

Hospitality

Better Hiring Toolkit

In collaboration with:



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1. Introduction

This Better Hiring Toolkit provides simple guidance to support organisations in the hospitality sector when hiring new employees against industry best practice.

Those recruiting staff have an obligation to ensure that pre-employment checks are robust so that employees have a satisfactory onboarding journey. Organisations must be confident that their pre-employment checks are conducted in a way which will protect not only their business and workers, but third parties too and the wider public.

Now more than ever, employers 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, whether these are administrative or manual roles, they are both equally important and require robust vetting checks.

An effective, [safe, and fair recruitment process](#) will include a range of robust vetting checks, including detailed references, at appropriate stages. This will ensure that as much information as possible is gathered about an applicant's suitability from multiple sources to come to a fair and safe hiring decision. Safer recruitment provides organisations the first opportunity to deter and prevent individuals who are unsuitable, whether this is due to the lack of skills, experience or conduct issues that would not only put the worker themselves at risk post onboarding, but their teams and the wider public.

Most roles in the hospitality sector will be subject to standard vetting. However, there are positions where employees in certain roles will need to follow a more stringent vetting process, such as those in financial functions or those working in certain settings (i.e. with access to vulnerable people).



Safer recruitment provides organisations the first opportunity to deter and prevent individuals who are unsuitable.

2. Why we need to get it right

The hospitality sector plays an important role in the lives of everyone in the UK. The sector is one of the largest in the economy, with 3.1 million people employed making up 9% of the UK workforce.

The Health and Safety Executive (HSE) report that slips and trips remain the single most common cause of major injury in UK workplaces. Every year in the hospitality industry there are hundreds of major accidents caused by slips and trips. The occupations most affected are kitchen assistants, chefs, and waiting staff.

It is crucial that the hiring process is done correctly, with rigorous checks and balances in place, ensuring that any unsuitable, unqualified, or fraudulent applicants do not obtain employment as this could further increase the likelihood of accidents being inflicted.

Hiring professionals provide the first and strongest barrier against such applicants, and this Better Hiring Toolkit sets the benchmarks for organisations to assess their current policies and procedures against.

Many organisations are placing an emphasis on making hiring as fair as possible. One method of emphasising this is through the effective implementation of Diversity, Equity, and Inclusion (DE&I) policies, which aim to attract underrepresented groups into an organisation.

Organisations should also work to implement faster recruitment processes where possible, tackling avoidable delays whilst also ensuring that appropriate checks are carried out. A faster recruitment process should not be at the detriment of a fairer and safer recruitment process.

HSE in partnership with members of the Health and Safety in Hospitality Liaison Forum continues to promote good practice throughout the industry. The Forum comprises of representatives from industry trade associations, trade unions and industry stakeholders.

It is crucial that the hiring process is done correctly, with rigorous checks and balances in place.



Cases for change

New

Gov UK has published that enforcement visits increased from 4237 (12 months to 31 March 2023) to 6720 (12 months to 31 March 2024). This is a 59% increase. This also represents an increase of 79% compared to January to December 2022, when there were 3,755 illegal working visits. Immigration Officers across the UK have carried out over 100 visits to businesses in the hospitality sector so far this year.

Illegal working occurs when a migrant worker is working without the proper entitlement and authorisation to do so. The common method deployed by illegal workers involve the use of counterfeit and forged documents. Hiring illegal workers can lead to many consequences, including financial and reputational damage.

The prevalence of illegal workers is highlighted even further as the Home Office have increased fines for employing an illegal worker, for a first-time breach this has tripled from £15,000 to £45,000 and for a repeat breach this has tripled from £20,000 to £60,000.

Hiring illegal workers can lead to many consequences, including financial and reputational damage.



Case study 1



Supply of illegal workers

Home Office teams uncovered illegal working and exploitation of agency staff at a 4-star hotel in London. They found 11 people employed illegally as cleaners, porters and maids, working 15 hours a day through third party recruitment agencies.

The agency staff, of six different nationalities, were significantly underpaid and were thought to be working at the hotel for half the normal salary under two separate subcontractors.

The visit took place as part of a Home Office campaign targeting illegal working in the hospitality sector, as the government clamps down on illicit employers.

Case study 2

Illegal workers

The owner of an Indian restaurant and takeaway in Hertfordshire has been banned as a company director for seven years after employing three illegal workers.

The owner had employed them without conducting right-to-work checks and also failed to keep the required documentation proving they were eligible to work in the UK. The seven-year ban prevents the owner from becoming involved in the promotion, formation or management of a company, without the permission of the court.

