

# Employee Referencing and Screening Policy and Procedure

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## Related Policies and Information

<b>Policy Title</b>
Applicant privacy policy

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## **1. Purpose of this policy**

The aim of this policy is to state Christian Aid's approach in the pre-screening of applicants prior to engaging or employing and the ongoing screening that is required throughout employment.

## **2. Scope**

This policy applies to all prospective employees including agency workers, Chair/Trustees, contractors or consultants. Anyone who has a contract with Christian Aid, whether a written contract or verbal agreement, will be treated the same and subjected to the appropriate level of pre-screening process and checks.

This policy will provide guidance on the process for checking previous employment details, criminal convictions, acts of counterterrorism and other misconduct, outlining the process for ensuring that Christian Aid remains compliant with applicable best practice and regulations.

Christian Aid is committed to equality of opportunity for all and aims to select people for service and employment based on their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. Our aim is to work with people who share our values and demonstrate them in everything they do.

## **3. Employment References**

References are used to confirm information obtained during the selection process for recruitment such as details of previous positions and qualifications. It is widely accepted that all employers will take up references during recruitment.

At least two employer references and covering the last five years from the candidate's most recent jobs will provide a good understanding of the individual. It is mandatory that a reference is obtained from the most recent employer, regardless of the time spent in that organisation. If the candidate has spent a short amount of time with their most recent employer e.g. less than six months, or if the organisation based on their policy would take more than two weeks to provide a written reference, obtaining a third reference should be considered, to gain a greater understanding of the candidate's suitability for the role.

References are usually requested after interviews have taken place, when a suitable candidate has been selected for the position. Only referees provided by the candidate

may be contacted once permission to contact has been given.

In some instances, personal references will be required to answer questions relating to the individual outside of the workplace. The distinction between employer and personal references should be made clear to employees. Employer references provided and requested by the line manager or People Team provide the organisational perspective on a candidate. However, the personal reference will be in addition to at least two professional references.

It is essential that reference requests are sent directly to the appropriate person and that checks are carried out to ensure that the referee is a HR professional (or equivalent within the organisation) and not a colleague of the candidate. This means that the names, telephone number and work addresses of at least two referees must be provided, along with a work email address.

### **Specific reference questions**

Questions relating to the protection of children and vulnerable beneficiaries are key to ensuring information on unsuitable candidates is obtained. The reference request template form has a specific question relating to the employee's suitability to work with children and adults at risk and should always be asked due to the unique and sometimes powerful position of international NGO staff. Referring to the Safeguarding Policy may provide additional clarity, if required.

### **References for Christian Aid Representatives**

#### **Chair of Christian Aid and Trustees for Christian Aid UK**

Individuals being appointed as a Chair or Trustee for Christian Aid UK, will be required to provide at least two employer references and covering at least the last five years including the most recent employer.

#### **People Employed on Direct Response - Community Mobilisers/ Volunteers**

For people supporting direct implementation in humanitarian response, two references will be required, however these may include local authority confirmation of character. In exceptional circumstances, where, volunteers and community mobilisers are first jobbers and obtaining a reference from their education institutions may be difficult. In such situations by default one reference will be collected and education certificates verified based on availability of data by the government.

Casual labour on direct response paid on a day rate will not be required to provide



references as they are put forward by members of the community.

### **Agency workers**

Temporary resources who are commissioned through a specific agency will also need to provide two references from their most recent employers. One of the referees can be the agency and one other, from a previous employer/agency.

### **Exceptional circumstances**

If a prospective employee is unable to provide two referees, they will be required to provide the reasons to the People representative.

## **4. Inter-Agency Misconduct Scheme**

Christian Aid is part of the [Misconduct Disclosure Scheme](#), which facilitates the sharing of misconduct data between employers and is applicable for all employees and Chair/Trustees.

