

EMPLOYMENT REFERENCES POLICY

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

This policy is designed to clarify the procedure when the council receive a reference request, either verbal or written, for a former or current employee and when they request references for potential employees.

There is no legal obligation for the council to provide references for employees or former employees. However, a refusal to provide a reference may be unhelpful to other employers and is likely to be interpreted as an indication that there was a problem with the individual, which might then disadvantage them. On this basis it is the council's normal policy to provide a reference on request which is factual, fair and accurate.

This policy is issued by way of guidance on the council's policy and practice. It does not form part of an employee's contract of employment or otherwise have any contractual effect.

SCOPE

The policy shall apply to all council employees, regardless of their status i.e. temporary, permanent or zero hours, contractors, consultants or any self-employed individuals working for the council.

This policy applies to all members of staff and must be adhered to at all times when a request for a reference is received.

PRINCIPLES

Personal data in an employment context is information held on record by an employer about an individual. Providing personal data to a prospective employer about an employee or former employee will amount to processing for the purposes of the Data Protection Act 1998 and General Data Protection Regulation (GDPR).

Under the Act, all personal data must be processed fairly and lawfully and HR should ensure that the employee/former employee to whom the request for the reference relates has given their consent for a reference to be provided. If there is any doubt about whether or not the individual has given their consent, they must contact the individual to check whether or not they authorise a reference to be provided.

All employees have the right to be aware of what will be shared in a reference in an open and honest manner.

It is the council's policy that any references for current or former employees may only be provided by HR to ensure that the policy will be applied taking into account the spirit of the Recruitment policy and the following legislation:

- Equality Act 2010
- Data Protection Act 1998
- General Data Protection Regulations (GDPR)

No other person in the council is authorised to provide an employment reference on behalf of the council, whether verbal or written about current or former employees.

HR will provide training, guidance and support to line managers on the operation of this policy during the recruitment and selection training.

SECTION 2: PROCEDURE

PROVIDING REFERENCES

Any requests for a reference from a prospective employer should be immediately passed to HR to complete and return. The employee/former employee to whom the request for the reference relates must give their consent for a reference to be provided.

Any references provided by the council will be in writing and will explain that it is the council's policy to respond to requests and provide factual information in a standard format. The only factual information that will be provided is:

- The dates of the employee's employment with the council;
- The employee's job title;

The council will not provide personal opinions about the individual's performance or conduct. A disclaimer should be included in the reference making it clear that, while the information provided is, to the best of the council's knowledge, completely accurate, the council cannot accept any liability for decisions based on it.

The reference must be marked "private and confidential" and "for the addressee only". It should be sent by post or email to the prospective employer to maintain confidentiality. The reference will be completed within 5 working days following receipt of consent from the employee/ former employee.

If the prospective employer contacts the council for clarification of information given in the reference, the council will not go beyond the content of the reference in the information provided. Any such enquiry should, where possible, be dealt with in writing to avoid any subsequent confusion. If the enquiry is dealt with over the telephone, a written record of the information provided must be made at the time of the conversation.

HR should retain a copy of the reference/written record of any subsequent enquiries securely for 6 years in the employee/ former employees staff file. Thereafter, the reference should be disposed of securely.

If members of staff wish to provide character references for current or former employees, they must make it clear that they are doing so purely as a personal acquaintance or friend and not in their capacity as an employee of the council. A reference should not be provided in such circumstances until the referee and prospective recipient have acknowledged that the reference is given in a personal capacity and that the council will not accept any responsibility for it. Under no circumstances must council headed paper or a council telephone or email address be used.

Employees can ask for a copy of any reference sent to a new employer, the request should be made in writing to HR.

REQUESTING REFERENCES

References are only normally requested for appointable candidates when permission has been granted by the prospective employee.

HR will request at least two references, one of which **must** be the current or most recent employer or an academic referee where there has not been any recent employment using the standard reference request attached at Appendix A. More references will be requested if necessary to cover

five years of employment history and these may be from a combination of employer and academic referees. If a candidate has less than five years' employment history, then a reference from an education provider would be accepted. Personal references will only be considered under exceptional circumstances.

The council want to appoint the best person for each vacancy and as part of the recruitment and selection process the appointing manager needs to satisfy themselves about the candidates work experience, character, capability, conduct and work history. During the recruitment process managers should use the application form and references provided to investigate any gaps in the employment history and question any unusual or abrupt reasons for leaving an earlier job.

All references provided will be shared with the appointing manager to allow them to confirm information the candidate has provided, challenge if necessary, and to ultimately approve the appointment.

Provisional offers of employment will not normally be confirmed until satisfactory references have been received by HR and approved by the appointing manager.

Advice from HR should be sought where two written references or a current employer reference are not available.



**CHESTERFIELD
BOROUGH COUNCIL**

REFERENCE REQUEST FORM

Name:	
Post applied for:	

Employment dates from: _____ To: _____
 Capacity in which employed and/or job title: _____
 If part time, number of hours per week worked: _____
 Final Salary: _____

Main duties:
What do you consider the individual's strong points to be?
Are there any areas of improvement or development that the individual could focus on to become more effective at work?

What is your assessment of the following elements in relation to the applicant

	Excellent	Good	Fair	Poor
Quality of work				
Quantity of work				
Dedication to the job				
Ability to work without supervision				
Working relationships				
Reliability				
Time keeping				
Honest and trustworthiness				
Attendance				

Did the applicant have any disciplinary warnings during his/her last 12 months' employment with your company? If yes, please comment on the nature of these warnings.	Yes	No
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Can you confirm the number of days the individual was absent and the number of occasions during his/her last 12 months' employment with your company (excluding holiday and family leave)?

What was the reason for the applicant leaving your company?

Would you re-employ the applicant? If no, please state why:	Yes	No
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To be completed only if the employees current post is in local government!

What is the applicant's local continuous service date if applicable?

Is the applicant involved in or in the process of redundancy procedures?
(Please provide details if the answer is yes)

Do you have any further information or comments which you wish to offer about him/her, bearing in mind the post for which she/he has applied? If yes, please provide comments.	Yes	No
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Please note that employees can request to see a copy of their references under the Data Protection Act 1998.

Thank you very much for your assistance.

Signature: _____

Name: _____

Position: _____

Date: _____

Tel no/ext: _____

Name and address of company: _____