Human Resources Policy No. HR70

Employment References

Additionally refer to:
HR 33 Recruitment and Selection
HR 36 Disciplinary Policy
HR 34 CRB Checks
HR 64 Maintaining Personal Files and ESR Records Policy

Sponsor: Head of Human Resources in conjunction with Director of Corporate Affairs

Date agreed by TNCC: December 2010

Date agreed by Board:

Date of next review: March 2015

Version: 1
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Section 2</td>
<td>Scope</td>
<td>3</td>
</tr>
<tr>
<td>Section 3</td>
<td>Legislation &amp; Contractual Responsibilities</td>
<td>3</td>
</tr>
<tr>
<td>Section 4</td>
<td>Responsibilities</td>
<td>3</td>
</tr>
<tr>
<td>Section 5</td>
<td>Obtaining a reference</td>
<td>4</td>
</tr>
<tr>
<td>Section 6</td>
<td>Providing a reference</td>
<td>5</td>
</tr>
<tr>
<td>Section 7</td>
<td>Personal a personal reference</td>
<td>7</td>
</tr>
<tr>
<td>Section 8</td>
<td>Training</td>
<td>7</td>
</tr>
<tr>
<td>Section 9</td>
<td>Data Protection and safe handling and storage of references</td>
<td>7</td>
</tr>
<tr>
<td>Section 10</td>
<td>Review and Monitoring</td>
<td>8</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Reference Request Form</td>
<td>9</td>
</tr>
</tbody>
</table>
1. Introduction

1.1 This policy applies to requesting and providing references in relation to employment.

1.2 The Trust recognises that it has a responsibility to existing and previous employees to provide a factual, fair and timely reference in order to assist their future employment prospects.

2. Scope

2.1 This policy applies to all staff including staff registered with the Temporary Staffing Department and those employed on temporary or fixed term contracts.

2.2 This policy also applies to agency workers where it is deemed appropriate for the Trust to provide a reference for these workers.

2.3 Reference requests concerning financial matters including mortgages and personal loans will be handled by the Pay Services department and are excluded from the scope of this policy. Where a request is made by companies/organisations such as Housing Associations etc, requesting confirmation of employment, including the type of contract, job title and length of time employed, these can be responded to by employees Line Manager but NO salary or other information can be released. If in doubt about a request, contact pay services as above for financial reference requests.

2.4 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust’s Equality and Diversity Policy (HR01). Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, or by staff who may have an essential skills need in literacy or those whose first language is not English or for persons with little experience of working life.

3. Legislation & Contractual Issues

3.1 Obtaining references as part of the pre-employment checks on potential candidates is an essential part of the Trust’s recruitment process to protect public safety and manage risk.

3.2 The Trust will provide employment references on current or former employees when requested to do so in writing by a prospective employer.

4. Responsibilities of Managers

4.1 Managers have the responsibility to obtain satisfactory references prior to offering unconditional employment (see section 5).

4.2 Managers have a responsibility to respond appropriately to any employment reference requests (see section 6). This will include:

- responding in a timely manner to any reference requests and
- taking care when compiling or obtaining the information on which the reference is based, and
- ensuring that any information given in a reference is accurate, factual and reliable.
Failure to observe these duties could result in legal action against the referee by either the requester or the person on whom the reference is being given.

4.3 Employees have a responsibility to notify a manager as soon as reasonably possible that they have named them as a referee.

5. Obtaining a Reference

5.1 All offers of employment should be subject to obtaining a minimum of two references which are satisfactory to the Trust. (see below regarding existing staff). References should normally be requested after the interview for the successful candidate only. Where references are requested prior to interview, these must not be seen by the Interview Panel until the outcome of the interviews is known, as references should not form part of the decision making process of the interview. Refer to the HR Advisory team for guidance.

5.2 References must cover a minimum of the last three years employment/training and should include the two most recent employers or someone in a position of responsibility if the candidate is/was undertaking a period of training.

   • If the applicant is employed by another organisation, one reference must be from their current line manager, the other one from their previous manager or another professional with whom they work.
   • If the applicant is currently employed by the Trust, one reference must be from their current line manager; if the individual has worked for that manager for at least the last three years then no other reference is required, but others should be taken as above where the new job involves a significant change.
   • If the applicant is unemployed, one of the references must, wherever possible, be from the applicant’s most recent employer and references from the last 3 years of employment; if the applicant has been unemployed for a lengthy period, advice should be sought from the HR advisory team.
   • If the applicant is applying for a post following full-time education, references must be sought from the last school/college/university and any relevant work undertaken during education.
   • If an applicant was self employed, they may supply references from key clients they have worked.
   • If an applicant is registered with an Agency or Consortium, references must be obtained from that Agency or Consortium and at least one recent employer for whom the applicant has worked for through the Agency.

5.3 No unconditional offer of employment should be made until all the appropriate pre-employment checks have been completed.

