



Managing risk in recruitment: Conducting referee checks

Overview

Conducting thorough checks during a selection process is critical to effective merit-based recruitment. The selection process is the candidate's opportunity to demonstrate their work-related qualities, as they relate to the role, for assessment by the selection panel. Selection panels must base their assessment of candidates' suitability for the role only on the information collected throughout the assessment process. The assessment is the primary consideration in making the employment decision.

While agencies have discretion to determine what kind of assessment activities are included in a selection process, it is generally expected the assessment will include referee and integrity checks. Information from referee checks form part of the assessment and should support the employment decision.

Referee checks and integrity

The recruitment process is the gateway to employment within the APS. Referee checks are an important safeguard against integrity risks. APS employees are placed in a position of public trust, and their behaviours must align with the APS Values and Code of Conduct.

Referee checks not only help confirm a candidate has honestly represented their previous experience, but they can also provide insight into a candidate's behaviour and past conduct. Referee checks operate in

combination with other checks (e.g. national police check including Criminal History or police records check, security, and verification of past employment) to reduce integrity risks.

Referee checks support the integrity of the selection process by providing independent input and verifying candidates' employment experience. This promotes the reputation of APS selection processes as fair and transparent, building confidence amongst candidates that decisions are merit-based. Referee checks should be considered together with all other assessments conducted as part of the recruitment process.

Where referee checks are conducted, they must be obtained during the assessment process and sought for *all* potentially suitable candidates to ensure the process is merit-based. However, the questions do not need to be the same and can be adjusted for each candidate. While agencies may use common questions that cover general behaviour, performance and attendance, other candidate-specific questions that explore aspects of the candidate's skills, abilities, performance, and conduct should also form part of the check. Questions should be tailored and used to seek further information or validate information received through the assessment process for each candidate. This includes, for example, clarifying and confirming the candidate's claims in the assessment process such as questions about their delivery of a particular piece of work or their role as part of a project team.



Undertaking referee checks

Discovering and dealing with issues of potential concern through referee checks is important. Prioritising the need to fill a role efficiently should not impair a fair and rigorous examination of the information. Indicators of concern should be readily drawn out from referees and explored. It is good practice to obtain two referee reports.

However, it is important any issues of concern are dealt with in a reasonable, fair, and consistent way. Any actions taken by the agency must be consistent with the APS legislative framework, including the merit principle.

Selection panels should assess the nature and seriousness of the concerns raised and relevance of the concerns to the role.

Identifying risks

Risks identified through the checking process are any concerns that may negatively impact a candidate's assessment and potentially influence a decision on their suitability or recommendation for engagement.

Examples of risks identified through the checking process could include, but are not limited to:

- behavioural concerns as they relate to the work-related qualities required to perform the role
- performance concerns as they relate to the work-related qualities required to perform the role
- misalignment of roles and responsibilities or skills and experience
- underperformance

- pattern of unexplained absences
- information that contradicts the candidate's claims
- identification that the candidate has failed to declare material information, such as a finding of misconduct and
- any other negative comments (for example where a referee is unwilling to re-employ a candidate or states that a candidate is not suited to the role)

It is important all adverse information obtained is put to the candidate before drawing any conclusions.

A candidate's development areas would not usually be considered an adverse finding, unless it would impact on the candidate's suitability for the role (for example, an inability to perform the key requirements of the role).

Referees who do not have knowledge of work-performance

Persons who have not observed the candidate's recent work performance and behaviour are not usually suitable to provide a reference. Ideally references should be sought from the candidate's current or most recent supervisor. Where a candidate has not provided their current supervisor as a referee, the candidate should be asked to provide their current supervisor or asked the reason for not providing the supervisor as a referee. The candidate's reason for not providing their current supervisor should be considered.

Other referees can include senior managers or previous supervisors with first-hand knowledge of the candidate's work performance in a professional setting. Questions framed around observed work performance, conduct and behaviour related to the work-related qualities



of the role. Whilst ideally referees should be current supervisors, these other referees can also provide valuable information.

For candidates in entry level roles with limited or no work experience a suitable person should provide a reference. This could include a volunteer supervisor, teacher or mentor for example. Suitability will depend on the circumstances in each case but they should be able to provide relevant appropriate information about the candidate.

Friends or family members should not be used as references as they may lack objectivity and insight into the candidate's work performance. Providing referees who are friends or family members can potentially indicate a risk, depending on the candidate's reason for providing them, so agencies should use caution. Where a candidate has provided a family member or friend as a referee the candidate should be asked for an alternative referee.

Referees who cannot be contacted

Candidates are responsible for ensuring contact details for their referees are current and correct. Reasonable efforts should be made to contact referees. If a referee cannot be contacted, it is recommended to reach out to the candidate to confirm details and/or allow them to provide an alternative referee. In these circumstances where a referee cannot be contacted, it may be beneficial to have a discussion with the candidate about the importance of the referee checks and why they are conducted as part of the assessments.

It is also reasonable to find the candidate not suitable if the panel is unable to gather enough information to confirm suitability. However, it is important to document the steps taken to obtain the necessary information as part of the

selection process, to inform the selection decision.

Referees who are unable or unwilling to provide insight

There is no legal obligation requiring a nominated referee to provide a reference. It is up to the referee whether or not they choose to do so.

Some organisations, particularly those not within the APS, may have a policy that prohibits them from providing references for past employees. In these circumstances it may only be possible to confirm the role and duration of the candidate's employment without gaining any further insights into their work performance.

An additional referee could be contacted if the referee check provides insufficient information for the panel to assess suitability.

Other information

During the recruitment process, agencies may come across adverse information about a candidate – either unsolicited or already known. Once this information is known, it cannot be disregarded, and the recruitment stage is the appropriate time to evaluate candidate suitability.