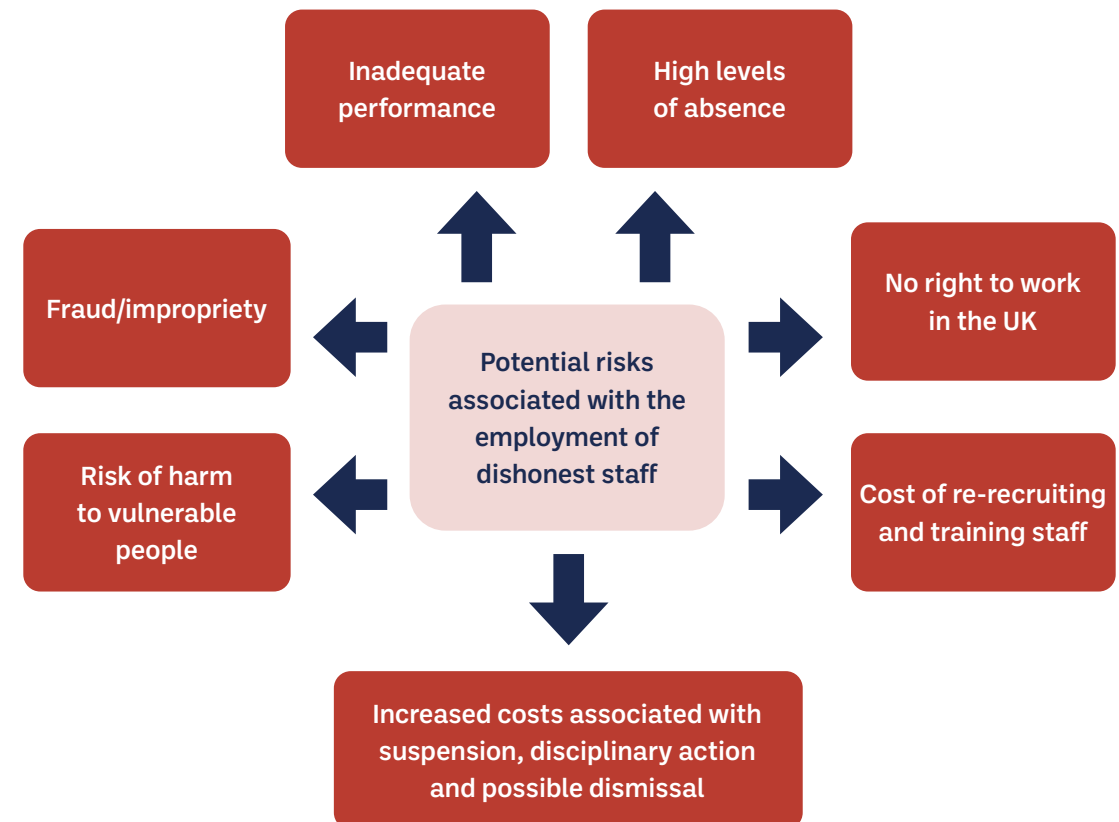
Case study 3

Modern Slavery

Three people were arrested after officers from the Gangmasters and Labour Abuse Authority (GLAA) rescued a woman who claimed that she was forced to live in a cupboard by her alleged exploiters.

Workers at a hotel in Llandudno were not being paid the National Minimum Wage; were expected to work long hours; and were not given access to contracts they were rushed into signing. They were paid as little as £250 per month for up to 60 hours of work per week. One of the potential victims added that she was forced to live in a cupboard with no washing facilities.

Potential risks associated with the employment of dishonest staff:



PRISIM model of safer employment

When hiring potential employees it is important to embed a culture that applies a 360° approach to safer 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 safer employment.

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

It also supports employers to move beyond compliance, encouraging organisations 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.

The Safer Employment model consists of the following cycle:



3. Legal responsibilities

Data protection Act 2018 considerations

There is a common myth that data protection is a barrier to data sharing, and it is often incorrectly used by some organisations as a reason to justify not sharing information. Data protection must never be a barrier to responsible data sharing.

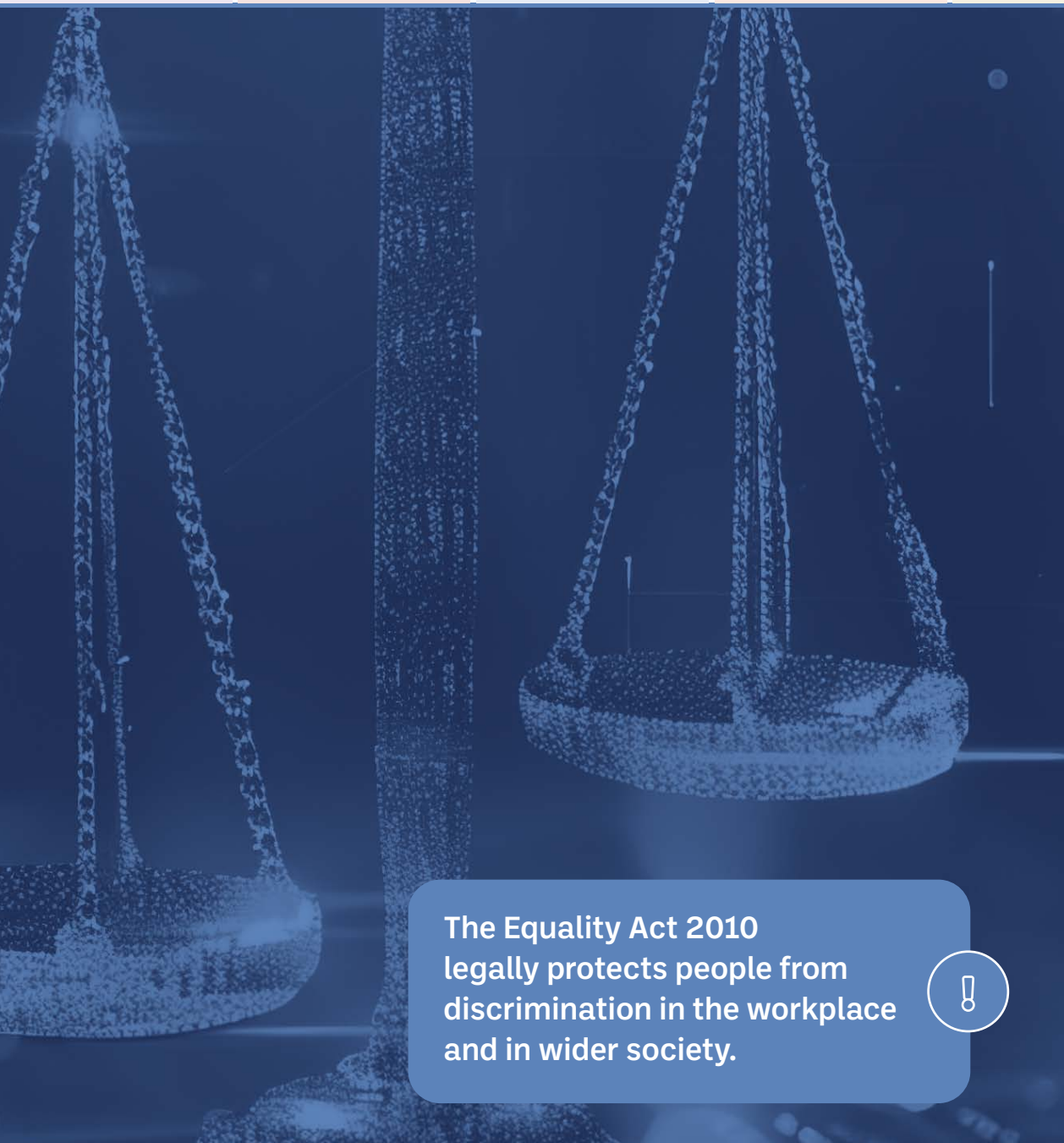
To adhere to the [key principles to data sharing](#) organisations need to identify a [lawful basis](#) and establish necessity and adequacy (which can be subjective). No single basis is 'better' or more important than the others. Which basis is most appropriate to use will depend on the specific case 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 Information Commissioner's Office, the UK's data protection watchdog, has produced a [lawful basis interactive tool](#) that 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.

Data protection must never be a barrier to responsible data sharing.