Our referencing requirements for prospective employees is in line with the scheme, and includes questions for previous employers about any findings of sexual exploitation, sexual abuse and/or sexual harassment during employment, or incidents under investigation when the applicant left employment

## **5. Criminal Conviction checks – England, Scotland and Wales**

Criminal records checks enable Christian Aid to ensure that people aged 16 or over have nothing on their record that makes them unsuitable to work in roles.

For all prospective employees, including agency workers, interns and trustees in England, Scotland and Wales we will undertake a criminal check via the relevant registered scheme. Additionally, where a consultants assignment falls within IR35 regulations, a DBS check will be sought.

The registered schemes are:

- Disclosure and Barring Service – England and Wales
- Disclosure Scotland

We will undertake a Basic check for all roles in England, Scotland and Wales, with an enhanced check for Trustees and Directors and other roles that work directly with children and vulnerable adults, renewable every three years.

### **Basic Disclosure:**

This applies to posts exempted under the Rehabilitation of Offenders Act (ROA) 1974 which involve working with children or vulnerable adults and for positions of trust. The basic disclosure contains details of spent and unspent convictions, cautions, reprimands and warnings held on the Police National Computer. If the disclosure request relates to a post working with children, it will reveal if the individual is barred from working with children as per the Department for Education & Skills list. If the disclosure request relates to a post working with vulnerable adults, it will reveal if the individual is barred from working with vulnerable adults as per the Department for Health list.

### **Enhanced Disclosure:**

This applies to posts involving greater contact with children or vulnerable adults, including regular care, training, supervision or being in sole charge of children (under 18s) or vulnerable adults. In addition to the information in the Standard Disclosure, an Enhanced Disclosure contains non-conviction information from local police records if a chief police officer thinks it relevant to the position that the individual has applied for.

As a matter of good practice, Christian Aid will consult with the relevant body where there is any doubt or uncertainty as to the most appropriate level of check.

Should the role be identified as one that required an Enhanced check within the DBS scheme, we encourage staff to join the [DBS Update Service](#) check for UK roles only, the fee is fully refundable to staff.

Criminal record checks that are completed for Volunteers are solely based on the volunteering element of their work with Christian Aid, therefore if a volunteer later gains paid employment, Christian Aid will carry out an additional criminal record check based on their new position.

Within the recruitment process, role profiles will contain a statement that either a basic or enhanced disclosure will be requested in the event of the individual being offered the position. People with criminal records applying for these jobs will be treated according to their merits and to any special criteria of the post.

Unless the nature of the position allows Christian Aid to ask questions about an applicant's entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

## Jobs covered by the Rehabilitation of Offenders Act 1974

Christian Aid will not automatically refuse to employ a particular individual or prevent someone from volunteering just because they have a previous criminal conviction.

During the application stage, Christian Aid will ask job applicants to disclose any unspent convictions but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions, unless it contravenes our Code of Conduct, for which a separate disclosure will be made. There is also a requirement to complete self-declaration prior to the DBS and referencing process.

If the criminal check certificate is returned with a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the People team representative and the recruiting manager (including any other appropriate senior manager, depending on the role in question) must carry out a risk assessment to validate the information. If convictions have not been disclosed as part of the recruitment process, the panel will need to consider if they will continue with an offer. If convictions have previously been disclosed discretion may be applied to decline to select the individual for employment.

If an applicant has the appropriate skills and experience, or the potential to fulfil a staffing or volunteering role and has a criminal conviction, the following factors should be taken into consideration:

Whether the conviction is relevant to the role:

- The seriousness of the offence
- The length of time since the offence occurred
- The circumstances surrounding the offence and the explanation offered by the applicant
- Whether the behaviour that constituted the offence is still a cause for concern
- Whether the context behind that behaviour is still a cause of concern
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant's circumstances have changed
- The applicant's attitude to the offence (for example, is it one of remorse)

An internal panel will be convened with Head of People, Line Manager and other relevant specialists, to explore the subject of any offences or other matter that might be relevant to the position in line with the above points and determine if an offer of employment/continuation in employment is appropriate. Exploratory conversations with the candidate/employee may take place as part of this process as needed. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

