

St Ambrose Barlow RC High School



# *Safer Recruitment*

## *November 2024*

Person Responsible: Michelle Greenhalgh

Ratified by Governors:

Date of planned Review: November 2025



## LOVE

A place of love where **everyone is welcome and respected.**

A family of faith where **everybody matters**; where we are **unique together**; where we plant the seed that will one day **flourish.**

A **community with Christ** at the centre where the dignity of each person is celebrated so that they can **embrace excellence.**

**I AM RESPECTFUL**  
**I AM KIND**  
**I AM INSPIRING**



## LEARN

A place to learn that is **alive with inspiring experiences** and a curriculum rich in knowledge and wisdom.

A family of faith where together we **seek truth, celebrate endeavour and achievement.**

A community that **values curiosity and nurtures learning** into action in the service of others.

**I AM READY**  
**I AM CURIOUS**  
**I AM BRILLIANT**



## LEAD

A place to lead where young people grow to become men and women for others, **creative and courageous, ambitious** for the higher gifts.

A family of faith where we serve with **integrity, hope and determination.**

A community that values justice for the most vulnerable so that all may have **life to the full.**

**I AM CREATIVE**  
**I AM BRAVE**  
**I AM A PROBLEM SOLVER**

## **1.0 Introduction**

Organisations who work with or on behalf of children, young people and other vulnerable client groups need to be vigilant in their recruitment and selection of staff. Abusers may target these organisations and can be extremely skilled at presenting themselves as caring and trustworthy individuals. Some indicators of abusive behaviour can emerge through inappropriate attitudes or inconsistent reactions and a vigorous recruitment and selection process provides important opportunities to identify these and deter and prevent offenders from gaining access to children, young people and vulnerable adults through their work.

This document has been prepared to provide information and support to all recruiting managers across the Council who recruit new employees to the City Council and outlines the key requirements expected in relation to the safe recruitment and selection of people. It is expected that the same principles will also be applied when engaging volunteers, contractors or via agencies.

Safe recruitment is a key priority for Salford City Council to ensure our staff, pupils, clients, customers and service users are not subject to any risk whether it is through their day to day duties and responsibilities or access to the services we are depended upon to provide. The guidance has been designed to help ensure safe and effective recruitment and selection decisions are made and is in line with best practice, regulatory and legal guidance and Salford SCB Safe Recruitment Policy & Practice Guidance.

The purpose of the document and overall approach to recruitment is to encourage the continuous improvement of safer recruitment practices across the City Council to help deter, identify and reject unsuitable individuals and to safeguard all who access council services. Safe recruitment is not solely for those individuals who work with vulnerable people i.e. adults, children and young people but ensures best practice in recruitment across the Council.

## **2.0 Safe Recruitment in Salford**

Salford Council has a corporate social responsibility to account for the safety and protection of every individual it deals with as an employer, as a service provider and as a corporate parent. We therefore need to be confident that our recruitment practices embed this culture of safety and protection throughout the Council.

For those individuals who will work and/or come into contact with children and young people the recruitment practice requires managers to meet existing regulatory and legal requirements such as Working Together, The Bichard Report and Safeguarding Children and Safer Recruitment in Education and to achieve 'Effective' status within the LSCB Self Assessment Tool (SAT) Quality Standards Framework.

For those individuals who will work and/or come into contact with vulnerable adults the recruitment practice requires managers to meet existing requirements including The Bichard Report, Care Standards Act 2000 and the Health and Social Care Act 2008.

Whilst there are specific mandatory regulatory and legal requirements for children, young people and vulnerable adults, safe recruitment should not be considered to be exclusive

to these service groups or staff. Implementing mandatory best practice across the Council to engage safe recruitment practices and processes will encourage the continuous improvement in practice that will help to deter, identify and reject people who are unsuitable to work for Salford Council.

### **3.0 Safe Recruitment Steps**

The continuous review of recruitment processes has developed a consistent and robust approach that is to be implemented and the development of e-recruitment to assist managers in applying this consistent approach to safe recruitment.

Posts have been categorised as either level 1 or 2 with regards to safe recruitment requirements and examples of job types can be found at **appendix 1**.

Category 1 are those posts that require enhanced CRB checks and have regular access to children and young people and/or vulnerable adults.

Category 2 are those posts that are not subject to CRB clearance.

