

DURHAM CONSTABULARY



Altogether Better Policing

References Policy

Application	Police Officers and Staff
Policy Owner	Human Resources
Version	5
Date of PUG approval	19.04.12
Last Review Date	09.10.19
Next Review Date	09.10.22
Protective Marking	Official
Publication Scheme Y/N	Yes
Durham Constabulary Freedom of Information Act Publication Scheme	



1.0 REFERENCES POLICY

2.0 PURPOSE AND SCOPE

- 2.1 This policy provides guidance for references given in respect of job applications; character references or financial references for mortgage or renting applications

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

- 3.1 The Legal Basis for this policy comes from the following Acts:

- The Police Act 1996
- Employment Rights Act 1996

- 3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose

- 3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.

- 3.4 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, gender and sexual orientation.

4.0 POLICY STATEMENT

- 4.1 The Chief Constable is the only authority to whom reference should be made as to the conduct and character of any current or ex member of staff during their service in the Force.

5.0 REFERENCES

- 5.1 The policy provides for employment and character references given in respect of job applications; mortgages or renting applications.
- 5.2 The Chief Constable is the only authority who can provide an employment reference and will usually include information as outlined at paragraph 6.0. All requests therefore for an employment reference for either serving Officers/Police Staff or those that have left the Constabulary, should be submitted to the Chief Constable at all times. The preparation of such is undertaken by HR on behalf of the Chief Constable.
- 5.3 Colleagues or line managers only have the authority to provide a character reference on behalf of a serving individual or an individual who has left the Constabulary.
- 5.4 The individual dealing with the reference, irrespective of whether employment or character requests, should ensure that the individual to whom the reference relates has given his/her consent for a reference to be provided.
- 5.5 All references will be provided in writing only.
- 5.6 On occasion, line managers may be approached by HR to provide more in-depth information on an individual's performance in their role. The line manager will be asked specific questions in this respect. No personal opinions will be included in any employment reference.
- 5.7 Individuals have no legal right under the Data Protection Act 1998 to access a reference from the organisation that provided it, however no such exemption exists once the reference is in the possession of the organisation to which it has been provided. Therefore a job applicant about whom references have been obtained and placed on a file would have the right of access to them.
- 5.8 An employer is entitled under the Data Protection Act 1998 to decline to disclose the reference if it reveals the identity of another individual e.g. the author of the reference unless either that individual's identity can be concealed or the individual has consented to the disclosure of the reference. Advice and guidance will be sought from the Force Data Protection Officer on these occasions.

6.0 CONTENT OF EMPLOYMENT REFERENCES – EXTERNAL AND INTERNAL

6.1 If requested, only factual information will be provided in any reference and will usually include the below details:-

- The individuals name
- Dates of employment with Durham Constabulary
- Reason for leaving Durham Constabulary
- Sickness Absence details excluding disability and pregnancy related over the past 12 months only. Such details of sickness absence will only be released once an offer of employment has been made to the individual as outlined in the Equality Act 2010.
- Live disciplinary record
- Disciplinary investigations which were ongoing at the time the individual left Durham Constabulary or at the time the reference was requested. The decision making process will include for example, safeguarding case law observation and advice will be sought from the Head of Information Rights and Disclosure Unit, where necessary.
- Details from line manager if appropriate

6.2 For Police Officers who have made application to transfer to another Force, any reference will include all disciplinary sanctions including sanctions which are spent.

7.0 CONTENT OF EMPLOYMENT REFERENCES – IF THE POST IS ADVERTISED INTERNALLY ONLY

7.1 Only factual information will be provided in any reference and will usually include the below details

- The individuals name
- Posting
- Position applied for
- Dates of employment with Durham Constabulary
- Date appointed to current post
- Reason for leaving post
- Sickness Absence details excluding disability and pregnancy related over the past 12 months only
- Disciplinary record over the past 24 months
- Details of any disciplinary investigation which was ongoing at the time the individual applied for an internal post
- Details from line manager if appropriate
- Time keeping
- Line managers comments regarding the individuals suitability to perform the tasks of the role applied for
- Line managers comments on work experience, knowledge/skills/aptitudes, disposition, special requirements

8.0 CHARACTER REFERENCES

- 8.1 If a character reference request is received by a current serving Police Officer or member of Police Staff, regardless of whether or not the subject of the reference is employed by the Force, the following will apply:-
- Any statement made as part of the reference is of a personal nature and is not provided on behalf of the Force.
 - If any mention of working for Durham Constabulary is made the individual must declare it is a personal reference and not one which is made in the official capacity of being a member of the Force. Rank or title may be mentioned.
 - No mention should be made regarding performance or conduct if the requestor is or was, employed by the Force, or any other previous employment
 - Force letterhead paper will not be used
 - A copy of the reference should be forwarded to HR for filing if the character reference is for a current serving Police Officer or member of Police Staff.

