

## HOW TO PROVIDE A JOB REFERENCE

As a manager, you may receive a request to provide a job reference for an employee/former employee. There are a number of important considerations before providing a reference. This guidance has been prepared to assist managers in providing a job reference.

While there is no legal obligation to provide a job reference, it would be unusual to refuse (e.g. if a reference was provided under a Settlement Agreement), partly because it is good practice to provide one, particularly for social services roles (see below) and partly because of the adverse consequences a refusal may have on the employee concerned.

A job reference given in your capacity as a manager is considered an official Perth & Kinross Council reference. Both you and Perth & Kinross Council are therefore liable for the content, so ensure that statements are factually accurate and give a fair representation of the individual. Legal action could be taken against you and/or Perth & Kinross Council for liable/defamation, negligence or fraud if the reference is considered to be malicious, inaccurate or if you fail to exercise reasonable care in its preparation.

### Responsibilities

- ✓ Ensure the employee/former employee has given permission for a reference to be provided.
- ✓ Reference requests should be received on the company's letter headed paper or if emailed, show the company's register office address/logo.
- ✓ Provide factual information only – the reference should be fair, accurate and true and not paint a misleading picture.
- ✓ The reference should not predict the future performance of an individual, but to give an assessment of the individual against the job profile for the post applied for.
- ✓ Mark the reference "Personal & Confidential". If the reference is for a current employee of Perth & Kinross Council a copy should be sent to the [HR@pkc.gov.uk](mailto:HR@pkc.gov.uk) for filing in the employee's personnel file. If the reference is for a former employee, retain a copy for your own records.
- ✓ When providing a reference, an employee/former employee does not have an automatic right to see a reference, either from the provider or the recipient, in accordance with the Data Protection Act 2018. This ensures that references given in confidence are actually confidential. It would, however, be good practice to share the content of any reference provided with the employee prior to issue and answer any questions.

- ✓ If an employee was dismissed by the Council or is being managed under one of the Employee Relations procedures, contact Human Resources for advice before providing a reference.
- ✓ If you are asked to provide a reference for an internal candidate and are on the interview panel you must declare this to the other panel members for transparency. However, as references for internal candidates are not essential, the recruiting manager may not require a reference.
- ✓ Reply to a reference request within the timescale.

### **Personal/Character References**

If you are asked to provide a personal/character reference, you must ensure that the reference is clearly marked as a personal/character reference. As the reference does not represent the views of Perth and Kinross Council, it should **not** be printed on Perth and Kinross Council headed paper. When providing a personal/character reference you will not be covered by the Council's Liability Insurance for any subsequent claims against you.

### **Content**

To ensure an objective reference, only provide information that can be substantiated such as:

- ✓ Dates employed with Perth & Kinross Council
- ✓ Posts held with Perth & Kinross Council
- ✓ Current Salary (if applicable)
- ✓ Duties and responsibilities, objectives achieved and development undertaken
- ✓ Sickness absence information (e.g. absent for 8 days over 3 periods in last 12 months)
- ✓ You must not allude to any performance or conduct issues that the employee has not been made aware of during the course of their employment.

Information concerning sickness absence should only be provided if a formal offer has been made e.g. 3 absences in the last 12 months. You should **not** provide any medical information/reasons without the employee's/former employee's consent as this is considered to be personal sensitive information.

### **Requirements of the Scottish Social Services Codes of Practice**

As an employer covered by Codes of Practice of the Scottish Social Services Council we are required to provide references for employees who are in posts that are covered by the Scottish Social Services Council's Codes of Practice. For further information click on the link [SSSC Codes of Practice](#).