Discrimination against employees, potential employees, volunteers and consultants who have disclosed their criminal record is not permissible unless the offence debars them. Such information is strictly confidential and any breaches of this confidentiality will be considered a disciplinary offence

### **Jobs that are exempt from the Rehabilitation of Offenders Act 1974**

If the job into which Christian Aid is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974, Christian Aid will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned). Even in these circumstances, however, Christian Aid will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Christian Aid is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

### **Rechecking**

Disclosures relate only to offences committed at the time of application. However, in line with its responsibility to protect the interests of persons aged under 18 and vulnerable adults, Christian Aid takes the view that where the nature of posts remain unchanged, Christian Aid should require postholders to make subsequent disclosure applications, these will normally be required at intervals of 3 years.

## **6. Police Checks/ Certificates of Conduct in offices outside England, Scotland and Wales**

Christian Aid requires new employees to get a police clearance report/certificate of good conduct as part of the pre-employment due diligence checks. We recognise that in some countries this may take long to obtain, and in these exceptional circumstances, the appointment can be confirmed on receipt of satisfactory professional references however, confirmation of the appointment during the probation period should be subject to having received a satisfactory police clearance certificate. There are also some countries where obtaining the certificate is difficult due to security and ethical concerns. In those countries an alternative character

check with other types of local authorities is recommended, failing which an exemption will be made with approval from the Head of Division and Head of People.

## **7. Counter Terrorism Checks**

All Christian Aid employees, Trustees and Volunteers, undergo a counter terrorism screening check. The purpose of screening is to ensure that Christian Aid remains compliant with applicable counter-terrorism law or sanctions regulations, i.e. to ensure we do not transact with any individual or organisation who may appear on a counter-terrorism or sanctions list.

Christian Aid will not engage someone as an employee or Trustee who has been designated as a Terrorist or Sanctions target by the United Nations, United Kingdom, European Union or United States of America, or who we have otherwise reliably identified based on publicly available information to be a member of a terrorist group.

All prospective employees, Trustees and Volunteers will therefore be subject to screening against published counter-terrorism and sanctions lists, adverse media databases and lists of politically exposed persons prior to engagement. After engagement all staff, Trustees and Volunteers will continue to be screened automatically on an annual basis using Christian Aid's screening software for the duration of their employment with Christian Aid. Screening will include at minimum the UN, UK, EU and US counter-terrorism and sanctions lists, however it may also include additional lists where relevant to support local legal compliance in our countries of operation, and to meet specific donor contractual conditions.

## **8. Media Screening Checks**

For all Directorate and Chair/Trustees appointments Christian Aid will engage the services of a third party to complete an internet, media and social media search as part of the pre-engagement checks. These searches identify an individual's presence in the media and online and will flag any items that could be a risk to Christian Aid's brand and reputation.

These checks might also be agreed for other roles within the organisation based on their specific requirements and impact. Details of these checks will be shared with prospective candidates in advance of them being activated.

Where a check returns any flagged content, Christian Aid will ensure that an open and measured discussion takes place to consider this and determine whether the



engagement can proceed. A panel consisting of the Governance Manager and Chair would convene to discuss the evidence and determine next steps.

## **9. Offering Employment**

Employment can be offered subject to references or on receipt of references which are satisfactory to Christian Aid and the completion of other pre-employment checks. Unfortunately you will not be able to start employment or receive your full terms and conditions of employment prior to receipt of these references and pre-employment checks.

Where employment is offered (either verbally or written) subject to satisfactory references, legal advice should be sought when withdrawing an offer or terminating a contract as a result of information contained in references. If an unacceptable reference is received, it may be necessary to terminate the contract within the probationary period or prior to the individual commencing work.

## **10. Additional Information**

References and pre-employment checks which are requested by the organisation will be stored on the employee's personal file. The process of obtaining references will comply with the Data Protection Policy.