

7. Employment References

Scope of this procedure

Whilst we don't wish to lose any member of the team we support staff development and where an individual feels as though they wish to move onto another employer the organisation is committed to assisting that transition by providing a reference of employment.

This procedure is designed so that our workforce understands how the organisation will deal with reference requests that are received, and what will happen where there are particular safeguarding or conduct concerns. It has been created to offer guidance however, due to the nature of our company it can't encompass all eventualities and as such is subject change at our discretion.

The below procedure will also assist those staff members responsible for providing an employment reference and outline those individuals who are authorised to provide references.

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1. Legislation, Regulations and Standards

1. Equality Act 2013
2. Employment Rights Act 1996
3. Equality Act 2010
4. Data Protection Act 1998 (Updated 2018)
5. Working together to Safeguard Children Act 2018

2. Where to apply for a reference

If you want to apply to BMC for a reference then all you need to do is provide your new/prospective employer with the below details;

Human Resources
Bryn Melyn House
3 Hawksworth Road
Central Park
Telford
TF2 9TU

Telephone: 01952 504715
Email: hrrsupport@brynmelyncare.com

If you are required to obtain a suitability reference from a professional body (such as Ofsted or Social Care Wales) then please direct enquires to HR using the above details.

3. Who can respond to reference requests?

The human resources team are the only team authorised to issue employment references on behalf of the company so if you direct your new/prospective employer to your manager or a colleague, they will be required to forward the request to HR for it to be dealt with and it will delay our response time.

Should you be in doubt as to whether or not you can respond to a reference request, then you should contact a member of the HR team on 01952 504715.

From time to time the company may be approached by professional bodies to provide suitability references. Within these types of references the organisation is required to confirm the employment details of the individual in question and provide an opinion on suitability. These types of requests should be directed to the HR team and the HR team will liaise with the appropriate line manager to confirm the content of the reference.

4. Character References

You are able to request that a colleague provides you with a character reference however, please be aware that a character reference is separate to an employment reference and as such must not be associated with the company. If you wish to seek a character reference from your colleague then we suggest discussing it with them first and providing your new/prospective employer with their personal details.

Note to staff: If you receive a request to complete a character reference for a colleague then you are free to do so, however you are not authorised to confirm any of the following information;

1. Confirmation that they were employed by BMC
2. Confirmation of dates of employment
3. Whether they were subject to disciplinary procedures
4. Whether there are any formal safeguarding concerns

You must also only respond to character reference requests from your personal email address and there should be no mention of your position at BMC. Failure to follow this instruction will be reviewed under the company's disciplinary procedure.

Should you be in doubt as to whether or not you can respond to a reference request, then you should contact a member of the HR team on 01952 504715 and they will offer guidance to you.

5. The duties of providers of references

There is a legal obligation on the organisation to exercise a duty of care to both the person seeking the reference and to you as our employee/former employee. We take our obligations exceptionally seriously and make every effort not to provide careless references and ensure that the information provided is factual.

It is the responsibility of the person providing the reference to ensure that the information provided is factual, not misleading or contains subjective views/opinions.

Within an employment reference we will confirm the following information;

- **Your Name**
- **Your DOB or NI number if required to confirm your identity**
- **Your job title/former job title**
- **Your employment start date**
- **Your employment end date**
- **Your reason for leaving** – Resignation, Dismissal or Termination of Probation. Should your reason for leaving differ to these examples then we will detail the most appropriate reason for leaving.
- **Whether or not there were any disciplinary action taken against you.** Details of any disciplinary action will not be shared with your new/prospective employer; it will be your responsibility to provide them with adequate information in relation to the reasons for this. If you wish for us to discuss the circumstances with your new/prospective employer then you will be required to provide HR with your written consent.
- **Whether or not you resigned from the company pending the outcome of an investigation or disciplinary hearing,** Details of any investigation will not be shared with your new/prospective employer; it will be your responsibility to provide them with adequate information in relation to the reasons for this. If you wish for us to discuss the circumstances with your new/prospective employer then you will be required to provide HR with your written consent. **In some cases the organisation will conclude any investigation or disciplinary proceedings despite you tendering your resignation. If this is the case then the company reserves the right to delay responding to any reference request until the process has been concluded and can be accurately reported. Where this is the case the HR will inform you of the delay.**
- **Whether or not we had any safeguarding concerns or are concerned about your suitability to work with children or vulnerable adults**
- **Whether or not any referrals were made to professional bodies** such as DBS and Social Care Wales – this is not an exhaustive list.

6. Professional body referrals – how do these impact on a reference?

The company has a legal responsibility to share information relating to safeguarding concerns however, also respect your entitlement to privacy. If a referral to a professional body was made either during or at the end of your employment then we have obliged to inform new/prospective employers of this information, especially if you apply to work with children or vulnerable adults. We will not however provide them with details of the referral; it will be your responsibility to provide your new/perspective employer with the details surrounding your referral.

The information that we provide for example may be as follows;

‘following XX’s dismissal a DBS referral was made’

It wouldn’t be unusual for your new/perspective employer to make contact with us to obtain further information on the referral however, unless we are legally obliged to do so, without your consent we will not release this information. We would recommend that you are as open with your new/prospective employer as possible and provide them with as much information as you can so that they can make a suitability assessment. We recognise that this may be uncomfortable for you but the more information they have the better. If you would like us to discuss the reasons for the referral on your behalf then you will be required to give HR written consent to do so.

When a referral is made to a professional body it is unlikely that we will be informed of their decision or outcome. Any correspondence is likely to be directly with you.

In the circumstance that you are provided with confirmation that the outcome of the referral is no further action then we are providing you with the opportunity to forward this confirmation to us so that we may reconsider the wording on any reference requests we respond to.

We will take all reasonable actions to verify the content of the letter with the professional body prior to adjusting the wording of any reference.

Should we be satisfied that the professional body then we may consider including this information on a reference response; the information we provide for example may be as follows;

'following XX's dismissal a DBS referral was made and we have received confirmation from DBS that XX is not barred for working with children or vulnerable adults'

The decision to adjust references is made solely at the company's discretion

7. Who to contact if you have concerns regarding your reference

If you have any concerns regarding your employment reference or are unsure as to who can provide a reference for you then please get in contact with a member of the HR team and they will be happy to help.

HR can be contacted on 01952 504715 or via email at hrsupport@brynmelyncare.com

7. Revision History

Date of next review: May 2021

Date of release: May 2020

End