The Equality Act 2010
legally protects people from
discrimination in the workplace
and in wider society.



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, and so the organisation must have an [appropriate policy document](#) in place, identify a lawful basis, and complete data protection impact assessment (DPIA).

Equality Act 2010 and Public Sector Equality Duty

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Public Sector Equality Duty (PSED) is a legal requirement for public authorities and organisations carrying out public functions. The purpose of the PSED is to make sure that public authorities and organisations carrying out public functions think about how they can improve society and promote equality in every aspect of their day-to-day business.

4. Recruitment and supply chain

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

This includes HR, onboarding, and recruitment teams, as well as prospective line managers.

Modern Slavery

Modern slavery encompasses acts of slavery, servitude, forced or compulsory labour and human trafficking for personal or commercial gain. Although modern slavery can affect any one of us, there are usually conditions which will put a person at high risk. These factors include; fear of deportation, homelessness, poor English skills and work visas that are tied to one employer.

The hospitality industry has been labelled as a high-risk sector for modern slavery, and concerns have increased over the past year with news stories surrounding the disappearance of asylum seeker children from hotels. For these reasons, it is crucial for the hospitality sector to understand the exploitation risks it faces, both old and new, and how to mitigate them.

Labour abuse usually occurs within the hospitality industry due to:

- Pressure on costs
- Lack of due diligence processes, for example not checking the authenticity of documents provided
- Informal recruitment practices
- Language barriers
- Widespread use of subcontracted labour and high turnover of workers

It is a legal obligation for organisations to prevent all acts of modern slavery. Signs that a person may be being exploited include, but are not limited to; workers who don't have right to work documentation, agencies charging low rates in comparison to standard industry pricing, signs of physical abuse, workers who have had to pay fees to obtain work and those who seem frightened or reluctant to talk to others.

As best practice, to prevent modern slavery or if you have concerns it is occurring then you should speak up if you feel that an individual is being exploited, ensure that mandatory

modern slavery training is undertaken by all workers and ensure that you have robust anti-slavery and whistleblowing policies in place. Each organisation should have a designated person for Modern slavery and/or a dedicated whistleblowing person who issues can be escalated to, and then escalated to the GLAA where necessary.

Additionally, as part of the recruitment process, organisations must ensure that they follow organisational policies when recruiting, always keeping in mind DE&I, consent, counter fraud, reporting and General Data Protection Regulation (GDPR). For more information about the above obligations, please visit the Useful Links section of the FAQs.

For peace of mind, there are various options for organisations that choose to outsource their recruitment and pre-employment vetting.

These can include framework agreements, direct sourcing, pre-employment vetting organisations or the use of recruitment agencies. Please visit the [BHI website](#) on how to select a supply chain.

Job transparency and eliminating bias

Organisations committed to fairer recruitment processes need to embrace transparency pre-hiring.

It is important that the job advertisement uses accessible language and indicates a salary range. 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, do not go beyond what is required and are fair to eliminate 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 must display the decision on sponsorships to overseas applicants and whether the role is suitable for sponsorship. 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 in a role for that organisation. It is the employer's decision to engage with this type of visa.

However, many organisations do have a Home Office approved sponsorship licence, which will allow them to include skilled workers from overseas as applicants for their vacancies.

Please visit [here](#) for more information on sponsorship guidance for employers.

Organisations also recognise the disproportionate impact that weak economic conditions have had on young people, particularly those who are furthest from the labour market. Staying in learning or training is the best way for young people to develop the skills they need to progress into employment. With this in mind, it is important organisations focus on encouraging young people into work through quality work experience, desirable training schemes and routes to progress in role. For more information on the recruitment of young people, please visit [here](#). It is important to encourage individuals outside of the labour market, regardless of age, back into employment.

Visit [Help and support for older workers](#): guidance for employers for information on the retention, retraining and recruitment of older workers.

Reporting diversity statistics within the organisation must also be considered. Having access to quality data on employee diversity is fundamental to creating more inclusive cultures. The better the evidence base that organisations have, the more effectively they can target their efforts to promote DE&I and manage their organisational cultures. Employers are encouraged to make use of positive action to improve equality of opportunity when recruiting.

Visit [positive action in the workplace](#): guidance for employers for information on ways employers can use positive action to help people who share a particular protected characteristic to overcome certain barriers under the measures.

It is essential the job description and skills that are required are accurate.



Making recruitment fairer

Organisations should consider implementing reasonable adjustments and support for applicants who may require them, such as those with caring responsibilities, appreciating they may need to conduct remote interviews and offer flexible working arrangements.

It is also important to be aware that digital poverty affects a large number of people as work continues to move more remote and online. This includes accessing the correct equipment and having the knowledge to use online resources as efficiently as possible. From job advertisements to training new staff, people who are not tech-savvy can feel isolated when applying for work.

Organisations may implement anonymised recruitment, which is the practice of anonymising an applicant's identity for the sake of fairness. The process of anonymised recruitment typically involves removing the applicant's personally identifiable information with a view to assess them solely on their skills, qualifications, and experience. In practice, however, anonymised recruitment is not always the best method of ensuring fair and unbiased choices are made in the hiring process.

During the later stages of the hiring process, the applicant's name and personal details will come to light, still allowing for bias in the hiring process. The process may be useful for the initial selection stage, but organisations should be aware of implementing further processes later on in the hiring process, such as at interview stage, to ensure that bias is mitigated. One example of this is ensuring that you have a diverse recruitment panel in place who have received basic training on unconscious bias to allow them to identify and mitigate its impact when conducting interviews. Diversity must be championed throughout the entire hiring process to improve retention.

There are more basic changes that can be made to the recruitment process that can help to improve DE&I. The Better Hiring Institute (BHI) has worked to outline what needs to change in current practice to make the recruitment process fairer, including organisations taking simple steps such as removing gendered language and bias within adverts, actively promoting applications from underrepresented groups, and not asking for medical declarations in the application stage. At interview, organisations can take steps such as using diverse recruitment panels where possible.

To view the BHI's Blueprint for Better Hiring, click [here](#).



Application forms

Gathering information and onboarding a new employee starts at the beginning of the recruitment process when an employer requests referencing details 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 DE&I, and culture can help to attract applicants whose values align to the organisation, while deterring those people who know their practice is unsafe.

