

Obtaining and providing employment references – manager guidance

We want to make sure that current and former employees are treated in a fair and consistent manner when providing employment references.

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1. What is an employment reference?

These are used to obtain information from a third party to confirm details of a candidate's employment history, experience, and suitability for the post in question.

All offers of employment, verbal or written, should be made subject to satisfactory references. A contract of employment will only be issued once the line manager agrees that a candidate's references are acceptable.

2. Obtaining employment references during recruitment

2.1. Who requests references?

Following the interview, managers request references on TalentLink, our recruitment system.

2.2. How many references are required?

External candidates

Two written references are required for external candidates, one of these must be from their current or most recent employer. Where a candidate has no suitable previous employer, who can provide an employment reference, a character reference can be accepted.

Internal candidates

One reference is required for internal candidates only where the post does not require a PVG or Disclosure check. This reference would normally be from the current line manager except where the manager is involved in the interview panel, in which case a suitable alternative referee will be provided.

If the recruiting manager is not satisfied for any reason, for example if a potentially discriminatory reference is received, the candidate can be asked to provide the name of a further referee.

3. Can a candidate start before satisfactory references are received?

No. A candidate should not start working for us until satisfactory references have been received. For an internal candidate this would only apply where the post requires a PVG or Disclosure Check.

3.1. Health information

Situations where a manager might ask for support from HR.

- Where the information received in a reference indicates that the applicant may have a disability in terms of the Equality Act 2010. This is particularly important if the manager is considering withdrawing or placing further conditions on the offer of employment.
- The number of sickness absences within the last 12 months gives cause for concern as to the candidate's ability to perform the job in question.

It may be necessary to discuss any concerns with the candidate and provide them with the opportunity to address them or suggest reasonable adjustments to the job or workplace if appropriate.

4. Providing employment references

4.1. Does the Council provide an employment reference?

HR provide factual references for current and previous employees limited to:

- employment dates,
- job title and
- details of the role undertaken.

If we dismissed the employee, the reason for dismissal should also be provided (e.g. gross misconduct).

HR will also explain to potential employers that it is our policy to provide factual references only to prevent the recipient from being misled into inferring any negative comment about the employee.

4.2. When to provide additional factual information in a reference

Where there is an obligation to provide more detail, for example, as part of the SSSC Code of Practice for Social Services Workers, then we'll provide additional factual information for current or previous employees. This information can only be given by the individual's 'recognised' line manager.

Should a line manager need to provide additional factual information then to meet the test of reasonableness, **references must not include:**

- × Details of specific medical conditions relating to absences;
- × Any expired disciplinary warnings;
- × Employee information based on opinion or hearsay;
- × Conduct or performance issues that could not reasonably have been discussed with the individual during their employment;
- × Untruthful positive traits to facilitate the individual leaving; or
- × An unbalanced picture - so only commenting on weaknesses and ignoring strengths or vice versa.

Line managers should not include any personal views or opinions about the employee's performance or conduct that cannot be backed up with fact.

4.3. Can I write a character reference for a colleague?

Anyone who agrees to provide a character reference for a colleague must make it clear that they're providing the reference in a personal capacity and not on our behalf. Such a reference must not be given on our headed paper or returned to the prospective employer through a Council email address.

If a character reference is given in a personal capacity it must be produced with reasonable care as a reference can be challenged within the legal system, for example, if an offer of employment is withdrawn based on an inaccurate reference.

Example template letter for a factual reference

[INSERT EMPLOYER ADDRESS]

Reference:

Date:

Dear Sir/Madam,

[INSERT NAME OF CANDIDATE]

I'm writing in response to your letter of [DATE] requesting a reference for [CANDIDATE] who has [applied to you to work OR been offered a job by you] as [POSITION].

I confirm that [CANDIDATE] started employment with the City of Edinburgh Council on [DATE] and [left our employment on [DATE] OR is still employed by us]. [He OR She] was employed as a [JOB TITLE] and [his OR her] main responsibilities were [GIVE DETAILS].

It's our policy to only provide references containing information as to employees' roles and dates of employment. This should not be seen as implying any comment about the candidate or their suitability for employment as [POSITION] at [PROSPECTIVE EMPLOYER].

This reference is given to the addressee in confidence and only for the requested purposes. It's given in good faith, and on the basis of the information available to the employer at the time it's given, but neither the writer nor the City of Edinburgh Council accepts any responsibility or liability for any loss or damage caused to the addressee or any third party as a result of any reliance being placed on it.

Yours sincerely