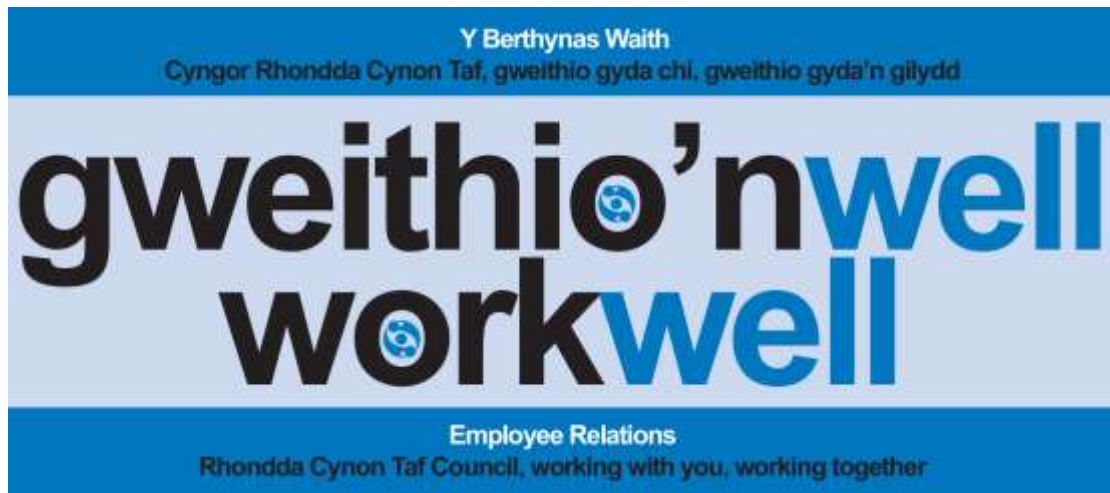


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Reference Policy

This document is available in Welsh please see Polisi Geirdaon



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This document is available in Welsh or English and other formats are available on request.

Contents		
Section	Section Heading	Page
1	Objective	4
2	Aim of Policy	4
3	Purpose of References	4
4	Benefits of References	4
5	Legislation	4
6	Role of Human Resources	4
7	Requesting References	5
8	Unsatisfactory References	6
9	Requests to See References	6
10	Providing a Reference on Behalf of the Council	7
11	Inaccurate References	8
12	Internal Applicants	8
13	Appendix	11-24

1. OBJECTIVE

This policy applies to obtaining and giving references for current or former employees of RCT Council. References for purposes other than employment, such as for mortgage or renting purposes may be provided, however the principles outlined in this policy apply only to employment references.

2. AIM OF POLICY

The aim of the policy is to provide clarity on providing references and requesting references. To achieve this the policy sets out a scheme of delegation to clarify who may give a reference; a standard reference request or set of requests; a standard reference response and guidelines for managers including clarity on the difference between a personal and work reference and when each should be requested or given.

3. PURPOSE OF REFERENCES

The purpose of a reference is to obtain information from a third party, providing a factual check on a candidate's employment history, qualifications, experience and/or an assessment of the candidate's suitability for the post in question. This policy provides guidance on requesting references and providing references.

4. BENEFITS OF REFERENCES

Providing a reference is not a statutory duty but it is good practice and as an Authority we will provide references when requested with the appropriate permissions. Providing references establishes and enhances the goodwill between the employer and employee. All requests must be responded to as failure to respond may be seen as discriminatory.

5. LEGISLATION

There is a responsibility to provide a reference that is **accurate, fair and factual**. Failure to do this may breach our duty of care to the employee. There is an implied duty of mutual trust and confidence between the referee and the employee. References should only include information that has been previously brought to the employee's attention and can be documented as such. There is also a duty of care to the proposed employer and so failure to include relevant information that may affect their ability to carry out the duties of the new post may lead to a negligence claim.

6. ROLE OF HUMAN RESOURCES

It is the responsibility of the manager to provide references for staff members. If there are no managers who can provide a meaningful reference, Human Resources will provide the employment information to enable the nominated officer to provide a basic reference. When receiving a reference to complete,

managers should only use the template provided and refer to HR Employment Services for advice and guidance if required.

7. REQUESTING REFERENCES

As part of the recruitment process two references will be sought once a conditional offer of appointment has been made. One must be an employer's reference from the most recent employer. The second reference can be either another employer or a character reference.

All reference requests should be sent bilingually (Welsh and English) to enable the language choice of the referee to be respected.