It is important to encourage applications for suitable roles from people with criminal records. It is also important to include a statement in the application form that states that it is an offence to apply for a role if the applicant is barred from engaging in regulated activities, such as working with children, adults, or both. Thus, as well as the importance of providing an opportunity to people with criminal records it would also resolve the skills shortage, as well as promoting inclusivity. See here for information on employing people with criminal records and tips for inclusive recruitment and onboarding.

Application forms should not contain medical self-declaration forms assessing a potential employee's fitness to work, as this may deter suitable applicants and leave room for bias. If required, this can be done at a later stage.

See below for an example of an effective application form which includes all the relevant ways to gather information about an applicant's conduct. Application forms should also be designed to ensure that they compliment a fast, fair, and safe recruitment process. These should be periodically reviewed to ensure that they do not request information that may not be relevant to the initial hiring process.

[Organisations can download a template application form here.](#)



Application forms should not contain medical self-declaration forms assessing a potential employee's fitness to work.



As best practice, application forms should include a minimum of:

- Confirmation of name history since birth, date of birth and national insurance number
- Current address
- Details of current and previous employment (gaps of more than 12 weeks must be explained and verified and documented via an electronic note on applicant's file once confirmed)
- Reason for leaving current (or last) employment
- 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 hiring 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

Overemployment

There has been a rise in the number of organisations, within both the public and private sectors, who have reported an increase in employees with more than one full-time job.

Contextually, the pandemic and subsequent impact of the cost of living crisis has resulted in an increase in workers finding supplementary forms of income. As this is not always detrimental to an employee's full-time role (for example, work undertaken outside of working hours or self-employment), a second form of income should not be automatically viewed in a negative light.

Organisations should also be aware, however, that there has been an increase in the number of employees with one or more undeclared full-time roles.

To mitigate this, best practice is to add a declaration into your application form that asks candidates to declare whether they have any other forms of employment, and whether they plan to obtain any other additional employment during their tenure with your organisation.

Furthermore, you should remind applicants that if they do not have any additional forms of employment, or plan to obtain any during their tenure, and this subsequently changes, they need to inform their line manager at the earliest opportunity.

Organisations should refer to their standard HR disciplinary policies if any employees are found to have breached these commitments.

How to choose an outsourced supplier

For employers seeking to engage a recruitment agency. It is important to note the responsibility still ultimately rests with the firm, and they should not solely rely on the agency, particularly when making fit and proper judgements.

Umbrella company workers

An umbrella company acts as an employer to recruitment agency workers should they wish to be engaged in that way. If the applicant has been engaged as an umbrella worker, references should be obtained from the umbrella company.

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 organisations' payroll.

Factors to consider:

Reputation/Service delivered

It is often advisable to ask the recruitment agency or outsourced provider to supply information on the other organisations that they work with. This will give an insight into their ability to supply or carry out checks on the staff required. If an organisation is a 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.

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 DE&I strategy, and whether it aligns with your organisations'. An organisation that is a Certified B Corporation indicates that an organisation is meeting high standards of social and environmental performance, transparency, and accountability.

The importance of social corporate responsibility (SCR)

An overlooked factor when selecting a recruitment agency is their pledge in relation to SCR, including a focus on Environmental, Social, and Governance (ESG) factors. Socially, organisations should show their commitment towards SCR by increasing employment and workplace opportunity practices. Opportunities created for underrepresented groups will minimise discrimination and promote inclusivity to both workers and the wider community.

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 both internal and external stakeholders. Working very closely with suppliers enables organisations 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.

Recruitment trade bodies

One way to get increased assurance is to look at recruitment agencies who are members of a trade body such as the Recruitment and Employment Confederation (REC), the Association of Professional Staffing Companies (APSCo) and others.

Agencies that join trade bodies must follow a certain ethical code and are bound by certain guidelines. By choosing a recruitment agency that is a member of a trade body, this provides one level of assurance as they will have gone through a sign-up process. A higher level of assurance is to choose a recruitment agency with an external accreditation as this involves ongoing rigorous audits.

Agencies putting workers first

The UK's number 1 platform protecting non-permanent worker rights is [JobsAware](#), run by a community interest organisation with cross-government support called the [Modern Work Foundation](#). 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 the Modern Work Foundation 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 the Modern Work Foundation 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 the Modern Work Foundation.

Concerns about agencies and agency workers

Whilst diligent employment vetting 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 (umbrella company).

It is important that organisations report the concerns immediately to the agency 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 will need to be assessed and managed on a case-by-case basis, depending on the circumstances and nature of the concern.

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

Reporting agencies

It is recommended to report a complaint to the recruitment agency in the first instance.

Ensure that the agency is asked for a copy of their complaints procedure, outlining how they will deal with the complaint and detailing the timescale which it will be processed in.

If a desirable outcome is not reached, agencies can be reported directly to a trade body e.g. REC or APSCo (if they are a member). Serious breaches must be reported to the regulator, the Employment Agency Standards Inspectorate (EAS) who sit within the Department for Business & Trade (DBT).

Tips



When considering the use of recruitment agencies, refer to the [BHI](#) 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 recruitment agencies 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.

