

**POLICY****References**

Owning Department:	HR		
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**Approved by**

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## Index

1	Statement of Intent .....	3
2	Types of reference .....	3
3	Section A – Responding to a request for a reference .....	4
	Legal context of provision of references .....	4
4	Providing an employment reference .....	4
5	Providing a Character Reference .....	6
	Character references for employment purposes .....	6
	Character references for court proceedings and other purposes .....	6
6	Section B – Requesting a reference .....	6
	Requesting a reference for police officers, police staff and special constables .....	6
	References for Internal candidates .....	7
	Establishing whether references are satisfactory .....	8
7	Retention of References .....	8

## Legal Basis

### *Legislation specific to the subject of this policy document*

#### **Act (title and year)**


### *Other legislation which you must check this document against (required by law)*

#### **Act (title and year)**

[Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)

[Equality Act 2010](#)

[Crime and Disorder Act 1998](#)

[Health and Safety at Work etc. Act 1974 and associated Regulations](#)

[General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)

[Freedom Of Information Act 2000](#)

[The Civil Contingencies Act 2004](#)

### *Other documentation which you must check this document against*

#### **Document**

[College of Policing – Code of Ethics](#)

[Norfolk and Suffolk Constabularies’ Standards of Professional Behaviour](#)

[College of Policing – Authorised Professional Practice](#)

## 1 Statement of Intent

- 1.1 The purpose of this policy is to provide guidance and information on references for police staff and police officers.
- 1.2 Norfolk and Suffolk Constabularies (the “Constabularies”) are committed to ensuring this policy complies with relevant legislation and general principles of fairness, and that consultation has been undertaken with all relevant staff groups.
- 1.3 The Constabularies policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person’s race, ethnic origin, colour, nationality, gender identity or gender reassignment, sex, sexual orientation, religion or belief, marital, civil partner or other family status, trade union or staff association or support group activity, disability, age, pregnancy or maternity.
- 1.4 All references will be provided ‘In Confidence’.

## 2 Types of reference

- **Employment reference:** this is a reference from a current or previous employer. References will take different forms but will typically cover dates of employment, job title, key duties/level of responsibility, information on the individual’s performance in their current/previous role, sickness record, etc. This is not intended to be an exhaustive list.
- **Academic reference:** this is a reference from a school, college or university tutor and contains information about the individual’s performance and attendance during their academic course. Academic references as a rule are requested where the individual has no previous employer.
- **Character reference:** this is a reference from someone (not related by birth, marriage, common law marriage or civil partnership) who knows the individual on a personal basis, and contains information about the individual’s general character.
- **Tenancy/Mortgage reference:** this is given to property agents, letting companies and mortgage lenders to confirm employment and salary details. These are separate to the above types of reference and are dealt with by the Payroll section. Information must only be released with the subject’s written consent.
- **Procurement reference:** this is provided/requested by the Constabularies in relation to tendering/procurement of work. This policy does not cover this specific type of reference, and it should be treated separately to the above categories of reference. Where such a reference is requested it should only be given in accordance with the requirements of the [procurement policy](#).

- 2.1 This policy does not cover character references provided by officers and staff for use in internal misconduct proceedings.

### 3 Section A – Responding to a request for a reference

#### Legal context of provision of references

- 3.1 Where a reference is provided by a member of the Constabularies, the author of the reference has a duty of care to the organisation requesting the reference and the subject of the reference: any reference given must be true, fair and accurate, and not be misleading (see below). A reference does not have to be full and comprehensive. For this reason a reference must only be provided in accordance with this policy, and **no references should be given without reference to the HR department.**
- 3.2 **‘True, Fair and Accurate’:** References must be in substance true, fair and accurate:
- if the subject of the reference considers the reference to be inaccurate, action could be brought by him/her against the Constabularies for defamation, loss of opportunity and potentially constructive dismissal if the reference is given for a current employee
  - the new employer could also bring a claim against the Constabularies for misstatement if they suffer loss as a result of the actions of the individual of which the Constabularies was aware and misled the new employer as to their knowledge.
- 3.3 **‘Misleading’:** References must not give a misleading impression:
- do not present facts that result in an unfair or misleading impression being created to individuals dismissed on the grounds of unsatisfactory performance because, should the dismissal be challenged, the reference may be irreconcilable with the dismissal reason
  - a reference may be deemed to be misleading if it omits crucial information e.g. commenting that a person has excellent time keeping skills but omits that he/she was dismissed for theft.

### 4 Providing an employment reference

- 4.1 [Employment references](#) must **only** be given by the HR Service Centre.
- 4.2 When giving employment references, the HR Service Centre must use the standard format, confirming dates of employment and the post in which they were employed. No other type of reference, either verbal or written, must be given by any other individual on behalf of the Constabularies - including line managers – even if the reference request is addressed specifically to an individual. Where the request is

addressed to a particular line manager or individual, the reference request should be passed to the HR Service Centre.

