

Staff References Policy

This document is relevant to:	
Staff	✓

Purpose

The aim of this policy is to ensure that Dorset Mind employees and ex- employees may be supplied with a fair reference while limiting any legal liability to the organisation.

Policy

The Law

We have a duty of care to ensure that any references we give are factually correct and not misleading. This includes misleading by giving only partial information, even if the information given is correct as far as it goes. We can be liable to both the recipient and the subject of a reference. There is no obligation under statute or common law to supply references. However, to supply a reference for some but not others might constitute victimisation and possibly unlawful discrimination as an employer's legal duty of care to an employee has been found by the courts to persist even after the person has left the organisation.

The Data Protection Act covers disclosure of "sensitive personal information". Information on the number of days' absence taken, for example, or disciplinary history could be classed as sensitive personal information and we must have the person's permission before we disclose it.

Issuing References

In order to limit our potential liability to claims from the subjects or recipients all requests for references should be referred to the Chief Executive. Line managers may be asked to draft a reference but only the Chief Executive can respond on behalf of Dorset Mind and we will only accept liability for references issued by the Chief Executive.

References will be accurate and factual and consist of confirmation of start date, leaving date, job title and job description and an objective and fair reflection of overall performance. References will only be provided in response to written requests.

All references will be marked Private and Confidential – For Addressee only

It is not our policy to give "to whom it may concern" references except in exceptional circumstances, such as when an employee is leaving to travel abroad or is being made redundant.

Personal References

Any manager who wishes to provide a member of staff with a more detailed reference may do. Such a reference should be clearly identifiable as personal and will not be supplied on Dorset Mind headed notepaper.

Obtaining References

A hard copy of the reference with the signature of the referee will be sought from previous employers using the standard form. Former employers will be approached first and only after the applicant has been given a 'provisional offer' will the current employer be approached. If the applicant has not been employed personal references may be the only ones available. They will only be accepted if there is no other alternative.

The offer letter to the successful applicant will state that 'this is a provisional offer subject to references satisfactory to the organisation being received'. The applicant will not normally be invited to start work until satisfactory references have been received.

Responsibilities

The Chair of Trustees is responsible for managing this policy and overseeing its implementation. The Chief Executive is responsible for implementing the policy within their areas of work, and for overseeing adherence by staff and volunteers. Every member of staff should take personal responsibility for conforming to it.

Associated Policies and Procedures

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The equality impact of this policy has been considered and Dorset Mind believes that it complies with its commitment to equality as stated in its Equality Policy

Policy Ownership

Policy Name	Version	Doc ref
References Policy	1.0	References Policy

Policy Owner	Chair of Trustees
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Approval Status

Date adopted by Trustees	February 2016		
Date published	February 2016	Date for next review	February 2018

Consult the Dorset Mind website for the latest version of this policy.

Document Control

Reviewers

Name	Position
Chris Price	Chair of Trustees
Anna Windett	Trustee
Claire Wait	Trustee

Change History

Issue	Date	Author	Reason
1.0	Feb 16	Chris Price	New policy