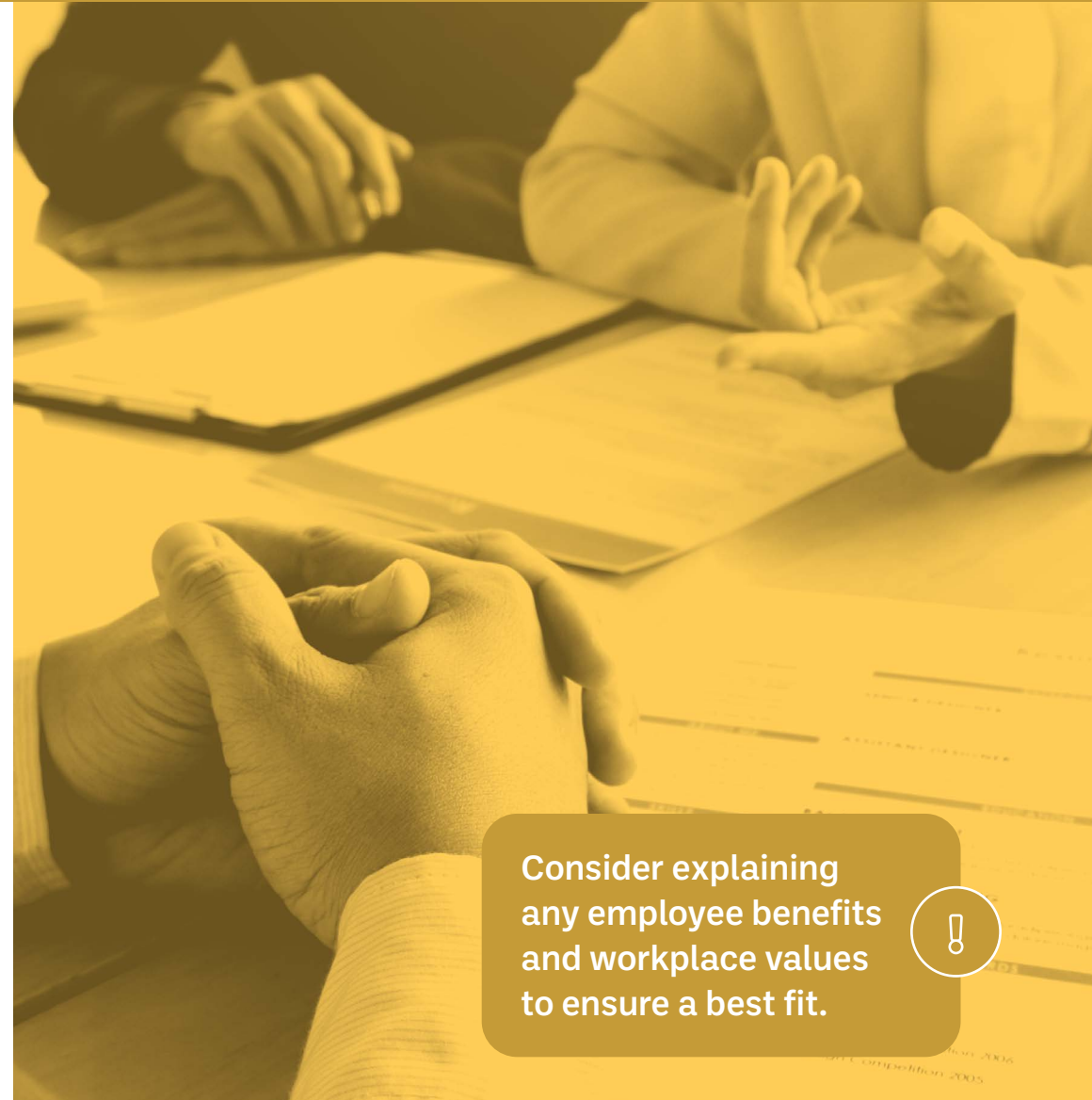
5. Interviews

All employers want to ensure that they hire the applicant who is the most suitable person for the role.

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 and these could be anonymised or reviewed to ensure a diverse shortlist. Then, applicants should be invited to interview. When using a recruitment agency, they can shortlist on behalf of the organisation.

The interview should be planned in advance, in accordance with internal policies and processes. An interview is not only an opportunity for the organisation to establish whether an applicant is suitable, but it is also an opportunity for the applicant to understand the employer's organisational culture. Consider explaining any employee benefits and workplace values to ensure a best fit.



Consider explaining any employee benefits and workplace values to ensure a best fit.



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 is who they say they are.

In advance of the interview, organisations must ensure that they have noted any reasonable adjustments 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 is who they say they are, should they be offered the role. It is vital to use a non-biased approach when interviewing, asking standardised questions and having a diverse shortlist with multiple interviewees can avoid bias.

Consideration should also be given to 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 can keep both parties focused.

On occasion, there may be discrepancies identified within the shortlisting process that need to be discussed with the applicant. After discussing, it may be decided that it is no longer appropriate to proceed with the application, and it may be appropriate to escalate discrepancies to bodies such as Counter Fraud or Cifas, or report to the Disclosure & Barring Service (DBS). It is also important to highlight that discrepancies may be honest mistakes and should not automatically be viewed as dishonest.

If a discrepancy or concern is identified at application stage, consider possible scenarios that might help the applicant to address these within the interview. Think about the next steps once the applicant has addressed any 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, questions around hobbies or pastimes should be avoided as this brings in personal bias. This will assist in evaluating the applicants and their responses. It may also be appropriate to note whether the applicant is taking a significant drop in grade or salary, and why.



Below are considerations that you may wish to use to improve current interview procedures:

As part of a fairer recruitment process, organisations may send out questions prior to interview to allow applicants to sufficiently prepare, creating prompts for meaningful and informative conversations. Instances have arisen where applicants have used artificial intelligence to generate ideal answers during interviewing.

Organisations should proceed with caution if they suspect this, and consider the following tips when conducting interviews:

- 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 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.
- 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

Once an assessment has been made on the successful applicant, it is important to communicate this clearly and promptly with all applicants, whether successful or not.

This is beneficial because an unsuccessful applicant may remain interested in future positions and leave positive reviews due to their experience with the organisation.

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 the 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.

Tips



Consider and implement a diversity and inclusion policy in respect of the interview process.



Prevention is better than cure. It is much easier to ensure all relevant information is gathered before recruiting.



Be transparent and ensure that applicants understand what is expected of them in the interview and hiring process.



Be cautious around new and emerging fraud in hiring, such as interview scripts and the role of AI. Applicants may appear qualified, but the rise of fake references and AI generated responses to interview questions are used to try and dupe organisations. Ensure you ask probing questions if you suspect that the answers are too rigid. For tips and tricks, click [here](#) for the BHI's guidance on Fraudulent References in Hiring.

6. Effective pre-employment vetting

Conducting checks to assess and assure the trustworthiness, integrity, and ability of prospective employees, and advising applicants that such checks will be made, should be a standard part of the recruitment process. This is an integral part of a robust approach to recruitment.

Effective pre-employment checks involve validating identity, right to work in the UK, qualifications (where applicable), work history (including the investigation of gaps) and referencing. They may also involve criminal record checks (UK and overseas).

Ensuring your organisation is compliant has never been more important, and the risk of an unqualified hire includes harm to your organisation, increased costs, bad publicity, potential fraud and more.

Pre-employment vetting increases the quality of applicants. Vetting acts as a deterrent to those who are unqualified or unsuitable for the role, saving your recruitment team time reviewing inappropriate applications, and increasing the efficiency of your process.

Organisations can download a
pre-employment checklist [here](#).



Pre-employment
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Identifying Name Changes in Hiring

The BHI recognises that the UK must do all it can 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 DBS, His Majesty's Passport Office (HMPO) and others, in addition to employers from a variety of sectors, the BHI has developed guidance for both the hiring process, and for continuous vetting on how employers can identify when job applicants and current employees have changed their name (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.