### **3.1 Recruitment Process**

#### E-Recruitment / Application Process

All recruitment to Salford Council vacancies is administered through the e-recruitment system.

The recruitment process is supported by the e-recruitment system and ensures that the correct type of application form is used as appropriate to each vacancy and category of post. Not all jobs require the specific dates in each period of employment however, those posts classified as 'safeguarding or high risk' and requiring CRB clearance i.e. category 1 do and therefore different application forms are required.

#### Scrutinising and Short Listing

All application forms should be scrutinised to ensure that they are fully and properly completed, the information provided is consistent and does not contain any discrepancies. Any gaps in employment must be identified and explained

The application form employment history will need to be checked for gaps and any subsequent identified gaps will need to be investigated and clarified during the selection process to enable the recruiting manager to make an informed decision to continue.

The detail of such gaps and explanation will need to be documented and recorded on the result of interview checklist and signed off by the recruiting manager. This must be complete prior to any initial offer letter being processed.

All candidates should be assessed equally by the members of the interview panel, against the criteria contained in the person specification/role profile without exception or variation.

## 3.2 Successful Candidate Offer of Employment

Following the offer and acceptance of employment, employees must not commence working for the council until full clearances have been received and checked by the employer in line with the requirements for the category of post. Pre employment checks include CRB check, qualification checks, barred list checks, medical clearance where appropriate, verification of entitlement to work in the UK in line with Asylum & Immigration Act requirements and receipt of satisfactory references. This also applies to internal appointments, in that staff should not transfer to a post at category 1 until such checks can be evidenced.

Following the verbal offer to the successful candidate, the recruiting manager must complete the result of interview form and result of interview checklist (**appendix 2**) and return these to Human Resources. The forms are to verify all checks have been undertaken and the level of clearances required and to evidence our safe recruitment practice.

### Pre Employment Conditions/Clearances

The result of interview checklist details all the possible clearances that may be required before employment can be confirmed. The recruiting manager must identify which conditions must be met for the post that they are recruiting to on the checklist otherwise the form will be returned for full completion. Further guidance on category of posts and checks required can be found in the appendices.

Human Resources will action the appointment requesting the necessary clearances. Please note employment **must not** commence until all relevant conditions have been met and documentary evidence has been received and recorded on file by HR. The recruiting manager will be notified once all the relevant clearances have been received and a start date can then be confirmed.

Arrangements should not be made for a new employee to commence employment prior to clearances being received and will be in breach of the safe recruitment requirements therefore the HR team will be unable to arrange for any payment to be made.

In exceptional circumstances, and only following a full assessment of risk and Strategic Director approval, it may be possible for a new employee to commence employment before all conditions have been met. These decisions must be discussed with the HR team and be fully documented with the rationale recorded on the individuals personal file. A risk assessment form for this purpose can be found at **appendix 3** and is also accessible through the Safe Recruitment and Vetting Policy.

- Criminal Records Bureau Clearance

Any post requiring full CRB clearance must have this in place prior to the individual commencing employment and documentary evidence to this effect on record. Whilst safe recruitment requirements are a key priority it is also recognised that there can be delays in clearance being received. However, these delays may be as a result of further checks being needed and could indicate an issue.

There may be instances where a risk assessment could be considered and on these occasions, the risk assessment form must be completed by the recruiting manager and signed off by the Strategic Director.

For posts that have direct, unsupervised contact with children, young people or vulnerable adults it is not advisable to proceed on the basis of a risk assessment. This will only be waived if it is agreed that as part of the induction process they are off site, out of direct contact, fully supervised or working on aspects of the job that don't require direct and/or unsupervised access to clients. Such decisions must be discussed with the HR team and be fully documented with the rationale recorded

- Existing employees

If an existing employee is transferring employment or taking up secondary employment, Human Resources will undertake an audit of the clearances currently held on record. If any clearances are missing the transfer or multiple employment will not be processed until the remaining outstanding clearances are received. This is particularly relevant when an employee is transferring from category 2 to a category 1 post.

## References

Two written references are required for every new employee, one **must** be the individual's current/previous employer and if they have previously worked for Salford Council one **must** be from that employer.

For internal candidates i.e. those already employed by the City Council a streamlined approach will be followed requiring the referee to verify the candidate's suitability for the new post and provide details of current performance.

References will be requested by Human Resources on behalf of the recruiting manager using the standard reference request forms. For those posts at category 1 references will be requested for all shortlisted candidates prior to interview to enable the recruiting manager to follow up any issues or gaps during the interview process.

