



Provision of References

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| This document has been assessed for: | |
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1. Policy statement

Cleveland Police recognise the importance of the provision of accurate references to those to whom they refer and also to potential employers and has set out this policy to ensure all act in a fair way, providing information that is factually correct and that the provision of references does not contravene regulations, home office guidance, or breach any legislation. This to ensure that the Force is not open to claims of maliciously defaming the subject or of intending to deceive the potential employer, or that the necessary duty of care was not applied.

The provision of references for those who are employed by the Office of the Police and Crime Commissioner for Cleveland (OPCC) will be a matter for the Chief Executive and Monitoring Officer for the OPCC; and although the policy does not bind the OPCC, the Chief Executive will have regard to the policy when considering requests for references.

2. Purpose

To provide advice and guidance to those who are and might be called on to provide references for employment purposes, and to provide to those leaving the force clarity around the references that will be provided. The Policy will also provide clarity as to who will provide references on behalf of the force and set out guidelines for those asked to provide a personal reference. All are reminded of the need to comply with the Code of Ethics, code of conducts that exist and for officers, the need to comply with the guidance on standards of professional behaviour within the Code of Ethics.

3. Underpinning procedures

3.1 Provision of Employment references

In order to ensure that only accurate and up to date information is provided in references, only written references will be provided and all employment references will be written centrally by People Services. Any reference request received should be sent to Support Services at St Marks House by internal post or submitted electronically via the HR service desk on the force intranet to help facilitate a prompt response. The team complete all such requests within 5 working days.

The People Services Team when drafting such references will follow best practice and current advice.

References provided will only include information that is known to be correct and can be supported. It will be based on facts and will not express any personal opinion. The aim being to provide a document that is true, fair,

reasonable and not misleading in the overall impression. Force Human Resources systems will be used to provide this information.

When a reference would refer to termination / resignation / applications for jobs whilst in post pending investigation, these are sensitive matters and the wording around this should be factual and balanced. Such references should be checked by Head of Human Resources or their nominated deputy for checking mitigate any employment litigation risks.

In this regard references will include:

- Start date of employment with the force;
- End date of employment for ex officers and ex police staff of the force. For those who have transferred to another employer who work in partnership with the force, any reference request will be sent on to their employer for completion as they will hold the necessary information;
- The job title the person is currently employed in or, if they have left the organisation, the title of their most recent post;
- The reference will state if the termination / resignation was linked to performance or conduct matters or whether the individual resigned whilst under investigation. The HR team will refer to the decision document from any meeting in this regard. The reason for leaving for former officers and former police staff. For example: medical retirement / dismissal / unsuitable for the role / failed probationary period (Regulation 13 or police staff probationary period policy was applied);
- The provision of references in this manner is based on legal advice. The Chief Constable has a duty to provide in line with the Code of Ethics (professional behaviour) an open, honest and truthful reference, so that confidence in the police is secured and maintained and because it is a reasonable assumption to make that a reference from the Chief Constable or their representative will carry more weight than that from another person;
- For those former officers who left due to regulation A19, any reference provided will advise the reason for leaving as being retirement.

References will NOT provide a detailed summary of every post held or skill attained, nor will they detail the number of days sickness or reasons for sickness without the individuals consent, as that information is classified as 'special categories of data' under the Data Protection Act 2018. If an individual applicant advises in writing that they wish the force to provide that information then it will be released. This must take the form of an e-mail or hand written letter which will be retained within the applicants HR file.

It is important to note that references, where a force policy or police regulation has been disclosed for the reason for leaving, will be disclosed to the individual to whom the reference applies, this will be posted to their last known address. This is to ensure transparency and fairness to those who have already left the organisation, however requirement to provide a copy of a reference to the ex-employee will diminish once the revised force policy has been embedded.

Police personnel who have exited the force through Regulation 13, or disciplinary and capability matters will be advised of the existence of this policy and what information will be provided in references to prospective employers during their exit / disciplinary meeting. This will ensure transparency to the person leaving the organisation in this way.