A Welsh and English copy of the relevant job description and person specification for the job should be included with the reference request, which will be on a standard proforma. It is the manager's responsibility to ensure that the job description and person specification are up to date.

The purpose of a reference is to check factual information such as employment history. The reference request form should not ask an employer to supply a subjective opinion as to an applicant's likely future performance. Such data is unreliable and can be misleading.

Reference requests should not ask for details of sickness absence or medical history.

Employer Reference

An employer reference is provided by the candidate's current or most recent employer.

When requesting references, care must be taken to check the referees given against the stated employers and ensure that the current employer is given as a reference. If this is not the case, a reference must be requested from the most recent employer. It is also important to check that the person specified within that organisation is the most appropriate person to supply the reference such as the line manager or another senior manager.

The Council logo must be on the proforma and managers should complete their name and job title.

Character

A character reference can be supplied by anyone who has personal knowledge of the candidate but should not be a family member or someone who is closely linked to the job they have applied for.

Tutor

If a candidate is currently in education and had no previous work experience, a tutor reference should be requested.

Telephone References

There may be occasions where recruiting managers take up telephone references as a temporary measure, where possible the call should be made in the language preference of the referee (Welsh or English). Whilst this is not the recommended practice, it is acknowledged that where the preferred candidate can start immediately this may be appropriate to avoid unnecessary delays. Therefore, the following good practise should always be observed:

- ensure you are speaking to the appropriate person in the organisation
- make it clear to the referee that you are taking notes and that you consider this as binding as a written reference.
- Where possible take an email address and forward your notes of the conversation.
- base the conversation on the Employer Reference Proforma (Appendix 2)
- ask factual questions only.
- always ensure that a written reference is also obtained.

8. UNSATISFACTORY REFERENCES

Upon receipt of an unsatisfactory reference or where factual information does not match that supplied by the candidate, this must be referred to the appointing officer and advice from HR Employment Services must be sought. Examples could include:

- employment dates, job titles, salary etc. does not match
- evidence of disciplinary action or unsatisfactory performance is provided
- unable to obtain the required references.

9. REQUESTS TO SEE REFERENCES

When held as part of a live recruitment file or if transferred to a personal file, the reference may be requested by the employee under the Data Protection Act 1998.

A copy of any reference provided as part of a recruitment process should be kept on the individual's personal file and therefore available to be seen if requested.

In most circumstances, you should provide the information in a reference, or at least a substantial part of it, to the person it is about if they ask for it, in the language it has been written. Where the reference may have had a significant

impact on the individual, such as preventing them from taking up a provisional job offer this is even more relevant.

There may be circumstances where it would not be appropriate for you to release a reference, such as where there is a realistic threat of violence or intimidation by the individual towards the referee. In this instance you should contact HR Employment Services for advice.

The Council's Corporate Governance Unit is also able to provide advice in respect of compliance with the Act and should you consider you have received a subject access request for copies of a reference, please contact them on 01443 424111/424189.

(For more information please see Appendix 1)

10. PROVIDING A REFERENCE ON BEHALF OF THE COUNCIL

Only the direct line manager or above is authorised to provide an employment reference. All references must be completed using the reference template in appendix 2 **only**. References must be appropriate, fair and accurate and any officer providing a reference should be aware that the individual may ask to see the reference (See point 9).

Managers should collate all the relevant facts before completing the reference. Service areas may designate an appropriate manager to complete all references on their behalf. If the line manager is not familiar with the individual, they may either pass the reference to the previous manager or speak to Employment Services for advice.

Requests for personal references should be sent to the employees' home address and completed without regard to the Council. Employees must not refer to the employment relationship on a personal reference.

Reference Content

A reference should comprise the following information:

- confirmation of post and salary
- comments on the candidate's current duties and performance
- details of live disciplinary action (including those expired that are in relation to children/young people's safety and welfare)
- details of **allegations/concerns** which have been **formally** raised in relation to children/young people's safety and welfare including any outcomes.

Disclaimer

The following disclaimer should be added to all references provided by line managers within Rhondda Cynon Taf Council (and in Welsh where the manager is completing the reference in Welsh):

The reference is given in confidence, to the addressee only, and only for the purposes for which it was requested. The reference is given in good faith, based on the information available at the date on which it is given. Neither the Council, nor the author of the reference, accept any responsibility or liability for any loss or damage caused to the addressee or any other third party as a result of reliance being placed upon it.