The HR team will forward completed references to the recruiting manager for verification and a reference verification form will be enclosed (**appendix 4**). The purpose of verifying references is to ensure the information is carefully checked against the application form for any discrepancies or anomalies and the information contained in the reference reflects the candidates experience stated in the application form. However, the requirements for verification will vary subject to the classification of the post.

For all standard category 2 posts i.e. those that do not require a CRB check the recruiting manager must sign to confirm that they are satisfied with the references received. However, the recruiting manager must also be satisfied that the reference is from a legitimate source for example, is on company headed paper or from a recognisable email account.

For all posts that have been identified as requiring a CRB check enhanced reference verification will be required. In these circumstances verification is to also confirm the information provided in the reference has been confirmed as an accurate record from the

referee and the reference has been produced from a legitimate organisation i.e. ensuring the candidate has not forged the reference. Therefore, in these circumstances it is expected that the recruiting manager will follow up verbally.

Further guidance on references can be found at **appendix 5**.

### Identification

All candidates must provide documentary evidence of their identity, in line with the Asylum and Immigration Act 1996 (**appendix 6**). Additionally a document such as a utility bill must be provided that verifies the candidates name and address. Where relevant, change of name documentation must be produced.

If the recruiting manager is checking identification, the original documents **must** be seen and a copy taken. The copy must then be signed and dated to say the original document has been seen and sent through to Human Resources.

**Appendix 7** documents these detailed work steps into a work flow diagram for recruiting managers to follow once the successful candidate has been identified.

### Withdrawing a Conditional Offer

As long as it is made clear to a prospective employee that an employment offer is conditional, the offer can be withdrawn if a condition is not satisfied.

A contract of employment is only made where there has been an unconditional offer and an unconditional acceptance, supported by the intention to create a legal relationship.

## **4.0 E-Learning**

To assist recruiting managers, there is an e-learning Recruitment and Selection module available on the intranet.

## Appendix 1

# Safe Recruitment Requirements - Category of Posts

## Category 1:

Position working which requires a CRB check and clearance:

**Category 1:1** - Positions with sustained access to children and vulnerable adults; risk assessment not appropriate.

- Posts with direct access to children and vulnerable adults  
(E.G. Teacher, Social Worker, Care Assistant, Nursery Nurse)
- Posts that deal with sensitive information relating to children and vulnerable adults  
(E.G. Data Administrator for Children's Services and Adult Social Care, IT support for Social Care databases)
- Posts with regular supervised access but in an environment that is centred around children and vulnerable adults  
(School Catering Teams, Children's Service Health and Safety Officers)
- Posts where the post holder is in a position of responsibility/leadership for an organisation centred around children and vulnerable adults  
(Heads of Services, Social Care Managers, School Governors)

**Category 1:2** - Positions with irregular contact with children and vulnerable adults or working in a service environment with no contact with users groups. Risk Assessment may be appropriate.

- Posts working in a centred environment with no access to children and vulnerable adults  
(E.G. After school cleaning staff, Out of Hours Security)
- Post with irregular access to children and vulnerable adults that visit centred environments for children and vulnerable adults  
(Specialist maintenance staff, HR Consultants, Road Safety Officers)

## Category 2:

Positions which do not require CRB checking and clearance

These positions do not come into contact with either, directly or to sensitive information on children and/or vulnerable adults, or are not aimed at services centred around children or vulnerable adults.

(E.g. Customer Services Assistants, Finance Officers, Refuse Collectors)

Please note the governmental announced in October 2010 a review of both the vetting and barring scheme and the CRB regime to feedback in the new year of 2011. One of the aims of

the review is to look at whether scaling back the employment vetting systems including the CRB can effect the balance between public protection and civil liberties. The results of guidance from this review may result in changes to the above categories.

