

EMPLOYMENT REFERENCE POLICY

1. Reference for Staff – overall guidelines

There are two principal reasons why an employer normally requests a reference on a prospective employee:

- a) To confirm the accuracy of statements made in his/her application, and
- b) To provide opinions as to the candidate's suitability for the post in question and his/her potential for the future.

There is no legal requirement for an employer to provide a reference for a current or past employee. However, there is an expectation that employers will provide references and it is the Caldecott Foundation's policy to provide references on request. A refusal to provide a reference may be unhelpful to other employers and is likely to be interpreted as an indication that there was a problem with the individual, which might then disadvantage them.

Therefore, it is the Foundation's normal policy to provide references on request unless there is a good reason not to do so.

Reference request for current and past employees will normally be handled by Human Resources (HR) and it will be Caldecott Foundation practice to provide a standard letter containing factual information as set out in the attached Appendix A.

Where Managers are asked to provide a reference for present and past employees of the Caldecott Foundation you may wish to do so but on the understanding that it is in a personal capacity and is in line with the guidance set out in this policy.

If you are asked to provide a reference in a personal capacity (e.g. as a friend) you must make this clear and not under any circumstances use Caldecott Foundation headed paper. No liability will attach to the Caldecott Foundation if you decide to act in a personal capacity as a personal referee.

Reference requests from banks, building societies or other potential lenders should be directed to the HR Manager for response, as should any reference requests which relates to an employee who has been dismissed or who has been subject to disciplinary sanctions or whose performance is under review.

If there is any doubt over any aspect of this policy, guidance must be sought from HR. All personal references given must be copied onto the HR department.

2. Duty of Care and General Approach

When providing references, you must be aware that the Caldecott Foundation owes a duty to the recipient (usually a prospective employer) and to the employee. The duty is to take reasonable care and to provide information that is true, accurate, fair and non-discriminatory. The reference given does not have to be full and comprehensive but it must not give a misleading impression. It is therefore essential that the reference is based on facts which can be backed up by evidence if challenged. Opinions and subjective personal views which cannot be substantiated should not be included.

Statements made should be consistent with those made elsewhere about the employee, for example, comments made about standard of performance in annual performance review.

If a careless, misleading or false reference is provided and the recipient acts on it and as a result suffers loss, the person who wrote the reference may be sued for providing a fraudulent or negligent misstatement, or for defamation. In addition, the individual about whom the reference was written may be entitled to compensation for damages caused by a negligent reference.

3. Providing a Reference

Caldecott Foundation reference provided via HR on behalf of the Caldecott Foundation

All reference requests for existing or past employees of the Caldecott Foundation should be directed to HR for processing and a standard reference will be issued as set out in Appendix A.

This is a minimal reference and sets out the name of the employee, job title, and employment dates. That the Caldecott Foundation takes this standard, minimal approach is:

- Communicated to all employees at the outset of employment by the Caldecott Foundation
- Applied uniformly to all employees; and
- Not used as a means of concealing something serious

All references should be marked 'confidential' to the addressee and must contain the following disclaimer in the final paragraph:

"In accordance with Caldecott Foundation's normal practice this reference is given in good faith and in confidence, without legal liability on behalf of the author or the Caldecott Foundation"

Caldecott Foundation reference provided by a senior manager on behalf of the Caldecott Foundation.

In exceptional situations, members of the senior management team (SMT), and only SMT members, are authorised to respond more fully to reference requests relating to current and former members of staff but always within the guidelines set out in this policy and should be sent to the HR department or review prior to sending.

4. Confidentiality and disclosure of references

All references are given in confidence but the Caldecott Foundation or the recipient may be required to disclose a reference under circumstances, such as a request for disclosure by an Employment Tribunal or a Court dealing with a negligence or defamation case.

References received from another person are likely to be covered by the Data protection Act 1998 (DPA). An individual can have access to information which is about them, but not necessarily have access to information about other people, including their opinion, provided in confidence.

Although it is not a legal requirement, it is best practice to operate an open recruitment and selection procedure with any references written being copied to the subject.

Subject to the provisions of the DPA, it is the Caldecott Foundation's practice, therefore, that where an individual member of staff gives notice to HR that they wish to see the contents of their HR file, their request is accommodated.

5. Telephone or verbal references

Requests for telephone or verbal references are infrequently received, but should be avoided to minimise the risk of misinterpretation.

If a telephone reference is urgently required, and the person requesting it is not known to you, take the telephone numbers of their place of work, verify this, and call them back to confirm their position and determine that they are properly authorised to obtain a reference. Always make a full note of the questions asked and the answers given, and follow up the conversation in writing.

6. Unsolicited references

It is generally inadvisable to provide unsolicited references addressed 'to whom it may concern'. If exceptionally, such as references are provided they must be limited to factual statements made in accordance with the proforma at Appendix A.

7. Requesting references for prospective Caldecott Foundation employees

The Caldecott Foundation's policy regarding the taking up of references on prospective employees is contained within the Recruitment and Selection Policy.

This policy came into operation in August 2015 and was reviewed in August 2016

APPENDIX A

WITHOUT LEGAL RESPONSIBILITY

Date

STRICTLY PRIVATE & CONFIDENTIAL

Name

Address

Dear (Name)

EMPLOYMENT REFERENCE FOR (STAFF NAME)

Thank you for your recent letter concerning STAFFNAME.

I am pleased to confirm details of employment with us as below:

Job Title: ROLE

Start Date: DATE

Leaving Date: DATE

Please note it is our policy to only provide this basic information for employment reference purposes.

In accordance with Caldecott Foundation's normal practice this reference is given in good faith and in confidence, without legal liability on behalf of the author or the Caldecott Foundation.

Yours sincerely