

A Guide to Obtaining References- Education Settings



It is vital that all educational establishments adopt recruitment and selection procedures that are in line with guidance provided by the Safer Recruitment Consortium. These processes will help to deter, reject, or identify people who might abuse children, or are otherwise unsuited to work with them.

A person's past behaviour is the most reliable way of predicting future behaviour. The information that you obtain from referees is very important.

References should always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.

When should references be requested?

The Safer Recruitment Consortium advises that references should be sought prior to interview.

"Obtaining references before interview, would allow any concerns they raise to be explored further with the referee and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague."

Keeping Children Safe in Education 2019

- Obtain references for short-listed candidates before interviewing them, so that any concerns or issues are identified and can be explored with the candidate at interview prior to a final decision being made. It is much harder to take up concerns after you have offered someone the job.
- There are occasions when a candidate will request "no contact with current employer unless they are the preferred candidate after interview". Although the recruiting manager may agree to such a request, it is not recommended as good practice.

- Wherever possible, obtain a reference relating to a previous role in which the applicant worked with children. If the person is not currently working with children, also obtain a reference from the person's current employer.
- It is crucial to obtain a reference from the person's current employer/ manager and not simply a peer colleague who may not be aware of any safeguarding concerns/ investigations or disciplinary action.
- If the candidate has indicated that s/he does not want a reference to be requested from the current employer, the reasons for this should be followed up with the candidate. Consider further action that may need to be taken if there are concerns.
- If the candidate has not been previously employed in any capacity or is or has been working independently or on a freelance basis, ensure that the referees named in the application form are not solely a friend or family member i.e. those who may not provide an objective/ unbiased reference.
- You should be provided with a minimum of 2 referees.

What can an employment reference include?

The purpose of seeking references is to obtain objective comment and information to support appointment decisions.

Referees should always be asked to comment on the candidate's suitability for the post, with explicit reference to the job description and person specification and their suitability to work with children. To ensure greater consistency in references and to gain objective, verifiable information on each candidate, consideration should be given to devising a reference proforma, with a standard set of questions for all referees to answer.

The Request should include...

- Basic facts about the job applicant, for instance, employment dates, job description.
- Details about the job applicant's skills and abilities.
- Details about the job applicant's character, strengths and weaknesses relating to the suitability for the role they have applied for and reason for leaving their previous role.
- The referee's relationship with the candidate, e.g. did they have a working relationship? if so, what was the relationship; how long has the referee known the candidate, and in what capacity.
- Whether the referee is completely satisfied that the candidate is suitable to work with children, and, if not, ask for specific details of the referee's concerns and the reasons why the referee believes the person might be unsuitable. The referee must answer truthfully if they have any doubts about suitability, which needs to be evidence-based.
- If a potential employer asks about disciplinary issues (that are not safeguarding / Child Protection (CP)), these must be disclosed if the issue is still 'live'.

Checking References

- It is considered best practice to contact at least one referee or organisation providing a reference. This is to verify that the reference has been provided by them, that the reference has been written for the shortlisted candidate and the Post being recruited for.
- On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided.
- References should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

References should always be sought directly from the referee. Employers should not rely on references or testimonials provided by the candidate themselves, or rely on 'open' references or testimonials, e.g. addressed 'To whom it may concern'. These may be written as a result of a compromise agreement and are unlikely to include any reference to concerns or any adverse comments. In exceptional circumstances, a verbal reference may need to be sought, but it should always be followed up in writing, or typed up by the employer and sent back to the referee for signature.

What if there are safeguarding concerns or disciplinary action against an individual?

Under the Safeguarding Vulnerable Groups Act 2006 the employer has a responsibility to state if there has been any safeguarding concern or allegation about the member of staff followed up with a specific question, for example, "has there been any allegation or concern about this person's suitability to work with children? Yes / No"

- If the allegation was founded, it must be disclosed to any referee that asks.
- If it was false, unfounded or unsubstantiated, it must not be disclosed in a reference.
- If it was malicious, it must not be shared in a reference and in addition, all records of the allegation must be destroyed.

Only the Local Authority Designated Safeguarding Officer (LADO) can determine that an allegation is malicious. Whether an allegation is founded, unfounded, false or unsubstantiated is determined by the outcome of the initial assessment, investigation or disciplinary process.

In addition, if a potential employer asks about disciplinary issues (that are not safeguarding / CP), these must be disclosed if still live. If a potential employer asks

about suitability to work with children, the referee must answer truthfully if they have any doubts about suitability, but this needs to be evidence-based.

What can I do if there is a problem in obtaining a reference?

Many employers prefer to give vague or non-specific references. This is not helpful when you are asking about past behaviour with children. If an employer says it is not their policy to provide references, you may ask the applicant to nominate an additional referee.

No employer is obliged to provide a narrative reference - even schools - and there is nothing in the Early Years Foundation Stage (EYFS) about providing or gaining qualitative references. All that can be insisted upon is an answer to the questions about suitability.

Rewording the reference request to point out that under the Safeguarding Vulnerable Groups Act 2006 the employer has a responsibility to state if there has been any safeguarding concern or allegation about the member of staff might be more effective. This might be followed up with a specific question, for example, "has there been any allegation or concern about this person's suitability to work with children? Yes / No".

If there are any ongoing issues with obtaining a reference this should be raised with your Early Years Team who can escalate this with Wigan Safeguarding Children Board.

Agency Staff or Students

Where an organisation has students placed with them, or employs staff through an agency, the Safer Recruitment Consortium advises that written assurance should be obtained from the student's college or staff agency, to ensure that the appropriate level of references and checks have been obtained which are in line with Safer Recruitment Guidance.

Volunteers

Volunteers are seen by children as safe and trustworthy adults. Therefore, a similar process should be applied when an organisation is recruiting volunteers to work with children.

Often volunteers fill a very wide variety of roles. However, the safer recruitment principles need to be applied with common sense. Be aware that the process may need to be adapted to cater for specific roles and sensitivities.

If the volunteer is going to have an ongoing role that involves regular contact with children, or that the volunteer will be on the premises when children are present regularly or *frequently, a similar recruitment process should be adopted as would be used to recruit a paid member of staff filling a similar role.

*'frequently' means the activity takes place once a week or more.

If you have any queries regarding Safer Recruitment then please email
WSCB@wigan.gov.uk.

Or you may find it useful to visit

<https://www.saferrecruitmentconsortium.org/>