

Title	Employment References Policy
Purpose	The purpose of this policy is to set out the principles relating to reference requests and draw attention to the responsibilities and legal liabilities that may arise. It will also outline the responsibilities of managers when a reference request is received or is sought for a prospective employee.
Scope	<p>The policy applies to all employees and workers at Maryhill Housing, and covers:</p> <ul style="list-style-type: none"> • Providing references to external organisations for existing and former MH employees, and • Obtaining references for prospective MH employees and workers.
Definitions	<p>For the purposes of this policy the following definitions apply:</p> <ul style="list-style-type: none"> • A corporate reference is one given on behalf of Maryhill Housing by one of our employees. • A personal reference is one given by an employee in an individual capacity; whilst it might refer to work, it is not given on behalf of the Maryhill Housing. This is also known as a character reference. <p>This policy covers references given in a corporate capacity on behalf of the Maryhill Housing, which would be provided on MH headed note paper, and the person giving the reference would provide their job title.</p>
Policy Statement	<p>References are intended to provide factual information and an objective assessment of the performance of an individual to potential new employers of a current or ex-employee of Maryhill Housing. Information provided on a reference must be true, accurate and fair, and must not give an unfair or misleading impression overall.</p> <p>The provision of a reference will generally involve the disclosure of personal data, and therefore be subject to data protection legislation. Maryhill Housing remains legally responsible for compliance with data protection legislation.</p> <p>Maryhill Housing is vicariously liable for the actions of our employees when supplying references. When references are therefore provided, MH must be satisfied that the principles contained in this document have been observed.</p> <p>Providing references to external organisations for existing and former employees</p> <p>It is the practice of Maryhill Housing to supply references to other organisations regarding past and present employees where requested. Refusal to give a reference in itself could leave the Maryhill Housing open to legal action and references should not be refused without seeking advice from Human Resources.</p> <p>Whilst there is no general entitlement to a reference, where an employer fails to provide one, the failure could also potentially be subject to a claim that this</p>

	<p>is for discriminatory reasons, or could constitute victimisation if a discrimination issue has already been raised. There is no limit in time, and it is essential therefore that informal or verbal references are not issued, or ex-colleagues talked about in derogatory terms.</p> <p>In view of the legal considerations, all requests for references must be notified to the HR team on receipt of a request. If the reference request relates to an employee who has been disciplined or prosecuted for fraud or the reference is subject to any legal agreements, the reference request must be passed to Human Resources for review and possible completion.</p> <p>Details of sickness absence should be strictly limited in references as this could contravene the requirements of equality legislation. HR will provide restricted information on sickness absence, as limited as necessary, for any reference request.</p> <p>Obtaining references for prospective Maryhill Housing employees</p> <p>It is the policy of the Maryhill Housing to obtain references for all prospective employees. At least one reference must be from the most recent employer, or, if the candidate is seeking their first employment, from another directly relevant person who can comment on the candidate's skills and abilities (e.g. teacher, tutor, or similar). Where this is not received before a formal offer is made, the offer of employment will be subject to the receipt of satisfactory references. A copy of all references received for the employee must be held on their personal file.</p> <p>Guidance</p> <p>For further guidance on obtaining references for prospective employees and for providing references for existing or former employees, see the document listed below.</p> <ul style="list-style-type: none"> • Guidelines on issuing and requesting employment references
Approval	Senior Management Team 7 May 2019
Policy Owner	Carol Bain, HR Manager
Review	This policy will be reviewed every three years, or in light of operating experiences or any changes in relevant legislation.