

National Hiring Standard

Better Hiring Toolkit

In collaboration with:



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Foreword



Simon Fell
Prime Minister's
Anti-Fraud Champion,
2023-24

Director, Fraud and
Financial Crime,
Fullbrook Strategies

I am delighted to provide the foreword for this first-of-its-kind guide, offering clear and timely advice on an area of growing concern for employers.

During my time as the Prime Minister's Anti-Fraud Champion, I worked with the Better Hiring Institute to develop the country's first ever guide on Hiring Fraud which covered a range of increasing threats to employers, from CV fraud to reference houses. These threats have not gone away and, if anything, they have only intensified. This is why this National Hiring Standard is so important.

Building on BPSS and BS7858, this free guide for all employers expands awareness beyond the basics and into the current and future threats of Hiring Fraud, modern slavery, and supply chain harms. In partnership with UK Government bodies, the guide distils all the latest advice and important information into one easily accessible place for employers.

Standards matter. The threat of getting this wrong was apparent through my time in industry, Parliament, and Government. The judicious application of standards helps to: prevent fraud; protect your bottom line and the public purse; defend your reputation, and makes it harder for criminals to carry out some of the most pernicious crimes in society such as modern slavery.

Helping employers to navigate these issues is something I am passionate about. And getting this right doesn't just protect you and your organisation, but the wider ecosystem too. It is a win-win.

The National Hiring Standard represents more than supporting employers to defend themselves. It is also about improving hiring standards across the country. The Better Hiring Institute are leading the mission to digitise hiring, to make UK hiring the fastest – and safest – globally. Keeping pace with new threats as they transform the way the UK hires is critical. That is a key role of the National Hiring Standard: to make UK hiring as safe as it can be. I would urge you to adopt it.

1. Introduction

This Better Hiring Guide provides simple guidance to support organisations when hiring new employees to the national hiring standards.

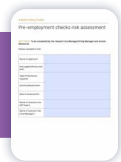
Those recruiting staff have an obligation to ensure that pre-employment checks are robust so that employees have a satisfactory onboarding journey. Organisations must be confident that their pre-employment checks are conducted in a way which will protect not only their business and workers, but third 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 and experience or conduct issues that would not only put the worker themselves at risk post onboarding, but their teams and the wider public.

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



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



2. 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.

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).



The Equality Act 2010

Legally protects people from discrimination in the workplace and in wider society.

[Equality Act 2010 and Public Sector Equality Duty](#)

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.

3. The Hiring Standards

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 every recruitment process. This is an integral part of a robust approach to recruitment.

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 unsuitable for the role, saving your recruitment team time reviewing inappropriate applications, and increasing the efficiency of your process.

It is important to note that the presence of any adverse vetting information does not necessarily mean that the vetting process has failed. Senior management within an organisation should conduct a formal and consistent risk assessment of the adverse information before deciding whether or not this can be signed off.

To formally record the outcome of the risk assessment please use the attached form.

Pre-employment vetting increases the quality of applicants.



4. BPSS The recommended minimum standard for all pre-employment vetting.

Effective pre-employment checks for BPSS comprise of four main checks for an individual.

- Validating identity
- Right to work in the UK
- Establishing a work history (including the investigation of gaps)
- Criminal record check (unspent convictions)

All checks throughout this toolkit are required for **BPSS** unless stated in brown where they are required for **BS7858** in addition.

Where checks are specific to **BS7858** they are clearly flagged in each of the sections.

Reed Screening are the UK's trusted on-shore provider for pre-employment checks, you can find out more about their BPSS Prevent Package by clicking [here](#)

BPSS

BPSS is the recognised standard for the pre-employment screening of individuals with access to government assets, it is increasingly being seen as a national minimum standard of vetting by many employers and this is something that the BHI fully support.

Responsibility for completing BPSS sits with the employing authority. It is not a formal security clearance but its rigorous and consistent application underpins the national security vetting process at Counter Terrorist Check (CTC)/Level 1B, Security Check (SC) and Developed Vetting (DV). More detail can be found [here](#).

