

PERSONNEL COMMITTEE – 17TH OCTOBER 2017

Report of the Head of Strategic Support

Part A

ITEM 10 REFERENCE RESPONSE GUIDANCE FOR MANAGERS

Purpose of the Report

To gain Personnel Committee's approval to implement the Reference Response Guidance for Managers document and to delete the current information sheet which is available on the intranet called Reference Writing – A Managers' Checklist.

Recommendation

That the current information sheet which is available on the intranet called Reference Writing – A Managers' Checklist be replaced with the Reference Response Guidance for Managers document appended to this report.

Reason

To guide and support managers in writing references for existing and ex-employees.

Policy Justification and Previous Decisions

The custom and practice, within the Council is that managers provide references where appropriate. However, some managers require support and assistance with this. Managers have requested support in relation to providing references. For example, some of the queries being raised relate to what information can be provided in a reference, and when do references have to be provided

Implementation Timetable including Future Decisions

It is recommended that the changes to the Reference Response Guidance for Managers be published on the intranet following approval by Personnel Committee.

Report Implications

The following implications have been identified for this report

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Background Papers: Equality Impact Assessment

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Part B

Background

1. In order to support managers in providing information and writing references for existing and ex-employees, the Reference Response Guidance for Managers document has been produced to expand on the current information available to managers on the intranet.
2. Key areas to support managers include what information should be provided in relation to sickness absence and disciplinary considerations.
3. Furthermore, guidance is given around telephone references, standard reference request templates, writing a reference without a template and settlement agreements.

Appendices

Appendix A: - Reference Response Guidance for Managers



Reference Response Guidance for Managers

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Does the Council have to provide references?

There is no legal obligation for the Council to provide references, however a refusal to do so is unhelpful to other employers and is likely to be interpreted as an indication that there was an issue with the individual, which may disadvantage them from gaining another position. Therefore, it is the Council's policy to provide written references on request. The employee's manager is responsible for responding to reference requests.

Reference requests for employees who have been dismissed by the Council or who have left during a disciplinary investigation or under a settlement agreement should be discussed with Human Resources prior to being issued.

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What information should be included in a reference?

When providing references, a duty of care exists to both the employer requesting the reference and the employee who is the subject of the reference. Managers should therefore ensure that any references they provide only contain accurate and factual information, therefore preventing any future employment claims. They should not include any personal views or opinions about the employee's performance or conduct that cannot be backed up by fact.

When providing references managers should include:

-) The dates on which the individual's employment with the Council began and ended. Managers may also be asked to confirm continuous service dates;
-) The employee's job title;
-) The capacity by which the employee is known;
-) A short description of the employee's main duties and level of responsibility based on their current (or last if an ex-employee) job profile;

-) Details of any live disciplinary warnings;
-) Details of any expired disciplinary warnings which relate to safeguarding or child protection;
-) The reason the employee left the Council (e.g. resignation, dismissal).

For safeguarding roles it is particularly important that managers provide a full and comprehensive reference. Any factual information managers are aware of that might give rise for concern about the person's suitability to work in a safeguarding role must be documented in the reference.

Where an employee is currently being managed, either informally or formally, under the Council's attendance management or capability policies, managers may wish to include a summary of the relevant details in the reference, excluding any information relating to the sickness absence record. Further advice is available from Human Resources.

If a reference request seeks information about an employee's sickness absence record the only information that MUST be provided is the number of days of sickness absence and the number of periods over which the absence was taken (e.g. 6 days absence over 2 periods). Information about the reasons for the sickness absence must not be provided. Further advice is available from Strategic HR.

Disciplinary Considerations

If an employee leaves whilst being investigated under the Disciplinary Policy and Procedure, it is acceptable to advise the recruiting organisation of this. However, details of the allegations should not be provided as at this stage they have not been proven.

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How should references be provided?

All references must be provided on letter headed paper and be based on the format above excluding those where a standard reference request form has been provided. References should be marked "strictly private and confidential" and "to be opened by the addressee only" and returned signed and dated.

Telephone References

Telephone references should be approached with caution. Prior to providing information about an employee/ex-employee, the manager should be confident that the identity of the caller is genuine. As with written references, any information given must be accurate and factual so it is important that the manager gives consideration to any information they provide and does not feel pressurised into responding. If the manager feels uncomfortable in answering any question they should ask for a written reference to be sent. On occasion, the manager may not have access to all of the information requested (e.g. employment dates) so it may be necessary to provide this information in writing or via a subsequent telephone call.

When giving a telephone reference it is best practice for the manager to make a brief summary of the questions asked and answers given and ask for a copy of the verbal

reference to be emailed to them so that it can be approved and checked for accuracy. A copy of the reference should be retained by the manager.

Standard Reference Request Templates

It is common place for organisations to send standard reference templates/forms therefore ensuring all information considered relevant to the particular role is captured. The employee's manager is responsible for responding to these requests.

Settlement Agreements

If an employee left the Council as a result of a settlement agreement (previously known as a compromise agreement), the manager must check with Human Resources to see if an agreed reference is in place. In the absence of an agreed reference, a factual and accurate reference may be provided. Advice must be sought from Human Resources when composing the reference.

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Can employees see their reference?

Existing Employee

The employee's manager should share a copy of the reference with the employee. This should occur for employees who apply for internal or external vacancies. The contents of the reference should be of no surprise to the employee as it should reflect discussions held as part of the employee's supervision and Personal Review meetings.

Ex-Employees

The Council does not provide ex-employees with copies of references. Managers should be mindful however that, under the Data Protection Act 1998, employees are eligible to access references when they are in the possession of the recruiting organisation.

Retaining the Reference

Managers should keep a copy of the reference they provide for a period of one year.

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