9.0 PROFESSIONAL STANDARDS AND LEGAL SERVICES (PSLS) CHECKS

9.1 Counter Corruption and Integrity Unit

Integrity checks will be carried out and may include details held within PSLS which have not necessarily progressed to formal disciplinary action but may be considered sufficiently serious or relevant to the post applied for, to be included in a reference or testimonial.

9.2 Professional Standards

The database which records all complaints and conduct investigations for all staff will be checked. This may contain information as outlined as at 4.1 above and may also be included in a reference or testimonial.

- 9.3 The Force Data Protection Officer may also be contacted with regard to the content of any reference or testimonial.

10.0 **APPEALS PROCEDURE**

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable
c/o Human Resources
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Email human.resources@durham.pnn.police.uk

DURHAM CONSTABULARY

EQUALITY IMPACT ASSESSMENTS (EIA)

This form **MUST** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way Durham Constabulary conducts its business (both inside and outside of the force) and which may affect one or more of the **NINE 'Protected Groups'** as defined by the Equality Act 2010 i.e. **Age, Gender, Transgender, Disability, Ethnicity, Religion/Faith, Sexuality, Marriage/Civil Partnership and Maternity/Pregnancy.**

The Equality Act 2010 (Section 149) sets out a specific general equality duty for all public sector bodies to, in the exercise of their functions, have due regard to the need to:-

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

As a Public Sector organisation we **MUST** show that when we are making decisions of a strategic nature we:-

- Give due regard to the impact it will have on protected groups
- Provide an audit trail of any assessment undertaken which identifies how the policy or procedure is likely to affect protected groups, and
- Undertake an assessment prior to any decisions around policies/procedures being ratified.

This form should be completed, attached to the relevant policy/procedural document and submitted to the Policy User Group or other strategic group for ratification (See Section 5) ***NB – use extra sheets if necessary.***

PLEASE CONTACT AN HR MANAGER SHOULD YOU NEED ANY ASSISTANCE IN COMPLETING THIS FORM.

SECTION 1 - OVERVIEW OF POLICY /PROCEDURE	
Policy /Procedure Title	References Policy
Person Completing the EIA	Sylvia Horsfield, HR Manager
Purpose of the Policy?	This policy provides guidance for references and testimonials given in respect of job applications; character references or financial references for mortgage or renting applications
Explain briefly why the Policy/Procedure is being developed/reviewed	This policy has been updated to reflect for internal and external reference requests, the Force will only provide sickness absence details over the past 12 months in line with the attendance indicator
SECTION 2 – NEGATIVE IMPACT	

OFFICIAL

Is there potential for adverse impact or discrimination on any of the protected groups mentioned above <i>and what actions if any will be taken.</i>	Age:	No potential for adverse impact has been identified
	Gender:	No potential for adverse impact has been identified
	Transgender:	No potential for adverse impact has been identified
	Disability:	No potential for adverse impact has been identified
	Ethnicity:	No potential for adverse impact has been identified
	Religion & Belief:	No potential for adverse impact has been identified
	Sexuality	No potential for adverse impact has been identified
	Marriage / Civil Partnership:	No potential for adverse impact has been identified
	Maternity /Pregnancy	No potential for adverse impact has been identified

SECTION 3 – CONSULTATION & RESEARCH

Who has been consulted and what Research has been done around Equality during the development/amendment of the policy/procedure?	<p>All support networks. Force Executive (AC0)</p> <p>HR Staff</p> <p>Independent Advisory Groups (IAG's)</p> <p>Staff associations</p> <p>Legal Services</p> <p>Heads of Command</p>
---	---

SECTION 4 – POSITIVE IMPACT

What does the evidence/Research found in Section 2 show with regard to positive impact on Equality? <i>i.e. how will the people identified be affected in a good way.</i>	
--	--

Confirm the above	

OFFICIAL

OFFICIAL

Actions have been incorporated and the EIA is now ready for submission to PUG or other Strategic Group.	<p><u>Signature...</u> <i>S.A. Horsfield</i> <u>Name</u> S.A. HORSFIELD</p> <p><u>Date</u> 9th October 2019</p>