



etb

Bord Oideachais agus Oiliúna
an Chabháin agus Mhuineacháin
*Cavan and Monaghan
Education and Training Board*

Largy College

EMPLOYEE REFERENCE POLICY

Adopted by Cavan and Monaghan Education and Training Board
on 13 November 2013

1. OBJECTIVE

The objective of this policy is to ensure that employees of Cavan and Monaghan Education and Training Board who are asked to provide references in a professional capacity do so in a consistent, accurate, responsible manner, with due cognisance of the rights of individuals and their responsibility to the Committee. This policy will also act as a guidance material for those providing references (referees).

2. SCOPE

This policy applies to anyone in a supervisory/managerial role who provides a reference in a professional capacity including Chief Executive, Assistant Principal Officer, Section Heads, Principals, Directors, Deputy Principals, Centre Managers, Programme Co-ordinators. It applies to all requests for references for or from past and present employees.

3. LEGAL CONSIDERATIONS

There is no detailed legislation specifically designed to deal with the provision of references to employees/past employees. However when providing a reference the following legislation must be taken into account:

Data Protection Acts 1988 – 2003

Equality Act 2004

Disability Act 2005

Unfair Dismissals Acts 1977 – 1993

Minimum Notice and Terms of Employment Act 1973

4. THE PURPOSE OF REFERENCES

The purpose of references is to obtain information about a candidate's employment history, overall performance, attendance, time-keeping and reason for leaving.

5. GENERAL GUIDELINES

- (i) Whilst there is no legal obligation on a referee to provide a reference for an employee/former employee, it is exceptional to refuse as it is established practice to provide a reference and a refusal could result in adverse consequences for the employee. However, if a reference is provided, it must be accurate and fair in the overall impression it gives to the recipient.
- (ii) The principal aim of the reference should be to provide information on the employee/former employee's history with Cavan and Monaghan ETB.
- (iii) References should be prepared in consultation with senior staff (e.g. year heads, section heads, supervisors, managers) and others who have had daily contact with the employee/former employee.
- (iv) Generally all data given in a reference should be based on fact and/or be capable of verification. It is important to verify facts such as qualifications,

date of appointment, date of termination, promotions, attendance record etc. with the Human Resources Department.

- (v) Referees should be careful about giving any subjective opinion about an individual's performance, conduct or suitability, which they cannot substantiate with factual evidence. The language used should be as factual as possible and where opinions are expressed they should be clearly stated as opinions.
- (vi) Referees should never lie or make up anything or omit a glaring weakness. If the referee has reservations due to lack of knowledge then this should be stated at the beginning of the reference.
- (vii) The use of bland words such as "nice", "good", "fairly", "reasonable" or "satisfactory" should be avoided when describing attitudes and personal attributes.
- (viii) Referees should be aware that an employee can easily seek a copy of their reference by making an access request under section 4 of the Data Protection Acts 1988-2003.

(ix) *Sensitive Data*

Referees should never include any "sensitive personal information" in a reference. Sensitive data includes information pertaining to an individual's race, colour, sexual orientation, religion, political opinions, membership of a trade union, criminal record and includes medical information in relation to the employee. In the event that an employee was absent from work on sick leave for a lengthy period, a referee may include the fact that the employee was absent from work for a period on sick leave, however, the referee may not disclose the nature of the illness preventing the employee from returning to work.

(x) *Oral References*

Where possible, referees should avoid giving oral references (verbal references via the telephone). The law applies equally to written and oral references. Where, however, a reference is given over the phone; a referee has little control over what is interpreted from his or her statements.

Where a telephone reference is given the following guidelines, at the very least, should be adhered to:-

- Referees should suggest to the caller that they will call them back shortly, in order to give them time to examine the file of the employee, or if appropriate, have a discussion with the employee's direct supervisor/manager/head of department.
- Any comments made should be confined to accurate facts.
- Referees should not make statements that they would not be willing to make in writing.
- The referee should make a note of the time and date of giving the oral/verbal reference, the name and job title of the caller and record a brief summary of the facts given. This information should then be faxed or e-mailed to the caller to confirm the conversation and should also be placed on the employee/former employee's personnel file.

6. PROCEDURES

- (i) Referees should endeavour to answer any request for a reference as soon as possible after receiving it.
- (ii) When providing a reference, it is recommended that it is headed 'Private & Confidential' and where possible addressed to a named individual.
- (iii) One page of A4 paper is usually sufficient, but it should not be restricted to a paragraph.
- (iv) If in any doubt about any aspect of providing a reference, the referee should consult with the Human Resources Department.

7. IMPLEMENTATION AND REVIEW

The Chief Executive of Cavan and Monaghan ETB and delegated Officers are responsible for implementing this policy. However all employees who are asked to provide references in a professional capacity are individually responsible for compliance with this policy and the relevant legislation. The ETB will provide support and advice to all staff concerned to ensure compliance.

This policy will be reviewed regularly and/or in light of any legislative or other relevant indications.

This Policy was adopted by Cavan and Monaghan Education and Training Board on 13 November 2013.

Adopted by the Board of Management

Signed: _____
Chairperson

Date: 11th February 2014

Signed: _____
School Principal

Date: 11th February 2014

Proposed by: _____

Seconded by: _____

Review Date: February 2017