In addition to BPSS, organisations may conduct further checks (for example health or social media) as part of their recruitment process to meet their independent risk thresholds.

5. BS7858 A recommended vetting standard for all roles in the security sector, or similar.

Effective pre-employment checks for BS7858 comprises the following checks:

- Personal details
- Address history
- ID checks
- Right to work
- SIA licence number – where applicable
- Education/employment history
- Cautions/convictions
- Watchlist check
- Declarations
- Interview

All checks throughout this toolkit are required for **BPSS** unless stated in brown where they are required for **BS7858** in addition.

Where checks are specific to **BS7858** they are clearly flagged in each of the sections.

Reed Screening are the UK's trusted on-shore provider for pre-employment checks, you can find out more about their BS7858 Protect package by clicking [here](#)

BS7858

Security screening of individuals employed in a security environment. This British Standard helps employers to screen security personnel before they employ them.

It gives best-practice recommendations, sets the standard for the security screening of staff in an environment where the safety of people, goods or property is essential. This includes data security, sensitive and service contracts and confidential records.

It can also be applied to situations where security screening is in the public's interest. It sets out all the necessary requirements to conduct a security screening process. It covers ancillary staff, acquisitions and transfers, and the security conditions of contractors and subcontractors.

It also looks at information relating to the Rehabilitation of Offenders and Data Protection Acts.

6. Effective Pre-Employment Vetting

All of the information in sections 6 to 9 refers to both **BPSS** and **BS7858** vetting standard.

Except for the content in green, which refers specifically to BPSS and the content in brown, which refers specifically to BS7858.

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.

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



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.

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 is not impersonating another individual or faking an identity.

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

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



BS7858

Watchlist check

Organisations should cross-reference the individuals name(s) against, as a minimum, the HM Treasury Office of Financial Sanctions Implementation watchlist(s) accessible [here](#). Organisations may agree acceptance of risk procedures with their insurers.

If a match is found and advice is required, contact the Office of Financial Sanctions Implementation using the link above.

BS7858

SIA (Security Industry Authority)

Where applicable the SIA licence number and expiry date should be gained. The SIA licensing ensures that private security operatives are “fit and proper” persons who are properly trained and qualified to do their job.

For further information about SIA licencing please visit [Security Industry Authority - GOV.UK](#)

BS7858

Declarations

A declaration, signed, that employment is subject to satisfactory screening, that the individual consents to being screened and will provide the information as required, that information provided is correct, and that any false statements could lead to termination of employment.

Right to work in the UK

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.

Please refer to the [Employers Right to Work checklist](#).



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.