Verifying Identity and Right to Work

Establishing an applicant's identity and right to work is essential to protecting organisations.

The direction of travel is towards online solutions in particular with changes to right to work policy and digital identity strategy. This is done either in house or by using trusted third parties.

Establishing an applicant's identity and right to work is essential to protecting organisations.



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 Proof of Identity checklist for what documents can be accepted.](#)



Employers 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 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 must have their right to work document checked face-to-face or digitally via an IDSP. Employers can work with IDSPs to utilise 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](#).

Currently, it is not mandatory for employers to use a certified IDSP for the purposes of right to work checks, although the Home Office recommends employers use a certified IDSP. This will provide assurance that their chosen IDSP meets the relevant scheme guidance. For a list of certified IDSPs and further information click [here](#).

If right to work checks cannot be done digitally, and if the applicant does not want to post their original 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 click [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. You must ensure that the person you are doing the check for is the same person who is applying for the role, therefore, a video call should be completed in conjunction with the online check.

From 31st December 2024, those overseas candidates issued a biometric residence permit will only be able to prove their right to work using an electronic visa (e-visa). Physical documents will not be accepted as proof. The Home Office no longer issue biometric residence permits and will instead utilise eVisas only.

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

Organisations can contact [Reed Screening](#) to discuss any questions they may have about right to work, including outsourcing.

Proof of Address

It must 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](#)

Criminal Record Checks

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

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

Criminal record checks are important as they help employers to make safer recruitment decisions and ensure unsuitable people do not work with vulnerable groups.

Each body also has its own filtering rules defined by their governing country's legislation on the rehabilitation of offenders. This means that an individual could apply for the same basic level of disclosure in all three countries, and their disclosure could reveal different information as the differing rehabilitation periods of a past conviction are applied specific to the location in which they lived and worked 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 apply to the organisation where they are making the suitability decision e.g. if the suitability decision is being made in England, apply for a DBS check.

Disclosure and Barring Service (England & Wales)

DBS offer Basic, Standard and Enhanced levels of disclosure (revealing unspent, spent, and spent + barred list information respectively), but individuals must meet certain eligibility criteria to be entitled to request a check. Eligibility guidance can be found [here](#) and support can be accessed from the Regional Outreach Team.

The most time-consuming part of the hiring process in fact tends to be referencing, not criminal record checks. For example, in February 2025 the average turn around for enhanced checks was 11.1 days and most basic checks were completed within half a day.

Those that take longer are usually because of mistakes on the application which means that the DBS may have to ask for clarification, further information or reject the application entirely. A very common name without a previous name or 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. 95% of DBS certificates disclose nothing.

Anyone over the age of 16 can apply or be requested to apply for a Basic DBS check. Conducting a Basic DBS check on an individual before hiring them can help to inform job role suitability, strengthen recruitment decisions and protect an organisation's reputation. Basic DBS checks focus on unspent convictions and cautions.

This can include both minor and serious offences, such as theft, fraud, or assault, and will always include any serious violent, sexual or terrorism offences 'listed on Schedule 18' of the Sentencing Act 2020, where the prison sentence is more than 4 years. Implementing Basic checks in the hospitality industry in line with the Rehabilitation of Offenders Act ensures that individuals with minor, unrelated convictions are not unfairly excluded from employment. Basic checks focus on relevant offences whilst promoting fair opportunities for those who have been rehabilitated.

Disclosure Scotland (Scotland)

Disclosure Scotland are an executive agency of the Scottish Government.

They offer Level 1 and Level 2 disclosures, as well as administering the Protecting Vulnerable Groups (PVG) scheme.

The PVG scheme is a membership scheme that is a legal requirement for anyone carrying out a regulated role with children or protected adult. Disclosure Scotland also manage a list of people barred from working with children and protected adults.

Disclosure Scotland continuously monitors the suitability of PVG scheme members to work in regulated roles, and notifies employers automatically if they receive information that means the individual may no longer be suitable to work with children or protected adults.

- Level 1 disclosures show unspent convictions
- Level 2 disclosures show information on unspent and certain spent convictions, and other relevant information held by the police. Some Level 2 disclosures also include barred list checks.
- PVG scheme disclosures show information on unspent and certain spent convictions, other relevant information held by the police and include barred list checks

Guidance on the criteria for these types of disclosure is on the Disclosure Scotland website.

Anyone aged 16 or above can apply for a disclosure. Disclosure Scotland have a 14 day service level agreement for completing all types of disclosures, other than when additional enquiries are required or the application is incorrectly completed. In 2023-24, Disclosure Scotland completed 95.3% of disclosures within 14 days. When Disclosure Scotland complete a disclosure, it is first issued to the individual, who can either share this with the organisation who countersigned the application (for example, the employer) or inform Disclosure Scotland they wish to apply for a review.

Before providing a Level 2 disclosure, Disclosure Scotland will check criminal history systems to find out if the applicant has any spent childhood convictions and/or any children's hearing outcomes that may be disclosable. This depends on whether Disclosure Scotland consider that childhood information is relevant for the purpose of the disclosure and whether information about the conviction or outcome ought to be included in the disclosure.

We will consider:

For Level 1 disclosures, individuals can request a review on the grounds of accuracy.

For Level 2 disclosures, individuals can request a review of:

- the accuracy of the information provided
- a decision to include a removable conviction or convictions in a disclosure

- the inclusion of childhood information in a disclosure
- other relevant information that the police have disclosed on a disclosure

These review provisions strike a balance between a system that protects people's right to move on with their lives following offending, but still allow for disclosure of convictions that are relevant and ought to be disclosed to maintain safeguarding.

Disclosure Scotland run free webinars and other training events throughout the year.

These cover areas like:

- the Protecting Vulnerable Groups scheme
- deciding if your role is a regulated role
- the referral process
- helping employers recruit fairly

You can access these events through the [Disclosure Scotland](#) website.

Eligibility guidance for these can be found [here](#).

Access Northern Ireland (Northern Ireland)

AccessNI offer Basic, Standard and Enhanced checks which correspond to the level of information revealed by the same checks conducted by the DBS.

You can find more guidance [here](#).

It is recommended that organisations have a process in place for when information is identified on the criminal record check.

You must ensure that there is a consistent and fair approach to all criminal record information to prevent unfair discrimination against those with criminal records or other information revealed in a disclosure.