5.4 Advice should be sought from the Human Resources Department where no references are obtained or where a reference is incomplete, unsatisfactory or gives limited assurance.

5.5 If the applicant does not name their current (or any other) employer as a referee, this should be discussed at interview. Should the applicant refuse to give the name of a referee it must be explained to them that NO offer of employment can be made without two suitable references being received that are satisfactory to the Trust.

5.6 Verbal references alone should not be accepted; however, if, in exceptional circumstances, a verbal reference is taken, every effort must be made to obtain written confirmation of that verbal reference.
5.7 Where the named referee has asked for a reference request to be emailed to them, the identity of the referee must be verified to ensure that no false representation has taken place. Recruiting Managers should ask for a signed and dated copy of the emailed reference to be sent back in hard copy format or a signed and dated scanned copy can be sent back to the manager. If there is doubt about the authenticity of the referee then attempts should be made to verify authenticity by contacting the referee directly and verifying that they are aware of the request.

6.0 Providing a Reference

6.1 Requests to the Trust to provide an employment reference must be received on the headed notepaper of the company/organisation making the request. Some organisations, such as the NHS may request references as part of an automated process by e-mail which can be easily verified by contacting the company/organisation. If this is not possible, please refer to the HR advisory team for guidance.

6.2 Only members of staff who have line management responsibility are authorised to provide an employment reference for employees within their management structure (see table below). References should be provided by the direct line manager of person about whom the reference is requested; if that manager is absent for more than a day or two then their deputy should act as the referee. It is not acceptable for supervisors or a colleague to send a reference on behalf of the Trust.

<table>
<thead>
<tr>
<th>Staff Group</th>
<th>Authority to give References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Chairman or Non-Executive or Board Member in consultation with Chairman</td>
</tr>
<tr>
<td>Executive Board Members</td>
<td>Chief Executive or nominated deputy</td>
</tr>
<tr>
<td>Clinical Directors</td>
<td>Professional: Medical Director Organisation: Divisional Manager</td>
</tr>
<tr>
<td>Consultants and Career Grade Doctors</td>
<td>Professional: Clinical Director Organisation: Divisional Manager</td>
</tr>
<tr>
<td>Medical/Dental Training Grades</td>
<td>Consultant</td>
</tr>
<tr>
<td>Senior Managers</td>
<td>Relevant Board member/Head of Service/Divisional Manager</td>
</tr>
<tr>
<td>Ward managers</td>
<td>Matrons/Divisional manager</td>
</tr>
<tr>
<td>Other Clinical staff and non-Clinical staff</td>
<td>Heads of Service/Department, Service Delivery Managers/Ward Managers, Matrons/Direct line managers</td>
</tr>
</tbody>
</table>

6.3 Any employee who provides a reference who is not authorised to do so may be subject to disciplinary action in accordance with the Trust’s Disciplinary Policy (HR36). If any employee of the Trust is uncertain as to whether they are able to provide a reference they should contact the Human Resources Department for advice.

6.4 Any reference which is provided must not be misleading or unfair to the employee. All references should only contain factual information and should not include any opinions, information or comments that cannot be justified.
6.5 All references must be given on Trust headed notepaper unless an alternative form is provided. In exceptional cases reference details may be provided via telephone – if a verbal reference is requested for a current or ex-employee of the Trust, the identity of the individual/organisation making the request must be verified and the reason as to why a hard copy of a reference cannot be given must be recorded on the individual’s personal file. Any reference given verbally must be followed up in writing to the individual/organisation. A record of that verbal conversation must be kept on the personnel file of the former or current employee.

6.6 All references should be marked as confidential.

6.7 The referee should clearly state their professional relationship to the employee who is the subject of the reference.

6.8 If the named referee does not know the employee e.g. where the individual left the employment of the Trust some time ago, a comment to that effect and details of where the information was obtained should be added to the reference; alternatively the reference may be referred to another manager who was responsible for the employee.

6.9 It is recommended that the information provided in a reference is limited to:-
   - Dates of employment,
   - Titles of positions held and dates
   - A brief overview of the duties of these positions (where appropriate)
   - Final Salary (see below)
   - Dates, episodes and duration of sickness absences (see below)
   - Formal, live disciplinary and performance management issues (see below)
   - Reason for leaving (if known).

6.10 Information relating to the reasons for sickness absence and details of the remuneration of an individual are classed as sensitive personal information and should only be released to the recruiting organisation if the employee has provided permission to release this information. A record of this permission should be maintained on their personnel file.

6.11 Performance, disciplinary or other issues that have not been previously discussed with the employee should not be referred to in the reference. If the employee resigned before a disciplinary investigation has been concluded or action has been taken, contact the Human Resources Advisory team for guidance.