Telephone requests

Giving references over the telephone is not recommended unless there are exceptional circumstances. Verbal references are just as binding as written and therefore written references should always be given using the appropriate proforma and following the receipt of a written request and permission. Permission is contained within the application form which should always be completed when recruiting. If verbal references are given, managers must ensure that they have proof of the identity of the person they are giving the reference to, accurate notes must be made and they should reflect only the content of a written reference.

11. INACCURATE REFERENCES

Reasonable care must always be taken when writing references. As previously stated they should always be fair, accurate and factual and free from any discrimination on the grounds of any protective characteristics. If managers are in any doubt about the content of a reference, they should seek advice from the relevant HR department.

12. Internal Applicants

In the case of internal applicants, references should ideally be received from the current line manager. One reference may be acceptable depending on the post and the length of time spent in that post. References should be given on the Internal Reference template shown at Appendix 2.

Appendices

Appendix 1

References and the Data Protection Act (the Act)

Individuals have a right to a copy of information held about them that is covered by the Act. The Act applies differently to references which have been *given* by the Council and those which have been *received* by the Council.

Do you have to give a copy of a reference you have written?

If someone asks for a copy of a confidential reference you have written about them relating to training, employment or providing a service, you do not have to provide it because of an exemption in the Act.

However, you may choose to provide the information. It would seem reasonable to provide a copy if a reference is wholly or largely factual in nature, or if the individual is aware of an appraisal of their work or ability.

Do you have to give a copy of a reference you have received from someone else?

References received from another person or an organisation are not treated in the same way. If you hold the reference in a way that means it is covered by the Act, you must consider a request for a copy under the normal rules of subject access.

If a reference is marked 'in confidence' you should consider whether that is actually the case or whether the information is already known to the individual. It would not be reasonable to withhold factual information that is clearly already known by the individual.

Similarly, performance information may well have been discussed with the employee as part of an appraisal system.

Where it is not clear whether information, including the referee's opinions, is known to the individual, you should contact the referee and ask whether they object to this being provided and why.

It is important to weigh the referee's interest in keeping the information confidential against the individual's interest in seeing what was said about them.

When considering whether it is reasonable in all the circumstances to comply with a request, you should take account of factors such as:

- did we tell the referee that it would be confidential.
- What are the referees reasons for not wishing to share the information

- What are the potential effects on the individual of this reference.
- The right of the individual to challenge the validity of the 'factual information'.
- Any risks to the referee.

If you are unsure about how to respond to a request for a copy of a reference speak to your HR Employment Services Team.

Also, the Council's Corporate Governance Unit is able to provide advice in respect of compliance with the Act and should you consider you have received a subject access request for copies of a reference, please contact them on 01443 424111/424189.

APPENDIX 2

Name
Address
Job Title
Salary/Grade
Dates Employed From/To
Current Duties
Live and expired disciplinaries relating to children/young people's safety and welfare.
Details of allegations/concerns that have been formally raised in relation to children/young people's safety and welfare including any outcomes.

RHONDDA CYNON TAF COUNCIL
EMPLOYER REFERENCE PROFORMA

Reference Supplied by:

Name

Job Title

Relationship to applicant

Signature

Date

The reference is given in confidence, to the addressee only, and only for the purposes for which it was requested. The reference is given in good faith, based on the information available at the date on which it is given. Neither the Council, nor the author of the reference, accept any responsibility or liability for any loss or damage caused to the addressee or any other third party as a result of reliance being placed on it.

RHONDDA CYNON TAF COUNCIL

**TUTOR REFERENCE REQUEST FORM
PRIVATE & CONFIDENTIAL**

HR/

Your name has been given by ** who has applied for the post of ** within the Community & Children’s Services Division.

A brief outline of the job description and person specification is attached.

I would be grateful if you could complete the following reference questionnaire and return it in the envelope provided as soon as possible.

The reference is given in confidence, to addressee only, and only for the purposes for which it was requested. The reference is given in good faith, based on the information available at the date on which it is given. Neither the Council, nor the author of the reference, accept any responsibility or liability for any loss or damage caused to the addressee or any other third party as a result of reliance being placed on it.

Title of course undertaken:

Duration of course:.....

Personal attainments you are aware of – educational/occupational/professional

How long have you known this person if different from above and in what capacity:

Please indicate the applicant's principal skills and abilities in relation to his/her course undertaken:

Specialised abilities:

Disposition:

You are invited to add any other comments you wish in support of this person's application:

SIGNED DATE

PLEASE PRINT NAME

TITLE / RELATIONSHIP TO APPLICANT

RHONDDA CYNON TAF COUNCIL

**EMPLOYER REFERENCE REQUEST FORM
PRIVATE & CONFIDENTIAL**

Your name has been given by ***** who has applied for the post of ***** with Rhondda Cynon Taf Council.

