

PERSONNEL MEMORANDUM 14

**REFERENCES AND TESTIMONIALS FOR EMPLOYEES WHO ARE ABOUT TO LEAVE
OR WHO HAVE LEFT THE FORESTRY COMMISSION**

Scope and Purpose: Personnel Memorandum

1. This new Memorandum replaces NIM33 and IM15. Personnel Memoranda set out personnel procedures for managers to follow or give guidance or information on personnel related or people management issues. Managers are expected to make themselves aware of the content of PMs and use them for future reference.
2. FDMs/Conservators/Heads of Branches/Business Unit Managers should ensure that their managers see PMs.

Scope and Purpose of PM14

3. This PM sets out guidelines for the provision of references and testimonials.

Action

4. This PM should be read by staff and managers likely to be in a position to contribute to or provide references and testimonials.

Contacts

5. Contact David Taylor (0131 314 6379) or Jean Lindsay (0131 314 6338) in Personnel Services if you need further advice about any aspect of this Memorandum.

**W J Anderson
Director Personnel
27 March 2003**

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REFERENCES AND TESTIMONIALS FOR EMPLOYEES WHO ARE ABOUT TO LEAVE OR WHO HAVE LEFT THE FORESTRY COMMISSION

1. Although there are no formal rules to deal with requests for references (request for information about an individual's character and/or ability) and testimonials (request by the individual for a formal statement regarding their employment with the Commission) references will be given freely and fully to prospective employers of former Forestry Commission staff. Such references may take the form of answering a questionnaire, incorporating the relevant information in a letter, or giving the information over the telephone depending on the circumstances or the degree of urgency. Details of the nature and length of service should be given with any appropriate comments on the employee's character, health and performance of duties. To an outside employer, an employee's pay band or simply a job title will not give a clear picture of the responsibilities held by the individual concerned, or of ability. The prospective employer needs to know what kind of work the individual has done, and how well it has been carried out.
2. Similarly, testimonials should, whenever possible, be given on request to individuals who have left, or will shortly be leaving the Service. The contents of testimonials, in particular the depth of comment on matters such as health and conduct, will need to be decided in each individual case but the specimen at Annex A may be taken as a guide as to what is appropriate.
3. The procedure applies equally to all employees. It would not be appropriate however, for an individual's colleague or immediate superior to give a reference related to official work, although managers must be consulted when a reference is being prepared. Requests for references or testimonials will therefore be dealt with at Forest District, Conservancy, Territorial office, National Office or Silvan House as follows:
 - ◇ Any member of staff who receives a request for a reference or testimonial should refer it to his/her unit manager for attention, with any information which would be helpful in drafting a reply. Similar requests relating to local managers or other staff may be dealt with by Territorial Office/National Office or Silvan House as appropriate.
 - ◇ Testimonials should also be given for short-term temporary staff, although it is appreciated that it may not be possible to provide as much detail on performance strengths etc. There should be no difficulty however, in setting out a description of the duties performed and provide information on whether timekeeping and performance of the work was satisfactory.
4. The Forestry Commission, when it is recruiting either centrally or locally, encourages outside employers to be as frank and informative as possible when giving references. It is hoped that we can be equally forthcoming in return.

The Legal Position

5. The Commission has a duty to provide a reference that is not misleading to another employer and a duty to the former employee not to write or say something which is not

true, accurate and fair. Any situation where an employee has not had brought to their attention weaknesses in their performance or conduct could give rise to claims under the Human Rights Act 1998. As a result of recent employment case law the following practical guidance is provided for those involved in providing a reference:

DO

- ◇ Treat all employees equally when providing references and do not discriminate on grounds of race, sex, disability or for any other reason;
- ◇ Focus on the facts rather than on subjective opinion;
- ◇ Consider what needs to be included to be fair and reasonable as well as accurate and truthful;
- ◇ Provide an answer to the question 'whether or not you would re-employ' giving reasons if appropriate;
- ◇ Consider answering all questions honestly, however difficult;
- ◇ Prepare references carefully and with full information from line managers;
- ◇ Be honest about critical performance/conduct problems brought to the Job Holders attention.

DO NOT

- ◇ Say that an employees work or attitude was satisfactory when this was not the case;
- ◇ Allow someone with poor knowledge of or a potential grudge against the employee to prepare the reference;
- ◇ Disclose anything to the third party which has not already been revealed to or discussed with the employee (e.g. poor performance);
- ◇ Create an incorrect impression – if additional information is needed to avoid this, then include the full picture.

Data Protection – Good Practice

6. Good data protection practice is to be as open as possible with employees about information which relates to them. Guidance on good practice in relation to references includes:

- ◇ Individuals may approach us to gain access to a reference provided. Only withhold information that if given to the employee would be likely to;
 - result in harm to the author of the reference or some other person;
 - reveal information provided by a person other than a supervisor or manager of the employee who would not have expected it to be revealed.
- ◇ Do not provide confidential references on employees unless you are sure they have given their consent to your disclosure either directly to you or to a third party you can trust.
- ◇ Approaches to an employer are a favourite route for those trying to get access to information to which they are not entitled eg, debt collectors, private investigators,

journalists. All staff who might be asked to provide a reference should be aware that those seeking information might be using deception to gain access to information to which they are not entitled. Always establish the identity of the person making a request for disclosure before responding. Where practicable, obtain the request in writing. Take particular care with telephone requests, for example by calling back to a known number.

If you are in any doubt about the information to include in a reference contact Personnel Services, Silvan House (see cover note for details).

W J Anderson
Director Personnel
27 March 2003

FORM OF TESTIMONIAL

To whom it may concern

1. I can confirm that..... (name)..... of..... (address) was employed as a in this department from..... to..... when he/she left (owing to resignation, retirement, completion of temporary contract, dismissal etc).

2. During employment in this Department (name) (describe duties) The duties involved.....

3. In the performance of the duties(name) displayed (indication of qualities and abilities – see skills and competencies framework in Appendix 1 of the PMS booklet to see those aspects an employer will be interested in)

4. If you would like further information, please contact me on

Signed Position Date