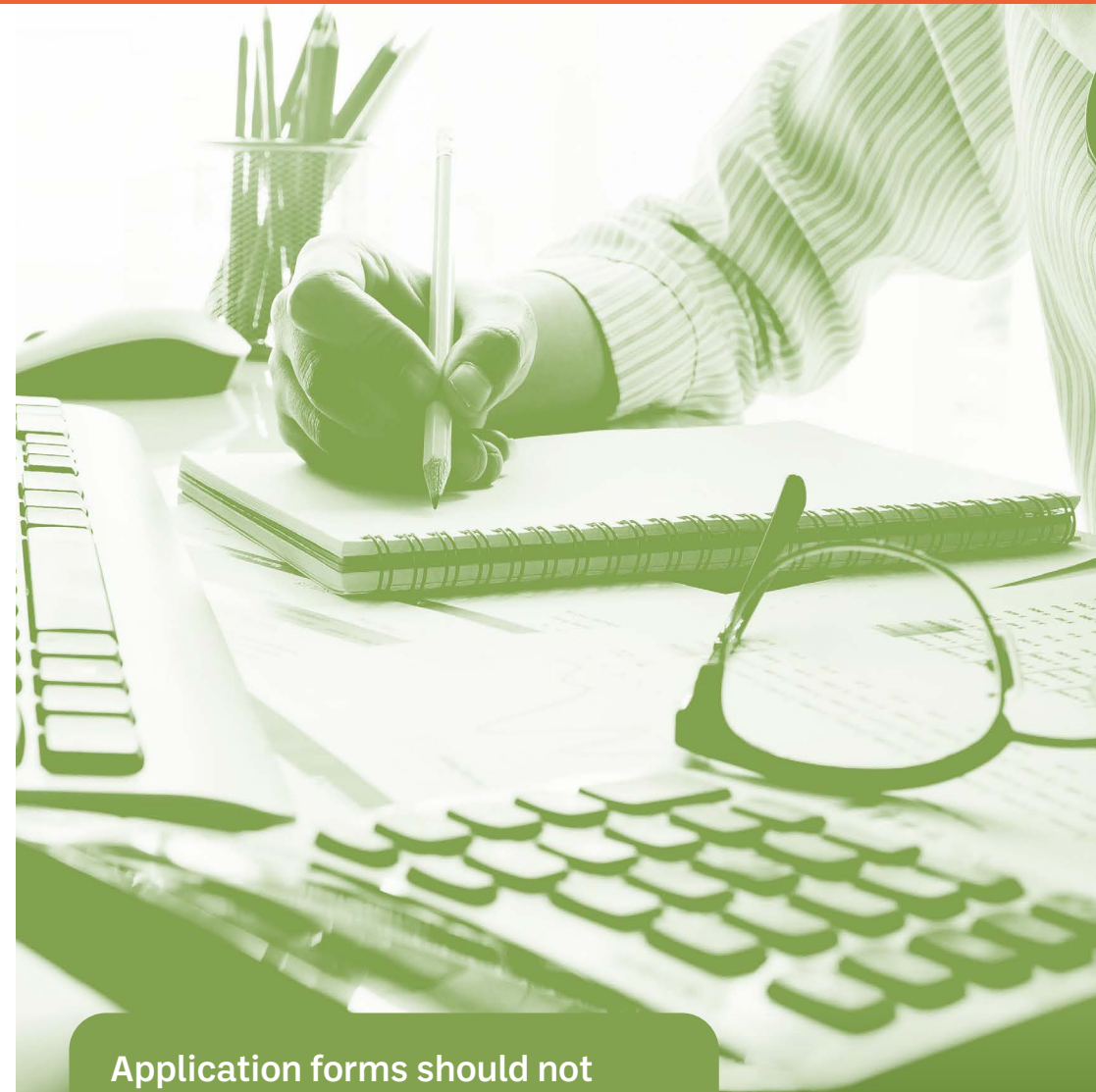
This is often done in the application form. A focused application form that demonstrates the organisation's commitment to improving DE&I, and culture can help to attract applicants whose values align to the organisation, while deterring those people who know their practice is unsafe.

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.





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.

BS7858

Public record information should be gained, this includes confirmation they are listed on the electoral roll, linked postal addresses for the previous 5 years should be searched to ensure no adverse information. CCJs including IVAs, bankruptcy orders, aliases & DOB.

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](#)

7. Establishing a Work History (including the investigation of gaps)

History

Verifying an individual's employment history reduces the risk of fraud by corroborating their previous roles.

It also allows the employer to review any significant gaps (such as unemployment, periods overseas), omissions or potential conflicts of interest.

An individual's disclosed employment, academic history and/or qualifications (where applicable), for a minimum of three years prior to BPSS checks should be conducted.

BS7858

Interview

An interview should take place before any offer of employment is made.

During the interview a screening form should be filled out that includes written permission to obtain background checks including career/history check; references (where consented to do so); search of public record information (e.g. CCJs, bankruptcies); proof of ID and address; a criminality check.



Organisations can download a [template application form 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.