6.12 A copy of all references which are provided should be stored on the employee’s personal file.

6.13 Employees have the right to request to view their personal file. Requests to view personal files should be handled in accordance with the Trust’s Maintaining Personal Files and ESR Records Policy (HR46).
6.14 **Agency workers**

References provided for agency workers must clearly state the working relationship between the Trust and the worker. References must only be provided for agency workers who have been working with the Trust for a considerable period of time. Advice should be sought from the Human Resources Advisory team or Temporary Staffing Department when receiving requests for references in relation to agency workers.

7. **Providing a Personal Reference**

7.1 Personal references, eg. for a colleague, are provided at the discretion of the referee and will not be authorised by the Trust. These include character references and testimonials.

7.2 Personal references must **NOT** be issued on Trust headed paper.

7.3 It should be made clear that the reference is personal and is not authorised by nor provided on behalf of the Trust.

7.4 The referee who provides a personal reference is personally liable for any adverse consequences of such a reference, with no recourse to the Trust.

8. **Training**

8.1 Training on the provision of references will be included in appropriate management development training programmes.

8.2 Advice and guidance is available from the Human Resources Department.

9. **Data Protection and safe handling and storage of references**

9.1 Data Protection legislation requires the information contained in personal/job references to be handled confidentially at all times.

9.2 During the appointments process, references received by the Trust for candidates are privileged documents and as such their contents must not be divulged to the candidate, nor should references be photocopied.

9.3 Where administration staff, designated recruitment admin staff and/or managers are handing references, the contents of a reference must not be disclosed to anyone other than members of the interview panel and only then after the appointment decision has been made.

9.4 If an applicant wishes to see their reference, they should be referred to the referee to request a copy.

9.5 References for the successful candidate will be kept in their personal file. If references were obtained for unsuccessful candidates, these will be kept in the recruitment folder in a secure cabinet for a period of 12 months, and will then be destroyed.
References which are issued in respect of employees and former employees of the Trust may be divulged to the employee who is the subject of the reference at their request. All such requests must be made in writing to either the named referee or the department manager in the case of former employees whose line manager may no longer be in post. These requests will be complied with as per Data Protection legislation.

10. Review and monitoring

10.1 This policy will be reviewed by the Head of Human Resources for compliance and continued relevance subject to legislative changes, changes in NHS national guidance and internal authorities and roles. Audits of recruitment files may take place to ensure consistency of security, handling and storage.

10.2 The effectiveness of the arrangements set out in this policy will be reviewed periodically by the TNCC.
REQUEST FOR REFERENCE

Thank you for agreeing to act as a referee. To help us make a well-informed decision and to assess the applicant’s abilities and suitability for this position, could you please answer the following questions. A copy of the job description and person specification of the post applied for are attached.

NAME OF APPLICANT: ____________________________________________________________

POST APPLIED FOR: ____________________________________________________________

1. In what capacity is the applicant known to you (please tick ONE option only)?

☐ I am/was the applicant’s line manager (PLEASE COMPLETE SECTION A, B and C )
☐ The applicant is/was a colleague of mine (PLEASE COMPLETE SECTION A and C)
☐ I am/was the applicant’s school/college tutor (PLEASE COMPLETE SECTION A and C)
☐ The applicant is a personal friend (PLEASE COMPLETE SECTION C)

Other _______________________________ (please state) (PLEASE COMPLETE SECTION C)

SECTION A

1. How long have you known the applicant for? _____ years _____ months

2. What are/were the dates of the applicant’s employment/study with your organisation?

From ________________ To ________________

3. What is/was the applicant’s position within your organisation? / What course are/were they undertaking?

4. What are/were the applicant’s key responsibilities? / What are/were the core modules of the course?

5. How is/was the applicant’s attendance record (the Trust is positive about Disabled People in employment and will not discriminate on these grounds)?

   Number of working days sickness absence over the last two years of employment/study _________
   Number of episodes of sickness absence over the last two years of employment/study: _________

6. Was/is the applicant subject to any unspent formal procedures during their employment/study?
SECTION B

7. If still in your employment, what is the applicant’s current salary?

8. What benefits, if any, is/was the applicant entitled to?

9. Would you re-employ this person?

SECTION C

11. Having read the attached Job Description for the post, do you believe that the individual has the capabilities, skills and knowledge to undertake the roles and responsibilities as outlined? (Please give examples of how they meet the job requirements, where possible)

12. Do you know of any reason why we should not employ him/her in the post applied for?

Signed:

Name (Please print):

Designation:

Date:

Employer’s stamp:

In order to protect the public, the post for which the application is made is exempt from Section 4(2) Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. It is not therefore, in anyway contrary to the Act, to reveal any information you may have concerning convictions which would otherwise be considered as ‘spent’ in relation to this application and which you consider relevant to the applicants suitability for employment. Any such information will be kept in strict confidence and used only in consideration of the suitability of this applicant for a position where such an exception is appropriate.

Please be aware that members of staff may request to see their personnel file and as such this reference may be disclosed.

Please return form to: <<name>> <<job Title>> <<Department>> <<address>> <<insert date to be returned by>>