The HMG Baseline Personnel Security Standard (BPSS) is the minimum suggested level of vetting for organisations to employ. Whilst not mandatory, it provides good practice guidance on pre-employment screening.

The BPSS comprises verification of the following checks:

- Identity
- Right to work
- Proof of address
- Employment history and referencing (covering a 3-year period)
- Criminal record check (where applicable)
- Qualifications (where applicable)

For role specific checks, organisations can consider additional checks such as professional registration, additional training, driving documentation or longer periods of employment.

For further information visit:

[Contact Reed Screening - the UK's leading pre-employment checking business.](#)

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

[DBS checks: guidance for employers](#)

[Check someone's criminal record as an employer](#)

[DBS Update Service: employer guide](#)

[Guidance overview: Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)

[Referral duty and power for local authorities and regulatory bodies](#)

Screening your employees is key to ensuring customer safety and service quality. Reed Screening have industry leading packages available, find out more [here](#).

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 specifically when it is essential to the role. When checking, a copy of the original certificate(s) must be obtained to check the validity (sometimes this can just be obvious on first glance). If it is not in English, then consider asking for it to be translated into English by an official translator.

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.

It is recommended that, for applicants who are required to be registered with a professional body in order to practice, an online check is carried out to verify their registration and to check that no restrictions have been placed upon them.

Where relevant, university qualifications can be verified by [higher education degree datacheck \(HEDD\)](#).

Organisations should check qualifications specifically when it is essential to the role.



Online media checks

There are numerous and varied risks presented by working with organisations 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 organisation is a significant safeguard from the reputational, legal, and commercial jeopardy an organisation might face.

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 organisation (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.

Online media checks are not mandated, however, their popularity has increased in recent years. If used, results returned from such a search must only inform the hiring process, as opposed to making decisions entirely based upon anything highlighted. It is important to remember that online media checks are not factual, but largely opinion based, with context not always readily available. In the eventuality that results are returned from a check, an investigation should be conducted consistent with your organisation's policies. The hiring decision must not be based on a result alone.

More information can be found on the BHI website [here](#).

Ongoing Monitoring

Any check is only valid at the time it is undertaken; therefore, all relevant checks should be refreshed on a regular basis to continue the protection of the public, but especially:

- At the end of a probationary period
- Upon acceptance of a new role – what was not important for the recruited role may be important in the new role
- On an annual basis

Supervision and management

Regular and effective supervision and management is needed to support, develop and hold employees to account for their performance and conduct. It enables organisations to identify and address concerns around conduct and suitability and provides employees the opportunity to share concerns and ask for support.

Records of supervision and performance management conversations provide key sources of information which can be appropriately shared and referred to other organisations if required.

Key points



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.



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



Make use of services such as Reed Screening to ensure compliance in Hiring.



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.



The BHI has compiled guidance to assist UK employers hiring international employees into their organisations.

Referencing

References are a fundamental part of verifying your applicant's previous work experience, skills, and integrity (amongst other things).

This guidance addresses common questions relating to seeking and obtaining references.

Organisations can download an example reference request letter.



When to seek references/evidence of conduct?

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.

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

How to seek a reference?

Before proceeding with the reference checking process, organisations must verify that the applicant's information is legitimate and correct.

Confirm the organisation exists, the referee is employed by the organisation in the position stated and all phone numbers and email addresses provided have been proven to be bona fide.

The applicant is required to give consent before contacting the referee for a reference. This can be asked or stated in the employment history section of the application form.

Once this information has been verified, you can contact the organisation for the reference; organisations should contact a formal department such as a referencing team or HR.

When receiving the reference, it is important to cross-check the applicant's initial details to verify the reference. Fake references are on the rise and have become more complex. There has been a recent upturn in websites dedicated to setting up fictitious organisations and producing fake references often known as 'reference houses'.

Therefore, as best practice guidance it has become increasingly important to verify references by:

- Cross checking information on Companies House
- Looking at the organisation website to check language and credibility
- Not using mobile numbers and/or personal email addresses

Fraudsters will use email addresses very similar to existing organisations, therefore, this should always be cross referenced with websites and other reliable sources.

[See tackling hiring fraud guidance.](#)

Pre-employment vetting increases the quality of applicants.



How many references should be requested?

This can vary by organisation and depends on the risk factor of the roles that are being recruited for.

A minimum of two references covering a three-year period is a standard approach. It is advisable to ensure these references are received in writing and via an organisational email account.

If verbal references are sought, then they should be verified via email following the discussion to ensure their legitimacy.

Gaps in employment history

It is best practice to request that any gaps of three months or more in employment history are fully explained.

It is essential that the applicant provides sufficient evidence to determine what they have been doing during 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 that they have been travelling during this time, employers can ask to see their passport for any stamps obtained while travelling. If an applicant has a period of unemployment where they have been receiving state benefits, you can seek a Job Centre summary letter or another government source to confirm this.

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. Organisations that no longer trade can be verified by the [Companies House website](#) which can be found here. In this case it is recommended to also source personal references from someone of professional standing that can comment on their character.

Should an organisation 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 an organisation refuse to provide a reference, it is deemed good practice to use bank statements, payslips, or HMRC documentation to confirm the period of employment. If alternative proof is used, it is recommended that this is risk assessed and approved.

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.

[Alternatively, organisations can download a personal or character reference template here.](#)



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



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. Common reference discrepancies include the start and end dates of employment, salary, the reason for leaving, duties and job titles.

Applicants frequently 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 this.

Obtaining references for training and/or qualifications

Verifying training and qualifications 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 certification provides an outline of 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 organisation on the Companies House website, ensuring that the email address is genuine and belongs to the organisation. The applicant is required to produce information from their accountant 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 should be asked to provide a reasonable account of any significant periods spent overseas.

Best practice should be where individuals have spent a continuous period of three months or more overseas. Should a reference be required, it is good practice to check the organisation website to ensure it appears as a credible organisation.

Applicants must provide detail of name, official email address and how to best contact the organisation. 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.

Viability of References Model

Volume

Currently there are challenges in industry regarding how many references are required and how far they should go back, often meaning there is little standardisation across industry, even within the same sector. This results in confusion, complexity, and lack of a consistent approach for employers.

Looking at a high level of data, Reed Screening requested 101,969 references and received 62,092 of those back - which is a 61% return rate. This highlights the challenge within industry to not just obtain references but to also to provide them.

