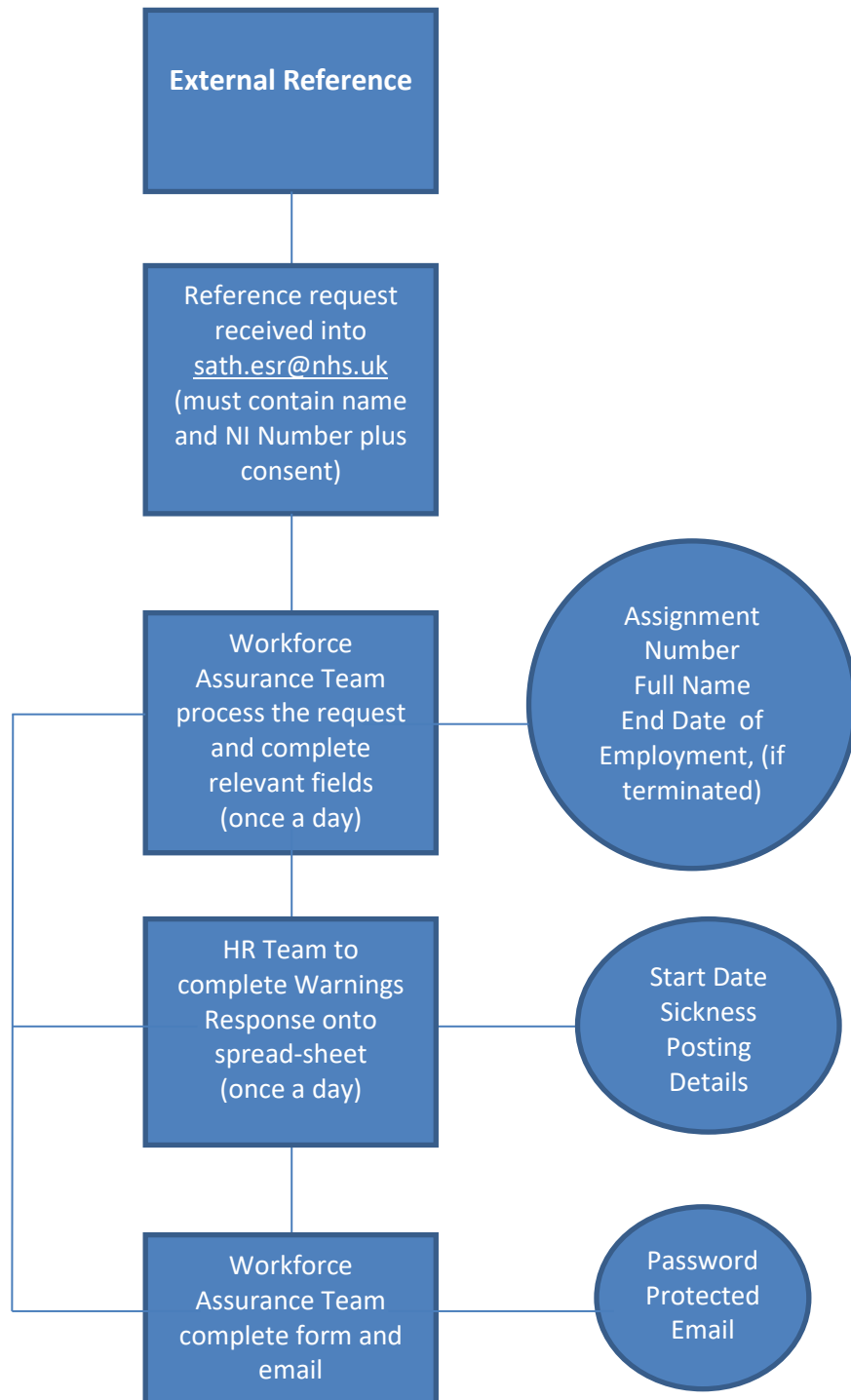
NAME	
JOB TITLE	
CONTACT NUMBER	
DATE COMPLETED	
EMAIL ADDRESS	

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

### Data Protection

This form contains personal data as defined by the Data Protection Act. This data has been provided by The Shrewsbury and Telford Hospital NHS Trust and is exclusively for the purpose of recruitment. The intended recipient must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.

## Factual Reference Flow Chart





**Self-declaration for internal candidates/bank staff moving into another role within  
the Trust and candidates wishing to return to the Trust  
(who left within the last 3 years)**

Can you please read the statements below and provide a response:

1. Do you have any warnings on your employment record that are currently 'live'? This may include warnings that could have been imposed, if you had not left before an investigation had been completed?

**Yes or No (please delete whichever is not applicable)**

If 'yes', please provide further information:

.....  
.....

2. Are you under investigation for any matter (including conduct or performance) under any of the Trust's employment policies?) This may include any formal action that could have been taken, if you had not left before the investigation had concluded?

**Yes or No (please delete whichever is not applicable)**

If 'yes', please provide further information:

.....  
.....

3. Are you subject to any recent/outstanding allegations that have been made against you that relate to safeguarding issues/or referrals (including any referrals to the DBS)

**Yes or No (please delete whichever is not applicable)**

If 'yes', please provide further information:

.....  
.....

**DECLARATION - IMPORTANT**

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

**Please sign and date this form:**

Full name (in block capitals):.....

Date:.....

Signature:.....

**Data protection**

This form contains personal data as defined by the Data Protection Act 2018 (as amended by the General Data Protection Regulation 2018). This data has been requested by The Shrewsbury and Telford Hospital NHS Trust exclusively for the purpose of recruitment. The Shrewsbury and Telford Hospital NHS Trust must protect any information disclosed within this form and ensure that it is not passed to anyone who is not authorised to have this information.

**Equality Impact Assessment - Stage 1 – Initial Assessment**

<b>Manager's Name</b>	Keith Hudson	<b>Division</b>	Workforce Directorate
<b>Function, Policy, Practices, Service</b>	Employment References Policy	<b>Purpose and outcomes – intended and differential</b>	The process that applies to both requesting and providing employment references.
<b>Implementation Date</b>	November 2019	<b>Who does it affect?</b>	All staff
<b>Consultation Process</b>	JNCC	<b>Communication and awareness</b>	Awareness sessions with relevant managers

Equality Target Group	Positive Impact (None/High/Low)	Negative Impact (None/High/Low)	Reason/Comment
Men	N	N	
Women	N	N	
Black/Black British	N	N	
Asian/Asian British	N	N	
Chinese	N	N	
White (including Irish)	N	N	
Other racial/ethnic group (please specify)	N	N	
Mixed race	N	N	
Disabled	N	N	
Gay/Lesbian/Bi-sexual	N	N	
Transgender	N	N	
Younger People (17-25) and children	N	N	
Older People (50+)	N	N	
Faith groups (please specify)	N	N	
Other Group (please specify)			

Following completion of the Stage 1 assessment, is Stage 2 (Full Assessment) necessary? No

Date Completed: July 2020

Manager completing the assessment: Keith Hudson,  
Workforce Projects Manager