The reference is given in confidence, to addressee only, and only for the purposes for which it was requested. The reference is given in good faith, based on the information available at the date on which it is given. Neither the Council, nor the author of the reference, accept any responsibility or liability for any loss or damage caused to the addressee or any other third party as a result of reliance being placed on it.

SECTION 1

Did the applicant work for your company/school?	Yes	No
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If yes, what were the applicants start and leaving dates? If no, please go to Section 2	
START DATE:	LEAVING DATE:

What was the applicant's job title/role with your company/school?

Please detail broad responsibilities:

What is the present or previous salary/grade of the applicant?

What is the reason for the applicant leaving your employment?

Does the applicant have any live disciplinary warnings on file or are they currently subject to capability proceedings or any ongoing investigations of a disciplinary or capability nature? If yes, please give details:

Have any proceedings been taken against the applicant involving matters of a safeguarding nature. For the avoidance of doubt this includes issues in relation to children/young people's/vulnerable adult's safety/welfare (including those which have expired)? If yes, please give details and outcomes E.g. unfounded / unsubstantiated.

SECTION 2

Please comment on the applicant's suitability in relation to the following competencies:

Ability to communicate effectively:

Ability to work in teams and partnerships:

Ability to organise work effectively to achieve appropriate results:

SECTION 3

FOR TEACHING STAFF ONLY

Teaching Ability:

Awareness of Current Educational Developments & Extent of Active Participation:

Classroom Management:

School Commitment:

Decision making and ability to manage staff (if appropriate):

RHONDDA CYNON TAF COUNCIL

PERSONAL REFERENCE REQUEST FORM PRIVATE & CONFIDENTIAL

HR/*

Your name has been given by **NAME** who has applied for the post of **POST TITLE**, within the **GROUP**.

I would be grateful if you could complete the following reference questionnaire and return it in the envelope provided as soon as possible.

A job description and person specification are attached to assist you in the completion of the questionnaire below.

The reference is given in confidence, to addressee only, and only for the purposes for which it was requested. The reference is given in good faith, based on the information available at the date on which it is given. Neither the Council, nor the author of the reference, accept any responsibility or liability for any loss or damage caused to the addressee or any other third party as a result of reliance being placed on it.

How long have you known the applicant?
In what capacity do you know this person? (for example work/recreation/education)
Are you in any way related to the applicant? If yes, please specify your relationship.

Please give a brief outline of the person using the following main categories. (The examples are only there to give you an idea of what we are looking for, and are not necessarily relevant to the specific post). If there are any boxes you wish to leave blank, please feel free to do so.

Personal attainments you are aware of – for example educational/occupational/professional etc.

General intelligence – for example could include reasoning/logic etc.

Specialised abilities – for example manual dexterity/artistic aptitude/verbal or numerical facility etc.

Interests – for example sport/hobbies/voluntary work

Disposition – for example independent/team worker/leader

You are invited to add any other comments that you feel are relevant to this person's application.

If we require further information, may we contact you by telephone?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide your number:		

SIGNED:

DATE:

PLEASE PRINT NAME:

ADDRESS:

RELATIONSHIP TO APPLICANT:

**RHONDDA CYNON TAF COUNCIL
INTERNAL REFERENCE REQUEST FORM
PRIVATE & CONFIDENTIAL**

HR/*

NAME:
POST APPLIED FOR:
GROUP:

The above employee has applied for another post within the Council. As their current line manager, please can you complete the following reference request. A job description and person specification are attached to assist you in the completion of the questionnaire below.

The reference is given in confidence, to addressee only, and only for the purposes for which it was requested. The reference is given in good faith, based on the information available at the date on which it is given. Neither the Council, nor the author of the reference, accept any responsibility or liability for any loss or damage caused to the addressee or any other third party as a result of reliance being placed on it.

Brief Description of Current Duties?
Does the applicant have any live disciplinary warnings on file or are they currently subject to capability proceedings or any ongoing investigations of a disciplinary or capability nature? If yes, please give details:
Have any proceedings been taken against the applicant involving matters of a safeguarding nature. For the avoidance of doubt this includes issues in relation to children/young people's/vulnerable adult's safety/welfare (including those which have expired)? If yes, please give details and outcome?
Reason for leaving post within the Council?
Any other comments you wish to make about the applicant.

SIGNED:

DATE:

PLEASE PRINT NAME:

POST TITLE: