

Providing References Policy

Human Resources

Issued by HR Policy Team

Effective from 13 January 2020

**PROVIDING REFERENCES POLICY**

1. **Introduction**
   1. This procedure sets out the Council’s Policy on the provision of references for employment or other matters e.g. confirmation of salary for the purpose of obtaining a mortgage.
   2. This should be distinguished from a manager’s obligation to seek, and assess, employment references for candidates for posts within the Council, under the Recruitment Policy.
2. **Employment References** 
   1. The following people are the authorised to complete employment references:
   * ***For current employees*** – the current line manager or a more senior manager who can obtain the basic information using their access to iHounslow via self-service.
   * ***For former employees*** – the employee’s line manager at the time the person left the Council.
   1. An employee who provides a reference when they are not authorised to do so and/or provides information which this policy states must not be provided may be liable to action under the Council’s Disciplinary Policy.

Reference Template to be used

* 1. Where the manager is still employed the Council’s refence response template must be used to provide the reference. The template is available on the intranet under HR Forms.
  2. If that the current manager is no longer employed, the reference will be completed by Liberata using the Standard Reference Letter.
  3. If a personal reference is provided, the referee must ensure that the recipient is clear about its status i.e. It should not be presented as representing the view of the Council and the reference must not be on Council headed paper or sent from a Council e-mail address.

Agency workers

* 1. Agency workers are not employees of the Council and as a rule, managers should not provide references (except Agency Social Workers see paragraphs 2.9–2.13).
  2. At the end of an assignment managers are advised to submit a brief evaluation on the Adecco Beeline system. When selecting the reason for the ending of the assignment, also enter a short evaluation of the workers performance. Further advice on completing this is available on the intranet under “Agency”.
  3. For all agency workers, except Social Workers, if a reference request is received, the request should be returned to the organisation which sent it, with the advice that the individual was not in our employment, but that of an agency, and as such the reference should be provided by that agency.

Agency Social Workers

* 1. Where a reference request is received for social workers in children’s and adult’s social care services, there is an agreement across London Boroughs for the council to provide a reference.
  2. Managers should therefore complete the appropriate “Reference Request/End of Assignment Template Agency Social Workers” form, available on the intranet Homepage under “Agency” of the A-Z.
  3. This form should ideally be completed with the worker as part of an exit interview. If this is not possible then the manager must complete the form on the last day of the assignment.
  4. Once completed the form should be sent to the workers employment agency and copied to Adecco. A copy is also to be forwarded to HR to be retained for use in future reference requests.
  5. It is important that managers complete the reference request/end of assignment form promptly. If in doubt about the need to complete the form please seek advice from HR Advisory Services.

1. **Employment References for Internal Applicants**
   1. Managers who are asked to provide a reference for a current employee, who is applying for a post internally, should provide a detailed reference.
   2. The Council has a policy of ‘open references’ for internal applicants. This means that the employee is entitled to be provided with a copy of their reference, from their named referee, on request.
2. **Requests for Copies of References from Former Employees**
   1. Requests from former employees to see a copy of their reference will be treated as Subject Access Requests (SAR). The copy of the request should be forwarded to Customer Relations at: [dataprotection@hounslow.gov.uk](mailto:dataprotection@hounslow.gov.uk) , who will log the request as a SAR and assign a ticket reference number.
   2. Any such request received may be refused, using the exemption in the Data Protection Act 2018, Schedule, Part 2:24. This provides that the right of access does not apply where the personal data requested consists of a reference given (or to be given) in confidence for the purposes of:

* the education, training or employment (or prospective education, training or employment) of the data subject,
* the placement (or prospective placement) of the data subject as a volunteer,
* the appointment (or prospective appointment) of the data subject to any office, or
* the provision (or prospective provision) by the data subject of any service.

**5. Contents of References**

* 1. Although employers are not under any legal duty to provide job references, a failure to do so could hinder an employee’s future job prospects. It is therefore expected that managers will provide an employment reference on request.
  2. Managers must note that they are under a duty of care to ensure that any reference provided is factual and accurate, that it is fair to the individual and that it is not misleading.
  3. If they are no longer employed a standard reference should be sent which provides limited, factual information about the employee. This should be limited to the person’s job title, their dates of employment and the reason for leaving.
  4. Where a former employee left the Council more than 6 years ago, managers should complete a standard reference.
  5. As a minimum the line manager should provide a standard reference. However, if they wish to offer more information they may provide a detailed reference. The manager may choose to:
  + provide a character reference based on their experience of the individual and / or
  + respond to any questions asked directly by the organisation seeking the reference.
  1. Where specific information is sought, the manager must note the following:

Sickness Record

* 1. Where available, managers should provide the number of days’ sickness in the previous 12 months, and the number of occasions over which these days were taken. If the employee is no longer employed, this information should be based on the 12 months prior to their leaving the Council. The reasons for sickness, which are confidential, must never be disclosed.

Disciplinary Record

* 1. Managers should only disclose any live disciplinary warnings which exist on the employee’s personal file and should simply state the sanction applied and the reason e.g. ‘written warning for persistent lateness’.
  2. Where an employee has left whilst disciplinary proceedings were not concluded, this should be stated without reference to the nature of the alleged misconduct e.g. ‘Investigations were being conducted in accordance with the Council’s Disciplinary Policy, though these had not been concluded at the time the individual left the Council.’

Presentation

* 1. References should be provided on headed paper with the line manager’s name and title printed under the signature. All references are to be headed “Strictly confidential”.
  2. Where a proforma is provided for completion, the manager should clearly print their name, job title and the Council address.
  3. If the response is being provided by email, a copy of the reference must be retained either electronically or as a hard copy
  4. Where a reference is completed by means of an electronic form, the manager must ensure it is clear that the response is provided on behalf of the Council. A copy should also be retained.

1. **Mortgage / Other Reference Requests**

6.1 Requests for references regarding an existing employee’s application for a mortgage or other matters should be forwarded to Liberata for completion.

1. **Copies of References Provided**

7.1 A copy of any completed references provided should be forwarded to Liberata for inclusion on the employee’s personal file.

1. **Further Advice**
   1. If employees are in doubt about whether they should complete a reference or on the content of any reference, they should contact the HR Advisory Team for further advice.