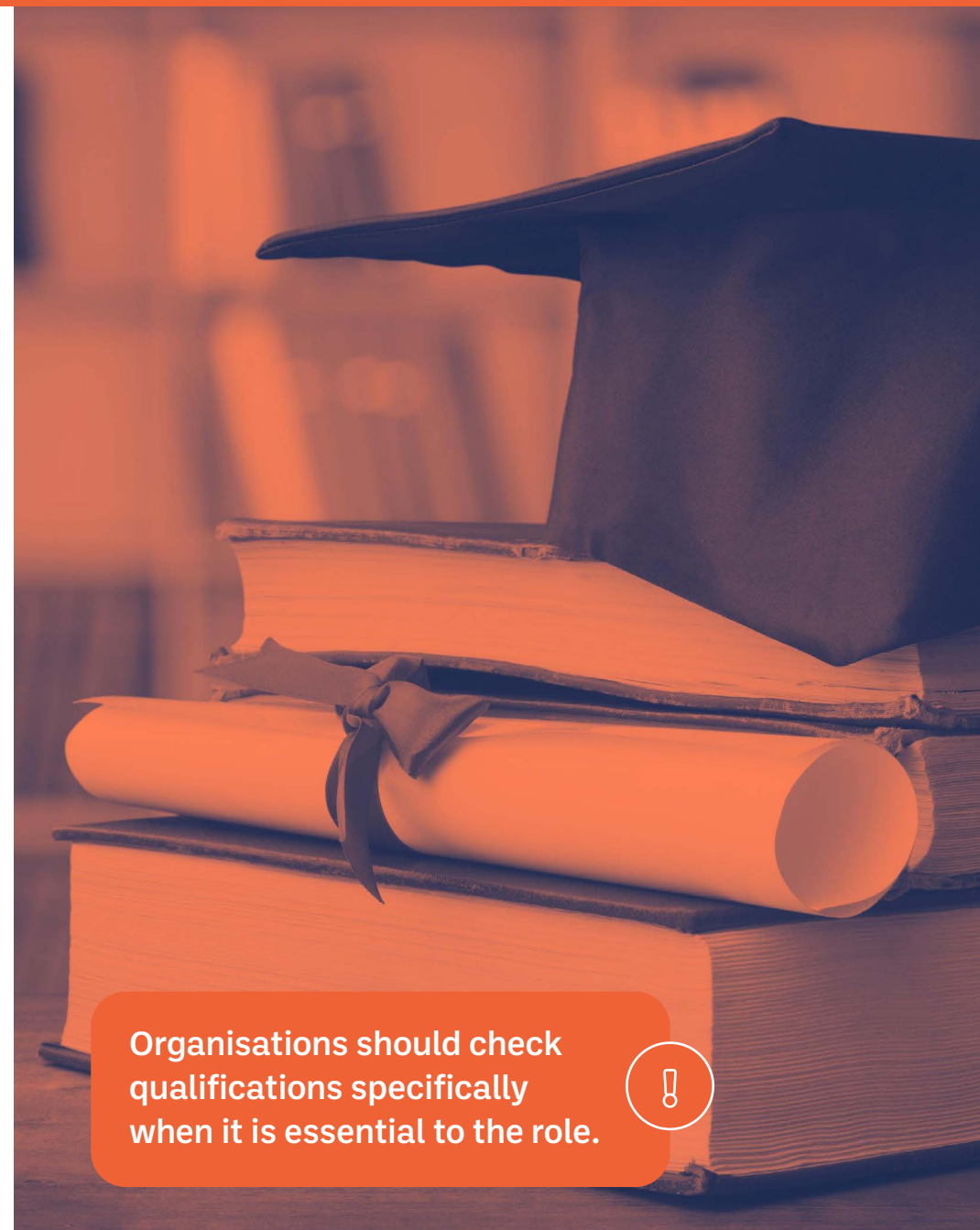
Organisations should check qualifications specifically when it is essential to the role. When checking, a copy of the original certificate(s) must be obtained to check the validity (sometimes this can just be obvious on first glance). If it is not in English, then consider asking for it to be translated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



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 here.