Panels should assess the legitimacy, reliability, context, and relevance of this information, and whether it is supported by reliable evidence. This will depend on the circumstances in each case. Panels should have regard to the source of the information and whether it is hearsay, opinion-based and/or consistent with (and supported by) other evidence. Panels also need to consider whether the information is relevant to the work-related qualities required to perform the role and their assessment of the candidate's suitability. Suitability assessments should be



evidence-based and free from actual or perceived bias. An example of information that would be relevant could include information regarding financial fraud where the candidate is being considered for a finance role with delegated responsibilities. An example of information that may not be relevant could be an historical minor matter where there is no indication of repetition.

Depending on the nature of the information and the credibility of the source, it may be appropriate to undertake further steps to verify its accuracy and whether it is relevant to the role and document the way it has been considered by the panel.

If the information relates to an unfinalised code of conduct process, panels should exercise significant caution. If a candidate is subject to a current code of conduct process, this does not automatically mean the candidate is unsuitable. It is important the panel clearly documents the way the information has been considered.

Selection panels must also be mindful of not relying on untested information gathered outside the selection process, including information they may know about candidates. For example, where a member of the panel has prior knowledge of a candidate and has views about their performance, or where the panel receives or solicits information about a candidate outside the planned recruitment activities to support the merit-based process.

Such information cannot be used alone to favour or disfavour a candidate. However, the accuracy and relevance of the information could be tested through the selection process, for example, by asking additional interview questions or through referee checks.

Such information must relate to the work-related qualities of the candidate and be clearly

documented in the selection report, including how the panel assessed the information. Where information received is adverse, the panel **must** provide the candidate with procedural fairness, allowing the candidate to be advised of the nature of the adverse comments and provided with an opportunity to respond before a decision is made.

Procedural fairness

Advising referees of candidate's 'right of reply'

To ensure transparency, it is recommended referees are made aware that information they provide of an adverse nature may need to be provided to the candidate to give the candidate an opportunity to respond.

It is not necessary for the name of the referee to be provided to the candidate - only the substance of the information needs be provided to enable them to respond.

It is good practice to advise referees about the right of reply and check with the referee whether there are any sensitivities or concerns before providing the candidate with the substance of the comment.

Any sensitivities or concerns raised should only inform the manner in which the information is provided to the candidate - ensuring that the substance of the adverse information is still shared with the candidate. Panels should also exercise sound judgment in how they consider sensitivities and concerns.

Providing procedural fairness to candidates

Where concerns have been raised, the candidate should be advised of the adverse



information and be provided with the opportunity to respond.

It is not necessary to provide the candidate with the whole referee report, or the identity of the referee, however enough information/detail to allow the candidate a reasonable opportunity to address the adverse comments will need to be provided.

For example, the panel may advise the candidate that the referee reports received indicate the candidate had been subject to performance management concerning workplace behaviours. The panel can then provide the candidate with an opportunity to respond.

There is no fixed amount of time for how long a candidate needs to be given to respond to adverse comments. Procedural fairness requires the candidate be given a reasonable opportunity, but what is reasonable will depend on the circumstances of each case.

The candidate's response should be genuinely considered, and a record be made of whether the response changes or confirms the panel's assessment. In making this assessment, the panel should consider how the information may impact on the merit-based assessment. This includes the assessment of their suitability to perform the duties, the work-related qualities required for the role and their relative capacity to achieve outcomes. If the concerns relate to prior breaches of the code of conduct the panel should refer to the [Handling Misconduct - A human resource manager's guide](#). Decision records should be incorporated into the selection report. Decisions made at a later time to select candidates from a merit pool should also be recorded, including the reason for the decision.

Selection panels must document the assessment methods, the information collected and the assessment outcome in the selection report so the delegate can see how the information collected has been used to assess candidate suitability.

Privacy

It is important to ensure the agency's privacy collection notices encompass the collection of all types of information they may collect during recruitment. This includes, for example, information considered by the selection panel in relation to candidates' work-related qualities received outside the assessment methods outlined in the planned recruitment activities.

Privacy collection notices should highlight the primary purpose of the collection, the types of personal information the agency will collect and why, how the agency will use and disclose the information (including examples of usual disclosures) and consent should be sought for any secondary use.

Privacy notices should inform candidates that the agency and panel may obtain personal information through its own inquiries, including information collected outside planned recruitment activities or from sources other than the nominated referees, where such collection is relevant to assessing work-related qualities and any relevant affirmative measure eligibility (where it is appropriately tested and subject to procedural fairness.)

Privacy collection notices support compliance with the *Privacy Act 1988* and encourage the informed participation of candidates by explaining what personal information is required and how it will be used.

Record-keeping

Good record-keeping is essential in recruitment, and a merit-based selection process must be clearly documented. Proper record-keeping ensures transparency and accountability in decision-making. Accurate records assist in demonstrating compliance with merit (particularly in the event of a review or audit by the Merit Protection Commissioner) and other relevant laws such as discrimination or privacy.

Referee checks are used to verify a candidate's experience, performance, and behaviour. They provide important evidence for selection decisions and must form part of the selection documentation. If reports are provided verbally, they should be documented and where possible verified by the referee.

As referee checks can contain personal information (including sensitive information) they should be stored securely and disposed of in line with privacy and records management requirements. Further information can be sought from the agency's privacy officer, records management officer, legal or governance team.

Further information

The APSC have developed [Recruitment factsheets, case studies and templates](#) to support recruitment in the APS, including this [Factsheet on referee checks](#).

Further information on recruitment in the APS is also available in the [APS Recruitment Guide](#).

HR Professionals and Senior Managers seeking further information can contact employmentpolicy@apsc.gov.au.