- 4.3 For existing staff, officers and special constables, the HR Service Centre will check whether the individual is subject to ongoing disciplinary action or a complaint or unsatisfactory performance/attendance procedures by checking the individual's personal file and by contacting Professional Standards. Where this is the case, the reference provided must include the fact that there is an ongoing investigation or the individual is subject to formal unsatisfactory performance/attendance procedures but no other comment should be made on this matter.
- 4.4 If the reference is for an individual who has left the Constabularies, the HR Service Centre must check:
- a) whether the individual was required to resign or dismissed as a result of disciplinary action or dismissed as result of formal unsatisfactory performance/attendance, or
  - b) whether they resigned during the formal disciplinary process or appeal procedure.
  - c) whether they were subject to formal unsatisfactory performance/attendance procedures at the time of their resignation.
- 4.5 Where a) is true, the reference provided should state that the individual was required to resign or was dismissed, following an internal disciplinary process. Where b) is true, the reference provided should include the fact that the individual resigned during a disciplinary investigation/process. Where c) is true, the reference provided should include the fact that when the individual resigned they were subject to formal unsatisfactory performance/attendance procedures. **Those wishing to resign during the course of disciplinary investigations or unsatisfactory performance/attendance procedures should be advised by HR that future employment references will state that the individual resigned during the course of a disciplinary investigation or formal unsatisfactory performance/attendance procedures, and any such advice should be documented on the individual's personal file.**
- 4.6 No further information should be given regarding the circumstances relating to the resignation or dismissal. If the organisation requesting the reference requests further information surrounding a resignation, dismissal, disciplinary matter or unsatisfactory performance/attendance procedures, they should be advised to approach the subject of the reference for more information.
- 4.7 The HR Service Centre must respond to the reference request using the standard letter within ten working days of its receipt. The information required for the reference will be taken from the HR system and/or the personal file (if the individual has left the organisation, the HR Service

Centre may have to arrange for the personal file to be retrieved from archive and this may extend the timescales involved). The HR Service Centre Advisor must ensure they complete the reference in line with the legal guidance detailed in Section 3. A copy of the reference provided will be placed on the individual's personal file.

## 5 Providing a Character Reference

### Character references for employment purposes

5.1 Police officers and staff must not give character references for any individual and should forward any such requests to the HR Service Centre.

### Character references for court proceedings and other purposes

5.1 In cases where police officers and police staff are requested to provide a character reference for individuals in relation to court proceedings or for any other purpose other than employment, it is the stance of the Constabularies that permission for such a request would not be granted due to the possibility that the officer or staff member's profession/status may give the misleading impression that the officer has checked police systems.

5.2 If an individual feels that the circumstances of a particular request for a character reference make it appropriate to provide such a reference, he/she may apply to the Head of Professional Standards for permission, which will be sought from the appropriate Chief Constable or his/her delegated authority.

5.3 Please note that it is acceptable for police officers and eligible\* police staff to endorse passport and driving licence applications to confirm the identity of the applicant and the likeness of the photograph.

\*eligibility is determined by the 'counter signatory criteria' defined by HM Passport Office.

## 6 Section B – Requesting a reference

### Requesting a reference for police officers, police staff and special constables

6.1 All recruitment activities are undertaken by the joint HR department. The successful candidate for any position will be offered an appointment in writing subject to the receipt of [satisfactory references](#).

6.2 Reference requirements for police officers, specials and PCSOs (Suffolk only) are stated within the national application forms.

6.3 For police staff, references must cover the three year period immediately before the date of the job offer. Where possible, [employment](#) or [academic](#) references should always be obtained over [character](#)

references. No [character reference](#) needs to be obtained if an employment reference covering the three year period is available.

- 6.4 If the individual has a previous or current employer, the relevant HR team will send standard requests for [employment references](#) to referees listed on their application form. The current employer will always be asked to provide a reference, as will any previous HM Services or police force for which the individual has worked (even if this employment predates the three year required period for police staff). If the individual does not have a previous employer, standard requests for [academic](#) and [character](#) references will be sent to referees listed by the individual on their application form.
- 6.5 References must be received and assessed as satisfactory by the relevant HR team **before** the individual commences in their new role. Any outstanding reference requests will be chased as necessary. Any reference received which is not satisfactory (see below) should be followed up by the HR department, to determine whether there are any issues of concern relating to the individual. All reference letters sent and references received will be placed on the individual's personal file and treated as strictly confidential.

#### **References for Internal candidates**

- 6.6 Internal candidates are those already directly employed by the Constabularies and do not require formal references, **except** where an individual is changing their employment status, e.g. police staff to police officer or police officer to police staff, when the individual will be considered as if they were an external applicant and will have completed an external application form.
- 6.7 Internal candidates complete internal application forms which require an endorsement from their line manager and the Department Head. Where the application is not supported, this should be due to the individual being subject to one or more of the following, and the line manager/Department Head must be prepared to provide evidence to substantiate their statement:
- Triggers for unacceptable levels of sickness have been met, or
  - Live action plan for unsatisfactory attendance or performance, or
  - Formal attendance/performance management procedures, or
  - Live disciplinary sanction.
- 6.8 If the individual is currently employed via a recruitment agency or on a consultancy basis, the relevant HR team will request an employment reference from the line manager for whom the individual is currently working and check whether full references were received on initial appointment.

### **Establishing whether references are satisfactory**

- 6.9 'Satisfactory' references mean satisfactory to the Constabularies, not to the subject of the reference. Only factual or verifiable data given in references should be relied upon.
- 6.10 In most circumstances satisfactory references will be obtained prior to the individual being allowed to start work. Where this has not been possible, the case should be referred to the Deputy Chief Constable for a decision. If agreed, managers should be aware that the requirement to obtain satisfactory references is no longer a condition of employment. Subsequently the employee would have the same employment rights (in relation to wrongful dismissal (breach of contract) and discrimination) as any other employee. If the line manager wishes to dismiss on the basis of an unsatisfactory references received after employment has commenced, the line manager is advised to seek advice from HR and/or Legal Services.

## **7 Retention of References**

- 7.1 Where applicable, references will be retained in accordance with the Review, Retention and Disposal of Non-Crime Related Information Schedule. [Review, retention and disposal of crime and non-crime related information - schedule](#)