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.



References

BPSS

A minimum of two references should cover no less than a three-year period.

BS7858

A minimum of two references should cover no less than a five-year period.

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?



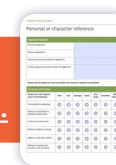
There may be several genuine reasons why an applicant cannot provide a referee from a previous employer.

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.

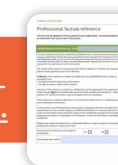
Should an organisation suggest that they cannot provide a reference, they should be contacted and encouraged to discuss the issue verbally and asked to provide a follow-up written reference. Moreover, should an organisation refuse to provide a reference, it is deemed good practice to use bank statements, 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 qualification can be difficult, particularly certificates from private providers.

Training requirements will vary depending on the role, although once the specific qualifications and requirements are established, it is easier to identify what is needed.

For private providers, it is best practice to contact the training provider to ensure the certification is valid. Moreover, it is important to ensure that training is up to date where relevant and 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.

Verifying training and qualification can be difficult, particularly certificates from private providers.



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.

8. Criminal Record Check (unspent convictions)

Criminal record checks most commonly refer to the statutory function of criminal disclosure performed by three distinct bodies:

The DBS who cover England & Wales, Disclosure Scotland (DS) and Access Northern Ireland (AccessNI).

BPSS

Organisations shall conduct an unspent criminal records check with the relevant UK and Northern Ireland authorities.

BS7858

Details of all cautions or convictions for criminal offences, including motoring offences and pending actions, as per the Rehabilitation of Offenders Act.

Organisations shall consider the differing rehabilitation periods between England, Scotland and Northern Ireland in their risk assessments.

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.

Disclosure and Barring Service (England & Wales)

DBS offer Basic, Standard and Enhanced levels of disclosure (revealing unspent, spent, local police intelligence 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 checks do not contain any information.

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.

In April 2025, the DBS updated its ID checking guidelines to a 3-option checking process, with the guidelines becoming mandatory from 1st November 2025.

Full details of the Basic and the Standard & Enhanced checking processes can be found here:

[Basic check ID checking guidelines from 22 April 2025 - GOV.UK](#)

[ID checking guidelines for Standard/Enhanced DBS check applications from 22 April 2025 - GOV.UK](#)

The most time-consuming part of the hiring process in fact tends to be referencing, not criminal record checks.



Disclosure Scotland (Scotland)

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 you with your Level 2 disclosure, we will check criminal history systems to find out if you have 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.

- 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 allows 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](#)

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](#).

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.

Screening your employees is key to ensuring customer safety and service quality. Reed Screening have industry leading packages available, find out more [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. See Convictions for best practice.

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](#)

9. Preventing Modern Slavery

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 retail industry has been labelled as a high-risk sector for modern slavery. For these reasons, it is crucial for the retail sector to understand the exploitation risks it faces, both old and new, and how to mitigate them.

It is crucial that organisations understand exploitation risks: this comment includes the above para so after employer on para 1 is where we should add a new one with It is crucial that organisations understand exploitation risks.

Labour abuse usually occurs 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 [Gangmasters and Labour Abuse Authority \(GLAA\)](#) where necessary.

Additionally, as part of the recruitment process, organisations must ensure that they follow organisational policies when recruiting, always keeping in mind equality, diversity and inclusion (ED&I), consent, counter fraud, reporting and General Data Protection Regulation (GDPR).

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.



10. 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](#)

[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](#)

[Security Industry Authority](#)



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.



[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.



Fullbrook Strategies offers strategic counsel to governments and businesses around the world. Our team of experts is dedicated to cutting through the complexities of today’s challenges, ensuring that your organization achieves the outcomes it needs. We prioritize results over process, delivering strategies that truly make a difference.

With expertise in strategy, research, communications, campaigning, and media management, we are your trusted partner for bespoke solutions. We possess the knowledge, relationships, and experience to tackle any global challenge, empowering individuals, governments, and companies to thrive.