

Professional factual reference

This form can be adapted to fit the purposes of your organisation. The below template contains all information that can be used in this process

Regulation 19 – Fit and proper person requirements

The post applied for is subject to Regulation 19(3)(a) of the Health and Social Care Act (Regulated Activities) Regulations 2014 which requires us to ensure all “Persons employed” by our organisation (including agency, bank staff and volunteers) must:

- a. Be of good character
- b. have the qualifications, competence, skills, and experience which are necessary for the work to be performed by them, and
- c. be able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the work for which they are employed.

In order to fulfil our legal requirements, we need to make available to CQC:

- Satisfactory evidence of conduct in previous employment concerned with the provision of services relating to health or social care or children or vulnerable adults;
- Satisfactory verification as to reasons why employment ended, if candidate was employed in a position where their duties involved work with children or vulnerable adults.

It is therefore essential to require a reference from a previous employer, and the employee cannot be expected to find work of this type unless his or her employer provides a **full and frank** reference to a prospective employer.

When completing this reference organisations have a responsibility to ensure that the reference is accurate and does not contain any misstatement and nothing significant is omitted.

UKGDPR/Data Protection Act 2018

This form contains personal data as defined by UKGDPR/DPA 2018. It may include special category data ([Article 9](#)) and/ criminal offence data ([Article 10](#)) which has been requested for the purposes of recruitment and safeguarding adults at risk and/or children. As we are the organisation requesting this data, we will protect any information disclosed within the form in line with data protection requirements and ensure it is not passed to anyone who is not authorised to see the information.

The content of the reference may be discussed with the applicant; in addition, the applicant may request and be granted access to the reference.

HOWEVER, if this reference is marked as **confidential**, the UKGDPR/DPA 2018 creates an exemption from:

- The right to be informed (privacy information)
- The right to make a subject access request.

Therefore, if this reference is marked as confidential, and the applicant/former employee makes a subject request **BOTH** the company who issued it and the company who received it – would be exempt from having to provide a copy to the applicant/former employee.

If this reference is marked confidential, it can only be disclosed to whom it is addressed and will not be released to a third party.

To ensure that a recruitment process remains open, transparent, and fair to all applicants we request that you only consider using this confidential exemption on a case-by-case basis and justify and document reasons below for relying on the confidential exemption (For example, the employee was subject to investigation for safeguarding related conduct concerns but left before investigation completed).

Referees also need to be aware that a confidential reference could be subject to disclosure in an employment tribunal or county court claim.

Do you want this reference to be treated as confidential?

Yes

No

If yes, please give reasons:

Applicant Details

Name of Applicant:

Date of Birth and/National Insurance Number:

Employee Number (if known):

Job title:

Salary on leaving (if known):

In what capacity have you known the applicant?

- Employer/Registered Manager
- Line Manager
- HR Local
- HR Centralised
- Other (please state)

Please confirm exact employment dates:

From:

To:

Reason for leaving/considering leaving your employment:

Would you re-employ the applicant in the same job as they currently hold or held?

Yes

No

Please give reasons for you answer

Would you re-employ the applicant in any role within your organisation?

Yes

No

Please give reasons for you answer	
Did the applicant leave your organisation before the conclusion of an investigation relating to conduct or safeguarding concerns?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details (please include details any warnings or sanctions that could have been imposed, if the individual had not left before an investigation had concluded)	
Is the applicant currently under investigation for any matter (incl. conduct, capability, or performance) under any of your employment policies?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details (this may include warnings that could have been imposed, if the individual had not left before an investigation had concluded)	
Are there any warnings on the applicant's record (Disciplinary, Performance or Absence related) that have not been disposed of?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details:	
If yes, please give details (this may include warnings that could have been imposed, if the individual had not left before an investigation had concluded)	
Are you aware of any allegations or concerns that have been raised (whether formal or informal) about the applicant that relate to any safeguarding issues/ or the applicant's behaviour towards adults at risk and/children	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you aware of any safeguarding conduct or concerns regarding the applicant that have led to any referrals to the DBS?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you aware of any recent/outstanding allegations that were being considered by the individual's professional body (including any referrals to the professional body)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the individual is employed in a position where they are subject to a fit and proper persons check, have they been investigated for, or been found not fit to practice:	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give dates and details:	
To the best of your knowledge and with reference to the attached job description and person specification, are you satisfied that the applicant	Yes <input type="checkbox"/> No <input type="checkbox"/>

has the ability and is suitable to undertake this role?	
If no, please give specific reasons for your concerns.	
Attendance	
How many days' sickness has the applicant had over the past two years and in how many periods?	Days: _____ Periods: _____

Referee Details	
The individual giving the reference must agree with the statement:	
"The answers given above have been provided in good faith and are correct to the best of my knowledge and belief".	
Name:	
Job Title:	
Telephone Number:	
Email Address:	
Organisation Name:	
Organisation Address:	
Signed	
If yes, please give reasons:	