DOCUMENT DETAILS

Document Name:	**Reference Policy**			
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Applicability	Students		Staff	X
	Governors		Other	
Summary	This policy sets out the college's requirements on seeking references.			

DOCUMENT CONSULTATION & APPROVAL

Consultation person / body	**Date passed**
None	

Approval body	**Date approved**
Strategic People & Culture Group	May 26

IMPACT ASSESSMENT

A significant negative impact has been identified in the following area, and a full impact assessment / risk assessment is available.

Equality & diversity	No
GDPR	No
Health & safety	No
Safeguarding	No

Friendly version of policy available	No

POLICY CHANGES

Key updates	**Impact**	**Section reference**
Update to policy statement and purpose	None	1
Included section on scope	Confirms who the policy applies to and the circumstances	2
Update to responsibilities section	All references to be passed to people services for response	3
Rewrite of the process for responding to a reference request	All references to be passed to people services for response	6, 7,
New section for requesting a reference for successful candidates	Ensure college meets requirements under KCSIE	8
Template developed for responding to a reference request	Standard references provided by the college	Appendix 1

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1. POLICY STATEMENT & PURPOSE

This policy sets out the college's requirements on seeking references as part of the recruitment and selection process and providing references for former or existing colleagues who are making applications for alternative employment, and other purposes.

2. SCOPE

This policy applies to all Nottingham College colleagues and must be adhered to at all times when a request for a reference is received and when seeking a reference for a potential new colleague.

Reference requests concerning financial matters, including mortgages and personal loans will be completed by the People Services team and are excluded from the scope of this policy.

3. DEFINITIONS

References refers to information obtained or provided to prospective employers.

4. KEY RESPONSIBILITIES

Leaders

- Ensure that any requests for references are passed to People Services for completion.
- Ensure that the College's policies and procedures are applied effectively.
- Seek advice from People Services for guidance on the application of this policy.

Colleagues

- Ensure that their leader or People Services are informed if a reference request will be submitted about them.

People services

- Ensure that any references received for prospective new colleagues meet safer recruitment requirements and that dates match with the candidate's application form.
- Ensure that any references provided are fair and accurate.
- Review this policy ensuring compliance with employment legislation.
- Maintain policies in a format that are readily available and easily accessible to colleagues.
- Ensure appropriate guidance is provided to colleagues and leaders.

5. GENERAL PRINCIPLES

There is no legal obligation for the college to provide references for colleagues or former colleagues, with the exception where the college has agreed through legal means to provide one. A refusal to provide a reference, however, may be unhelpful to other employers and is likely to be interpreted as an indication that there was a problem with the individual, which may disadvantage them.

It is the college's usual policy to provide references on request unless there is a good reason not to do so.

Guidance on the information that should and should not be included when providing an

employment reference is included in section 7.

As part of the colleges' safer recruitment practices, at least two references must be sought for each potential new starter, using the college's reference request template. This must only be done by a member of the People Services team.

One of the references sought by the college must be from the potential new starter's existing or most recent employer.

6. RECEIVING A REQUEST FOR A REFERENCE

References in relation to job applications for current or former colleagues may only be provided by People Services. Any requests for a reference from a prospective employer must be passed to People Services.

No other person in the college is authorised to provide an employment reference on behalf of the College, about current or former colleagues.

7. PROVIDING A REFERENCE

When providing references there is a legal obligation to exercise a duty of care to both the person seeking the reference and to the person about whom the reference is provided.

If an employer gives an inaccurate reference, the person receiving the reference may sue the employer if they have relied on the reference and suffered financial loss as a result.

There is no requirement for a reference to be full and comprehensive, however any information provided in a reference must be accurate and factual. Reasonable care must be taken not to give misleading information. The reference must be fair to the individual and not be misleading on account of the selective provision of information or as a result of the inclusion of facts and opinions stated in a manner that may give rise to a false or mistaken conclusion in the mind of the recipient.

People Services should ensure that references contain factual information only and not subjective views or opinions about an individual's performance or conduct that cannot be supported up by fact. Information to be provided might include:

- The dates of the individual's employment with the college.
- The individual's job title.
- Any non-expired disciplinary warnings.
- Any parental leave taken.
- If appropriate, disclosure of any safeguarding concerns.

The template at appendix 1 should be used when providing references for current or former colleagues.

8. REQUESTING A REFERENCE

Colleagues will be given a conditional offer of employment based on receipt of satisfactory references and pre-employment checks. When seeking references for potential new starters, the People Services team must ensure that this is in line with Safer Recruitment practices, ensuring that the references received are satisfactory. The

offer of employment may be withdrawn in the event that this condition is not met.

If there are concerns with the content of the reference, the People Services Team will advise the hiring manager and People Services Business Partner without delay. In some cases, a meeting may be held with the potential new starter to discuss the reference. A decision will then be made to continue with employer or retract the offer of employment. In some cases, the offer of employment may be retracted based on the content of the unsatisfactory reference without a meeting with the new starter being held.
If a job applicant either is refused an offer of employment or has an offer withdrawn as a result of inaccurate information or opinion contained in a reference, the applicant may have a claim against the provider of the reference in respect of any loss that they have suffered as a result.

9. OBTAINING CONSENT TO PROVIDE A REFERENCE

Providing personal data to a prospective employer about a colleague or former colleague will amount to processing for the purposes of the UK General Data Protection Regulations (GDPR).

Under GDPR, all personal data must be processed fairly and lawfully and, in order to ensure that, the line manager or member of People Services team dealing with the reference request should ensure that the individual to whom the request for the reference relates has given their written consent for a reference to be provided.

All colleagues leaving the college will be advised in their leaver letter that any future employer requesting an employment reference must include the person whom it relates' written consent as part of the request, in the form of a dated signature or an email attachment with the colleague expressing consent. References will not be provided where a reference request does not include consent.

If the person dealing with the request has any doubts about whether or not the individual has given their consent, they must contact the individual to check whether or not they authorise a reference to be provided.

The consent of a potential new starter to obtain references will be given by completion of the college's application form and sharing the details of their referees.

10. ACCESS TO REFERENCES

Under GDPR, job applicants and colleagues have the right, upon written request, to gain access to any record held about them. Reference providers should work on the basis that any reference provided by the College could potentially be seen by the individual in the future.

References for new starters must be kept on the individual's People Services file, and if requested, the individual has the right to view their references under a subject access request.

11. RETAINING REFERENCES

People Services will keep copies of references on an individual's people services file, in accordance with the college retention and disposal policy.

12. APPENDIX 1

Adams Building
The Lace Market
Nottingham
NG1 1NG

Strictly Private & Confidential
For addressee only
Name
Address
Address
Address

Date

Dear (Name)

Reference Request for (Name)

Further to your request for a reference please find the details below:

Start Date:
End date:
Job Title:
Any non-expired warnings (delete if not applicable)

Disclosure of any safeguarding concerns (delete if not applicable)

It is our policy not to provide details of absence records for any employee or former employee.

While the information provided is, to the best of Nottingham College's knowledge, completely accurate, Nottingham College cannot accept any liability for decisions based on it.

Yours sincerely

Name
Job Title