Validity

There are a number of reasons why a reference may not be acceptable. This includes being provided by an inappropriate referee, information not completed on the reference, or the reference stating the person is unsuitable. This is estimated to be as high as 10% of references received.

Veracity

This assesses whether the referee agrees with the information submitted by the applicant such as place of work, position, and dates of employment. Of the 62,092 references received, 19,399 were found to have discrepancies against information provided by the applicant, which equates to 31%.

Value

Referees often provide just employment dates rather than any qualitative or conduct information. 81% of references received contained dates only, this is inclusive of all sectors.

Verification

In most sectors it is required to verify that a reference is real and genuine and has come from a legitimate source. 65% of referee information provided by applicants were not the correct details.

The data also shows that 13,462 (22%) references have had to be verified using other sources as a result of the relevant information not being provided.

Gathering, recording and sharing conduct information to provide effective references

The sharing of effective references and conduct information is part of a wider approach to safer employment practices, ensuring a safeguarding mindset at every stage of the employment relationship - from recruitment through to managing leavers.

In order to gather effective references and conduct information from other organisations, employers must also be prepared to share relevant information with them and with other organisations (e.g., DBS) as appropriate.

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.

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.

As best practice it is advised organisations gather and record conduct information from all stages including:

- When planning to recruit
- During recruitment and vetting
- Induction and probation
- Supervision and management
- Managing leavers

Organisations can download an [example reference response letter here](#).



Identifying and managing concerns is the responsibility of every organisation.



Sharing conduct information in a detailed reference

One of the greatest barriers to sharing references and conduct information is not having information in an appropriate format to share.

In order to be able to share relevant information more effectively, organisations should adopt an exit process and complete an exit record form for leavers.

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



What does an effective reference include?

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
- number of sick days or absences
- reasons for leaving employment, training or study (if known)

Evidence of conduct should:	Evidence of conduct should not:
Be factual and have evidence to back up what has been stated.	Contain opinions or claims which have no evidence to back up what has been stated.
Contain all relevant information – there are no omissions or misstatements.	Omit or mis-state relevant information.
Share information about any physical or mental health conditions which are relevant to the person's capability (after reasonable adjustments are made) to properly perform tasks intrinsic to their role.	Share personal information or special category/protected characteristics data which is irrelevant for the position applied.

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.
- If relevant, information about any disciplinary procedures the applicant has been subject to.
- Whether or not they would re-employ the applicant in the same job.
- Positive achievements such as awards, commendations and feedback from colleagues.

As long as a reference is fair and accurate, it can show that a person is not suitable for a job.

For example, a reference can show the person does not have enough experience for a job, or it can highlight that they were dismissed, or that the previous employer was considering dismissing them.

Tips



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



Ensure reference requests are clear so the referee knows what specific information is required about the suitability and conduct of the person.



Consider the use of latest technology, such as open banking, to speed up standard referencing.



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.

7. 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 the UKGDPR stop organisations from sharing personal data?

No. The UKGDPR 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?

The UKGDPR does not stipulate how long an organisation should store a reference, but they should ensure that they are adhering to UKGDPR general principles and not contravening other laws or recognised guidance. Under general GDPR principles that records of references would need to be deleted after someone leaves the role/ company.

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 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 for sharing conduct information.

Providing satisfactory references is an essential component of pre-employment checks carried out by prospective employers. 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.

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.

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 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 organisations do if an individual threatens to sue or take them to employment tribunal if information is shared 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 during a dismissal process?

Employers should take HR advice before continuing with dismissal. You may need to investigate and resolve the grievance before you complete the dismissal. For the dismissal of statutory officers and corresponding legislation, please refer to the Legal Responsibilities section within this Better Hiring Toolkit.

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 disciplinary processes.

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 your 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

[APSCo Compliance+](#)

[Enhanced Internal Fraud Database | Protect Your Organisation | Cifas](#)

[The Association of Professional Staffing Companies \(APSCo\)](#)

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

[JobsAware](#)

[The Employment Agency Standards Inspectorate \(EAS\)](#)

[Better Hiring Institute](#)

[Global Body for Hospitality Professionals](#)

[HMG Baseline Personnel Security Standard \(BPSS\) Proof of identity checklist](#)

[Employers Guide to Right to Work checks](#)

[Gangmasters and Labour Abuse Authority](#)

[Disclosure Scotland – Types of Disclosure](#)

[Criminal Records Trade Body \(CRTB\)](#)

[Professional Background Screening Association \(thepbsa.org\)](#)

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

[DBS update service – Employers guide](#)

[Guidance on the Rehabilitation of Offenders Act 1974 and the Exemptions Order 1975](#)

[University qualifications verified by HEDD](#)

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

[Reed Screening](#)

Supporting Documents

[Application form](#)

[Pre-employment check risk assessment](#)

[Reference request letter](#)

[Personal or Character Reference](#)

[Professional factual reference](#)

[Reference Response](#)

[Employee Exit](#)

[Safe & Fair recruitment](#)

8. About Us



[The Better Hiring Institute \(BHI\)](#) 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 **BHI** 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 **BHI** 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.



Gangmasters &
Labour Abuse Authority

[The Gangmasters and Labour Abuse Authority](#) is a non-departmental public body whose mission is to stop the exploitation of workers in the UK and to ensure employers treat them fairly.

We investigate labour market abuse in the UK including forced labour, human trafficking and modern slavery offences in England and Wales. We also work with partner organisations such as the police, the National Crime Agency and other government law enforcement agencies to target, dismantle and disrupt serious and organised crime across the UK.

Our licensing scheme regulates businesses who provide workers to the fresh produce supply chain and horticulture industry, to make sure they meet the employment standards required by law.

8. About Us



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.



Institute
of Hospitality

Established in 1938, the [Institute of Hospitality](#) (IoH) is a not-for-profit educational charity and the world's largest professional body for the hospitality industry, supporting over 16,000 members globally through continuous professional development.

We provide professional recognition to programmes in 24 countries and are committed to diversity, equity, and inclusion, shaping industry standards, and elevating hospitality professionals worldwide.

The IoH is currently applying for a Royal Charter, serves on the Bank of England Decision Maker Panel, and is a strategic partner of the Bank of England's Banknote Checking Scheme.

Disclosure
SCOTLAND

[Disclosure Scotland](#) is an executive agency of the Scottish Government that provides criminal record disclosures, maintains the Protecting Vulnerable Groups Scheme ("the PVG Scheme") and keeps lists of individuals barred from working with children and protected adults on behalf of the Scottish Ministers