If the force accepts a resignation from either a police staff member or police officer who is currently under investigation, they will be notified that this information will be included within any future references received by the force. They will be advised of the content of any future reference. Prior to processing such a resignation, the HR admin team will liaise with the Directorate of Standards and Ethics to ensure that they have the necessary information to include in the letter to the member of staff and also for any future use if a reference is requested. The HR admin team will devise a secure system for the storage of such information in accordance with Data Protection legislation.

3.2 Reference requests for officers transferring to other forces

When an officer applies to transfer to another force or to become a rejoiner, then People Services will provide the appropriate force with all information requested with the applicant's knowledge. This will normally include:

- The officer's start date with Cleveland Police;
- The officer's leaving date (if applicable);
- The start date with any previous force;
- Details of their current posting.

A copy of the officers computerised personal record including sickness and initial training reports (if Initial Learning and Development Programme has been undertaken in Cleveland) and the latest Personal Development Review documents sourced from supervision will also be provided. Where there are no outstanding complaints or other disciplinary matters this will be confirmed by People Services. If there are outstanding complaints or disciplinary matters then these will be communicated to the prospective new force by the Directorate of Standards and Ethics. Sickness details are only to be disclosed after the offer has been made thus preventing a breach of s60 Equality Act 2010 and only between Human Resources teams (including Wellbeing or Occupational Health) who would make the necessary recommendations for the next employer.

4. Other Types of References requested

4.1 Reference request pro-formas / 'tick-box' references

Many employers send requests for 'tick-box' references to be completed. These should not be completed, but a reference as detailed above will be provided.

The purpose of this is to ensure consistency across the force for the provision of references. This will ensure fairness to individuals and minimise the risk of providing potentially libellous information.

4.2 Verbal / Telephone references

Managers and staff members / officers **must never** provide verbal references or references over the telephone. During these conversations it is possible that managers / employees could be led to disclose inappropriate personal information about the subject of the reference. Information provided over the telephone could lead a prospective employer to either not offer, or withdraw an offer of appointment, and therefore the force would be vulnerable to a claim.

It is equally important for all members of the force to be mindful not to provide any information about colleagues / former employees to a third party. This extends to casual comments about colleagues or former employees, as information provided in this way could be used as a character reference by the other party involved, with or without consent.

4.3 Financial References

Unless it is a request for information from a government department, no personal or financial information should be provided unless signed approval has been received from the existing or former member of staff in question.

The People Services and Payroll Services teams in Support Services will respond to all such requests providing confirmation of salary details for building societies, mortgage applications, property rental etc. and all applications of this nature should be forwarded to Payroll Services at St Marks House without delay.

4.4 References for the purpose of Adoption, Fostering or undertaking Further Education

These can be completed by the individual's line manager in conjunction with People Services. Care should be taken as Cleveland Police may still be liable for the content of the reference. References should be completed in line with the nine principles of the Code of Ethics. Prior to sending such references off they must be shared with People Services who will keep a record of the reference and provide advice if the reference is considered to have become opinionated as opposed to providing specific factual knowledge. Such references must not be discriminatory, nor breach the Data Protection Act or omit important facts that would lead to an unfair or inaccurate reference.

4.5 Vetting References

Police personnel shall provide vetting references if they are a nominated work (current and former supervisors) or character referee. Vetting references for NSV clearances are under strict confidentiality and disclosed only with the

implicit consent of the referee. If there are any queries, then please contact the Force Vetting Manager.

4.6 Character References

Police officers and police staff may provide a character reference for work colleagues or friends. The reference must only be given in the officer's or staff member's personal capacity (i.e. not as a police officer, or police staff), but from his / her home address and must not be on Cleveland Police headed paper, or bear any reference to Cleveland Police. The information provided must make clear that what is provided is a personal view gained from first hand knowledge of the applicant's character.

