



References Policy

Policy statement	It is the Office of the Police and Crime Commissioner's (OPCC) policy to provide employment and financial references for current and where possible and applicable, former employees.
Scope	All employees of the OPCC
Policy outcomes	The aims of this policy are to: <ul style="list-style-type: none">• set out the obligations of the OPCC in providing references in line with the Data Protection Act 1998• detail the types of references that the OPCC provides
Check which policy to use	Where the OPCC is seeking a reference as part of a pre-employment check, this is managed under the Recruitment Policy.

Key definitions

Employment reference – this is usually an informed management comment on the individual's suitability for the new role. It must be true, accurate, fair and not misleading and reflect the views of the OPCC.

Employment history reference – this is usually confirmation of salary, employment dates, length of service and sickness absence history.

Verbal reference – this is a factual verbal reference which can be given by the line manager. It must be true, accurate, fair and not misleading.

Financial reference – this is usually confirmation of salary and length of service for the purposes of mortgage, renting and other financial requests.

Character reference – this is a reference provided by a peer or colleague in a personal capacity only. It must not refer to the employee's work for the OPCC in any way.

Vicarious liability – is where someone is held responsible for the actions or omissions of another person. In a workplace context, an employer can be held liable for the acts and omissions of its employees and managers during the course of their employment. This means that if inaccurate or untrue information is provided then both the author and the OPCC may be liable.

What the law says

The **Data Protection Act 1998** – aims to protect the rights of living individuals regarding information about them held by other people. It requires an employer to comply with eight principles governing the use and processing of personal data.

Disclosure of employment references is governed by the Data Protection Act 1998 and the Information Commissioner's Data Protection Codes of Practice (Parts One and Two).

Section 7 of the Data Protection Act 1998 gives individuals the right of access to their personal data, including access to references.

The **Equality Act 2010** – prohibits discrimination in the workplace and in wider society by reducing inequality. This means that some individuals with a protected characteristic may

be treated more favourably in order to achieve equality. The protected characteristics are; age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Section 60 of the Equality Act 2010 makes it generally unlawful to ask questions about disability and health before making a job offer. The Equality Commission can take legal action and job applicants may have grounds for a discrimination claim where these legal requirements have been breached.

Exceptions

References are not normally provided for ex-employees after 6 years following their last date in service, unless the OPCC was their last employer. Safeguarding and safer recruitment are exceptions to this.

Employment reference for current employees

A manager or senior manager can provide an employment reference themselves once they have consent from the employee for a reference to be provided.

Where a reference form is provided the line manager must seek to answer the questions asked unless there is a concern about disclosing the information, or the information is unknown. If a form is not supplied by the requesting organisation, a reference should limit itself to the following information:

- length and dates of service with the OPCC
- dates of employment in present post
- number of days sickness absence for the last 12 months of service, excluding the reasons for absence
- current salary
- reason for leaving (if known)

The above information is available for all **current** employees in the manager's IBC Portal (refer to the How To guide for more details).

In addition to the above information, managers must consider whether the following pieces of information are relevant and appropriate to disclose to the requesting organisation (further guidance can be sought from HR Operations):

- any live misconduct or performance outcomes
- any safeguarding investigations underway or completed

Employment reference for former employees

If the employment reference request seeks employment history information for a **former** employee, the line manager must contact the IBC via ESS Lite Enquiry requesting the employment history data. Personal information relating to the reference must not be sent to the IBC.

Verbal reference

Where verbal information is given to supplement a written reference, this information must be factual and represent the honest belief of the manager providing the reference. The manager must make a note on the employee's ePF of the information given verbally and provide this in writing to the future employer

Employment history reference for current employees

Employment history references can be provided by the line manager for current employees, using the IBC Portal (refer to the How To guide for more details), or by the IBC for former employees.

If the reference request includes the employee's signed authorisation, the reference can be sent directly to the organisation requesting the information. If the reference request does not include authorisation from the employee, the reference must be sent to the employee's home address for the employee to forward on to the requestor. (The employee can provide authorisation through ESS Lite or in writing).

Employment history reference former employees

Employment history references can be provided the IBC for former employees.

If a form is not supplied by the requesting organisation, the employment history reference will include the following information:

- length and dates of service with the OPCC
- number of days sickness absence, excluding the reasons for absence
- most recent salary
- reason for leaving (as recorded in SAP)

If the employment history reference request is for a **former** employee and seeks an assessment of the candidate's suitability, the IBC must complete the employment history sections first and then forward the request to the appropriate line manager to complete the remaining sections. The manager is to forward the completed reference to the requestor.

Financial references

Mortgage, rental and other financial references can be provided by the IBC. If the IBC receive a reference request, the reference can be sent directly to the organisation requesting the information if consent for this has expressly been given by the employee. If the employee has not provided authorisation the reference must be sent to the employee's home address for the employee to forward to the requestor.

Character reference

An employee providing a reference in a personal capacity for a peer or colleague must ensure that the reference clearly states it is not provided on the OPCC's behalf but is a personal and character reference only.

The referee must not use the OPCC's headed paper or their work email account.

This type of reference should not refer to OPCC work undertaken or to the individual's employment with the OPCC.

Requests for disclosure

The manager must decide whether to disclose a reference if requested to do so by the employee. If necessary the manager will liaise with the Chief Executive.. Previous employees will need to submit a subject access request.

Related documents

To help with the application of this policy it may be useful to read the following:

- Recruitment Policy

Support**Employees:**

Queries should be directed to your line manager.

A confidential Employee Support service is available on freephone **0800 030 5182** (or 0161 836 9498 if calling from a mobile) at any time. Further information is available at <http://www3.hants.gov.uk/employee-support>

Managers:

Further information is available in the Managers' How to Guide – References.

Remaining queries can be directed to HR Operations.

**Policy
Governance**

Hantsfile reference:	12458637
Date of publication:	V1 – November 2014 V1.1 – July 2016
Planned review date:	3 years or sooner if required
Owner:	HR Operations

Employees of non Office of the Police and Crime Commissioner bodies are excluded from this policy and should refer to their own employer's policies and procedures.