**1. Post/Salary Details**

First name:  Surname:

Date of Birth:  NI Number:

Directorate:  Location:

Job Title:  Hours per week:

Grade & SCP:  Cost Code

Flexi time:  Number of sessions (Children Services)

All Year Round/Term Time Only (include extra days)

| Work pattern | Monday               | Tuesday              | Wednesday            | Thursday             | Friday               | Saturday             | Sunday               |
|--------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| daily hours  | <input type="text"/> |

Car allowance (Yes/No)  Allowances e.g. overtime / shift allowance

Other relevant info e.g weekly/monthly paid:

**2. Contract details**

Permanent or Fixed Term  If fixed term, state end date

Reason for fixed term, include name(s) if covering for another employee

**3. Management information**

Signed (Line Manager)  Job Title:

Print name  Ext number

**NOTE:** This form should be completed in full and returned to Human Resources, Civic Centre, Swinton along with the successful candidate's **application form** and **interview assessment notes**. All other paperwork from the interviews, plus unsuccessful candidate's application forms must be retained by the Head of the Interview Panel for a minimum of six months.

**Result of Interview – Clearances Authorisation Checklist  
Directorate Staff**

Please select the statement that accurately reflects the situation for the post. This form **must** be completed and signed prior to returning to Human Resources.

**Candidate Details**

**Name:**  **Job Title:**

| Clearance                        |  |
|----------------------------------|--|
| Application & Interview Notes    | I confirm that the application form and interview assessment notes are attached <input type="checkbox"/>   |
| CRB/ISA                          | I confirm that CRB/ISA clearance is required for this post <input type="checkbox"/>  |
|                                  | I confirm that CRB/ISA clearance is not a requirement for this post <input type="checkbox"/>   |
| Application Form Employment Gaps | I confirm that application form has been checked and there are no gaps in employment <input type="checkbox"/>  |
|                                  | I confirm that the application form has been checked and the gaps in employment have been investigated and clarified and are detailed below. I am happy to continue with the appointment<br>Details of the gap(s) _____ <input type="checkbox"/><br>_____<br>_____ |
| Qualifications                   | I confirm specialist qualifications are not required for this post <input type="checkbox"/>  |
|                                  | I confirm the original documents of the required qualifications have been seen, a copy obtained and are attached with this form <input type="checkbox"/>   |
| Registration                     | I can confirm specialist body registration is not a requirement of this post <input type="checkbox"/>  |

|            |  |
|------------|--|
|            | <p>I confirm specialist body registration is required for this post;</p> <p>General Social Care Council (GSCC) <input type="checkbox"/></p> <p>General Teaching Council (GTC) <input type="checkbox"/></p>   |
| References | <p>I confirm referee details were checked at the end of the interview and the two references provided are suitable i.e.</p> <ol style="list-style-type: none"> <li>1. Current employer is listed <input type="checkbox"/></li> <li>2. Previous Salford Council manager is listed <b>OR</b> the employee has not previously worked for Salford Council</li> </ol> <p>I confirm referee details were checked at the end of the interview and the two references provided were not suitable and new referee details are detailed below i.e.</p> <ol style="list-style-type: none"> <li>1. Current employer was not listed</li> <li>2. Previous Salford Council manager was not listed</li> </ol> <p><b>Reference 1 details;</b></p> <p>Name _____</p> <p>Address _____</p> <p>Contact Number _____ <input type="checkbox"/></p> <p><b>Reference 2 details;</b></p> <p>Name _____</p> <p>Address _____</p> <p>Contact Number _____</p> |

I confirm all selected statements are accurate requirements for this post.

Signed \_\_\_\_\_ (Line Manager)      Print Name \_\_\_\_\_



## Appendix 3 - Risk assessment

### Consideration of commencement of employment prior to CRB clearance

|                                      |  |   |  |
|--------------------------------------|--|---|--|
| <b>Name of prospective employee:</b> |  | <b>Name of Head Teacher/Strategic Director/Deputy Director/Assistant Director</b> |  |
| <b>Proposed post title:</b>          |  | <b>Date of risk assessment:</b>   |  |
| <b>Service/school:</b>               |  |   |  |

Record of findings – Should be completed in conjunction with the risk assessment key questions contain within the Policy on Safe Recruitment & Vetting

|  |   |   |
|--|---|---|
| Reasons for considering commencement of employment prior to receiving clearance: | Consequences, to service delivery, of waiting for clearance:  | Level of access during “waiting period”:  |
| Supervision arrangements during “waiting period” and any other control measures: | Pre-employment checklist:<br>Has the employee left employment? Y / N<br>Medical clearance received? Y / N<br>Asylum & Immigration check completed? Y / N<br>Qualifications verified? Y / N<br>List 99 check completed (if applicable)? Y / N<br>References? Y / N<br>Satisfied with general background & Employment history checks? Y / N | Previous CRB clearance:<br>Is a previous disclosure available? Y / N<br>Has it been seen by you? Y / N<br>What is its date? _____<br>(see section on ‘Portability’ within Policy) |

**Assessment of risk following control measures:**

High

Medium

Low

**Options:**

- 1) This prospective employee will not commence work prior to satisfactory clearances.
- 2) Following risk assessment, I have determined that the above named may commence employment with the identified control measures. I undertake to personally review this situation at intervals of no less than every two weeks.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Review Dates:** \_\_\_\_\_



## Appendix 4

### Reference Verification Confirmation

#### Candidate Details

Name:  Job Title:

#### Reference 1

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Number: \_\_\_\_\_

I confirm reference 1 has been verified and the information contained in the reference reflects the candidates experience stated in the application form and that the information provided in the reference has been confirmed as an accurate record from the referee detailed above.

Signed \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

#### Reference 2

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Number: \_\_\_\_\_

I confirm reference 2 has been verified and the information contained in the reference reflects the candidates experience stated in the application form and that the information provided in the reference has been confirmed as an accurate record from the referee detailed above.

Signed \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

|   |
|---|
| <p><b>HR Use Only</b></p> <p>Completed form received (date) _____</p> <p>Verification confirmed and checked by (HPSA) _____</p> |
|---|

## **Appendix 5            Guidance on References**

### Purpose of References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should not be used as part of the shortlisting process. If conducted properly, the process of seeking references can provide important information about a candidate.

References should always be sought and obtained directly from the referee. References or testimonials provided by the candidate or those which are addressed 'To whom it may concern' should not be accepted as their authenticity cannot be verified. Such references may not be reliable or they may be the result of a compromise agreement and would therefore be unlikely to include any adverse comments.

References direct from employers also have their limitations perhaps because:

- employers are sometimes hesitant to provide an unfavourable reference for a former employee
- glowing references can sometimes be provided by employers as a way to get rid of an unwanted staff member
- applicants usually select people who will give them a glowing reference
- referees are sometimes friends
- a reference is sometimes negotiated as part of a compromise agreement

Nevertheless, despite these limitations, references must be sought on all candidates and with a systematic and structured approach can positively contribute to a vigorous and transparent selection process.

### Requesting References

It is recognised that it is common practice in the private sector for references only to be requested following a conditional offer of appointment being made. However, DfES guidance<sup>1</sup> states that ideally references should be sought on all short listed candidates, including internal ones, and be obtained before interview, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview.

References must always be sought for both internal and external candidates and offers of employment always made subject to receipt of satisfactory references, where these have not been obtained prior to interview. However, this should occur only in exceptional circumstances where for example, because of delay on the part of the referee, or because a candidate has requested that their current employer is not contacted prior to interview. It is up to the chair of the interview panel, advised by HR advisors/providers, as to whether to respect this request. It should be acknowledged that there sometimes may be personal difficulties between individuals and their employers which may explain why an applicant may not want a past employer to be contacted. There should be an opportunity for candidates to explain these circumstances at interview and an expectation by the interview panel that they will do so.

In any case, where a reference has not been obtained on the preferred candidate before interview, the prospective employer must ensure that a reference is sought, received and

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<sup>1</sup>

scrutinised, and any concerns are resolved satisfactorily, before the person's appointment is confirmed.

Where all references have not been received prior to the interview, care should be taken to ensure that candidates are not disadvantaged. Should a recruitment complaint be received, it would not be possible to justify making an appointment purely because two satisfactory references had been received on one candidate but not the other.

Request for reference letters should be sent out at the same time as the invitation to interview letters and should include a copy of the relevant Job/Role Description, Person Specification/Role Profile and a pre-paid envelope for the response. It is wise not to solely rely upon check boxes as references are intended to elicit information from the referee and therefore the request should include a list of specific open questions such as those provided in Appendix 6b.

It is normal practice that one of the references is the applicant's current or most recent employer. There are circumstances when this is not always applicable, for example:-

- If the candidate has not previously been employed, a reference would normally be requested from their last establishment.
- If the candidate has recently been unemployed or self-employed, then consideration should be given to asking for another suitable referee with knowledge of the candidate such as a doctor, solicitor, police officer or other professional.
- If it is not possible to obtain a reference from any of the above, the panel will consider asking for another suitable reference

Normally two references should be sufficient, providing one is the current or most recent employer. However, if the candidate is not currently working with children, but has done so in the past, an additional reference should be sought from the employer by whom the candidate was most recently employed to work with children.

Relatives and friends should be precluded from providing references as they are unlikely to be objective and there is no way of verifying the accuracy of the information they have provided. Applicants should always be reminded that the prospective employer reserves the right to make contact with any of the employers listed on the application form.

### Obligation to Provide References

It is rare for an employer to refuse as it is established practice to provide a reference and a refusal could result in adverse consequences for the employee.

In the event that a referee does refuse to provide a reference, find out why and seek an alternative referee.

Under the Data Protection Act 1998 it is no longer possible to guarantee that a reference will remain confidential. The author of a reference may stipulate that it is confidential, and need not show it to the employee. However, employees can ask their new employer for a copy of the reference which may be disclosable if it is proper to do so, having balanced the rights of the author, any other person mentioned in the reference and the employee.

## Evaluating References

Evaluating references is not a simple task as referees may make certain assumptions and/or have prejudices of their own. It is often difficult to distinguish fact from opinion or to judge whether the referee is fully aware of the job content. Similarly there may be well meaning referees who are anxious to promote their candidate, non-committal referees who don't provide sufficient response or ill-motivated referees who are keen to move unsatisfactory work colleagues elsewhere.

It is, therefore, important to evaluate the information with care.

An example Reference Request letter and pro forma are included in this pack, and should help to ensure that objective verifiable information and not subjective opinion are provided.

A copy of the job/role description and person specification/role profile for the post for which the person is applying should be included with all requests.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, the referee should be telephoned and asked to provide written answers or amplification as appropriate. This makes it easier to clarify and/or expand upon certain aspect of the reference where necessary.

The information given should also be compared with the application form to ensure that the information provided about the candidate and his/her previous employment by the referee is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.

References should be treated as confidential. Difficulties arise, however, where a reference raises a serious concern about the preferred candidate's suitability for the post. The referee's consent to the disclosure of the contents of the reference should be obtained prior to discussing the concerns directly with the candidate. As a result of receipt of an adverse reference, the panel may:-

- Seek clarification on the area of concern with the candidate during the interview. If this proves satisfactory, the panel may appoint.
- Refuse the appointment on the grounds of an unsatisfactory reference. Where this is the case the panel must ensure that the decision is fair and reasonable and based on justifiable grounds.
- Where the reference is unclear or hints at problems, it is advisable to telephone the referee in order to clarify the information. Notes of the conversation must be documented, dated, signed and placed on file.

## Providing a Reference

An employer has a duty of care to exercise reasonable skill and care in the preparation of a reference. If this is not done adequately, the employee could bring a claim under one of the following:-

- Negligence – where reasonable care is not taken. An employer may be found to be liable if loss results from the employer’s failure to exercise reasonable care in the preparation of a reference
- Defamation – where a reference contains a false or unsubstantiated statement that damages the reputation of a former employee. The employee may be able to claim damages
- Deceit – where a false statement is knowingly made.

The employer may be able to defend inaccuracies only where it can be shown it was given in good faith. Likewise, a disclaimer of responsibility could be included:-

“Whilst pleased to provide this reference, it is given on the understanding that this is done without legal responsibility and with the exclusion of legal liability on the part of and in respect of the organisation providing the reference and the author of it and without legal liability to the subject of it and the recipient of it”.

However attractive this disclaimer may appear, it would be unlikely to protect where the supplier of the reference fails to comply with the duty of care, maliciously defames or intends to deceive, however, it can be used to assist in preventing the success of claims.

It should be noted that the author of a reference also owes a duty of care to the recipient of the reference if the reference was carelessly favourable or contained omissions.

Care should be taken to ensure that references are:

- Provided only by those members of staff in organisation who are authorised to do so.
- honest and the facts are correct. Even if the discrete components are factually correct care should be taken to ensure that the reference does not give a misleading overall impression of the individual.
- carefully considered. Be cautious about giving subjective opinion about an individual’s performance, conduct or suitability which cannot be substantiated with factual evidence
- written for a specific job vacancy. They should not be written as an “open reference”, to be used on an ad-hoc basis.
- provided on headed notepaper on behalf of the organisation in response to specific requests from the prospective employer

Open references are often sought at times of dismissal, redundancy, conduct or capability. Managers sometimes provide these references with the best of intentions, in the hope that the employee will secure alternative employment

It is recommended that this type of reference only be provided where agreement has been reached between employer, employee, TU representative and HR, for an agreed reference to be produced as part of a compromise agreement.

However, ‘compromise agreements’ by which an individual agrees to resign and the agency/organisation agrees not to pursue disciplinary action should never be used in situations which follow a substantiated allegation of illegal or inappropriate behaviour against a child.

## Appendix 6

# Salford City Council

### Asylum & Immigration Act 1996

Salford City Council is committed to equality of opportunity, both in the provision of services and in our role as a major employer. We believe that all people have the right to be treated with dignity and respect.

As an employer, we are determined to ensure that any job applicant applying for a vacant post will receive fair and equitable treatment. To ensure we recruit only the best people for the job, selection will be based on merit alone.

We are required by law to check whether new appointees are entitled to work in the UK. Any candidate selected for interview must produce documentary evidence that they qualify for employment under the above Act.

Therefore, you will be asked to bring with you, **one** of the original documents included in **List 1** or **two** of the original documents in the combinations given in **List 2**.

### LIST 1

1. A UK Passport describing the holder as a British citizen or as a citizen of the UK colonies, who has the right to abode in the UK.
2. A Passport containing a certificate of entitlement issued by or on behalf of the Government of the UK, certifying that the holder has the right of abode in the UK.
3. A Passport or national Identity card, issued by Switzerland or a state that is party to the European Economic Area (EEA) agreement, or any other agreement forming part of the communities treaties conferring rights of entry to or residence in the UK, that describes the holder as a state party to that agreement

The EEA countries are: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Spain, Slovakia, Slovenia, Sweden and the UK.

When a national from one of these countries has found a job in the UK they will have to register under the Workers Registration Scheme (WRS).

On Registration they will be provided with a workers registration certificate. The certificate will be issued for 12 months and will confirm that the person has the right to live and work in the UK while they are working in that job.

Workers from Malta and Cyprus have the full right to work in the UK and are not required to obtain a worker's registration certificate.

4. A registration certificate or document certifying permanent residence within the meaning of Reg.2 of the Immigration (European Economic Area) Regulations 2006. Including a document that is treated as a registration certificate or document certifying permanent residence by virtue of those regulations.
5. A passport or other travel document endorsed to show that the holder is exempt from immigration control, has indefinite leave to enter, or remain in, the United Kingdom or has no time limit on their stay
6. A passport or other travel document endorsed to show that the holder has current leave to enter, or remain in, the UK and is permitted to take the employment in question, provided that it does not require the issue of a work-permit.
7. A registration card that the holder is entitled to take employment in the UK.

## **LIST 2**

List two consists of two lists of documents known as the first and second combination.

As an employer we will need to check two documents from first combination or two documents from the second combination in order to establish if a person has the right to work in the UK.

### **First Combination (National Insurance Number Combination)**

1. A document issued by a previous employer, HM revenue and customs, the Department for work and pensions, Jobcentre plus, the Employment Service, The Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency that contains the National Insurance Number of the potential employee in the document.
2. A Birth Certificate issued in the UK that specifies the names of the holder's parents.(not a short birth certificate)
3. A Birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
4. A certificate of registration or naturalisation as a British citizen.
5. A letter issued by the Home Office to the holder that indicates the potential employee named in it has been granted indefinite leave to enter or remain in the UK
6. An Immigration Status document issued by the Home Office to the holder, endorsed with a UK residence Permit, that indicates that the holder has been granted indefinite leave to enter and remain in the UK
7. A letter issued by the Home Office to the holder, that indicates the potential employee named in it has subsisting leave to enter or remain in the UK and is entitled to take the employment in question in the UK.

8. An Immigration Status Document issued by the Home Office to the holder, endorsed with a UK Residence Permit, that indicates the holder has been granted limited leave to enter or remain in the UK and is entitled to take the employment in question in the UK

**Second Combination (Work Permit Combination)**

An employer can establish if a person has the right to work in the UK by properly checking and copying:

A work permit or other approval to take employment that has been issued by Work Permits UK

And then either

A passport or other travel document endorsed to show that the holder has current leave to enter, or remain in the UK and is permitted to take the work permit employment in question

Or

A letter issued by the Home Office to the holder, confirming the same.

## Appendix 7

## Recruiting Manager Safer Recruitment Work Steps