There is an obvious particular danger in police officers stating their occupation as those persons reading the reference may assume a trust and confidence in the information provided above that of other referees. Officers should not place themselves in a position where their impartiality and credibility could be challenged. The recipient of any reference must not be able to assume formal endorsement of the applicant by Cleveland Police.

Police systems should not be used to provide information on matters such as the person's sickness record or any disciplinary matters that may have arisen.

Police officers and other professionals within the organisation (e.g. members of police staff with a professional qualification) are often asked by members of the public known to them to complete official forms such as passport applications to confirm the individual is who they say they are. In these circumstances, it is for the individual officer or member of staff concerned to be satisfied that the person is known to them and that they are who they say they are. Officers and staff are reminded that they must not use force systems to verify the identity of members of the public for this purpose.

In line with the standards of professional behaviour expected from all, where instances arise that it is clear that a misleading reference (i.e. deliberately misleading) has been provided, such matters will be subject to consideration by the Directorate of Standards and Ethics for potential disciplinary action to be taken.

4.7 Character References for court / misconduct proceedings

Whilst the provision of character references is allowed officers and staff providing such information should only ever do so after giving due regard to the nature of the misconduct or criminality alleged in that case. Failure to do so may cause compromise to the provider and / or may conflict with the nature of the allegations faced in that case.

In cases where police officers and police staff are requested to provide a character reference for individuals in relation to court or misconduct proceedings then advice must be sought from the Directorate of Standards and Ethics to ensure the appropriateness of the character reference being provided.

This will allow a broader understanding of the case, thereby giving the opportunity to provide a more insightful and meaningful reference in each case.

If you are called by any party, at a criminal, or civil court, to give evidence of fact regarding an individual's character and you are not a witness to an actual incident or crime, then:

- your attendance will be in your own time;
- your line manager will facilitate your request for annual leave/time off if it falls on a working day;
- you must give full consideration to what factual evidence you can give;
- you will not attend in uniform. However, if you are returning to work you must be ready for deployment as soon as you are released from court, i.e. able to deal with any incident that arises in or around the court buildings;
- any Criminal Justice Act statement that you provide as a character witness, not as a representative of Cleveland Police nor will it be on Cleveland Police stationery; and
- prior to giving any evidence of an individual's character you must notify the Directorate of Standards and Ethics who will give due consideration to the request based on the circumstances.

4.8 References in support of the granting of a licence e.g. to hold firearms / serve alcohol

In such cases it is necessary to liaise with the Directorate of Standards and Ethics before completing any such reference.

4.9 References for those seeking to become UK citizens / seeking to bring family to the UK.

No references should be provided in regard to applications seeking to obtain citizenship of the UK by naturalisation or registration.

The force will provide a reference for the Home Office advising on dates of employment and role of employee if they seek to bring family members to the UK, if accompanied by a consent from the employee then information concerning their basic salary can be provided. No additional information will be provided.

5. Appendices

There are no appendices.

6. Compliance and monitoring

The Head of Human Resources is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Human Resources in conjunction with the Directorate of Standards and Ethics will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy. This will include dip sampling the references provided to external parties and dip sampling the determination / rationale documents that are produced at the end of any hearings.

7. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the force intranet, including any interim updates.

The following identifies all version changes.

| Version | Date | Reason for update | Author |
|---------|------------------|----------------------------------------------------------------------------------------|--------------------------|
| 0.1 | June 2017 | New Policy | ██████████ |
| 0.2 | Aug 2017 | Revised in line with consultation results | ██████████ |
| 0.3 | October 2017 | Amendments after management board | ██████████ |
| 1.0 | October 17 | Published policy following amends and approval at Management Board | ██████████ |
| 1.2 | March - May 2020 | Move of policy back to HR from DSE – plus updating of policy following recent case law | ██████████ ██████████ |
| 1.3 | Aug 2020 | Revised taking into account the consultation responses | ██████████ |
| 2.0 | March 2021 | Approved at Executive Management Board | ██████████ |