

KEMPSEY SHIRE COUNCIL

ISSUING OF REFERENCES

Procedure 5.5.6

Policy No. and Title	5.5	Conditions of Employment Policy
Procedure	5.5.6	Issuing of References
Version	1	
Date Adopted	14 December 2011	

1 INTRODUCTION

A Certificate of Service may be made available, on request, on or after an employee's last day of service with Council.

2 GUIDELINES

- a) An employee, having submitted their resignation from Council's employment, may be given, on request, a Certificate of Service outlining their length of service, details of position(s) held and any other relevant comments relating to the employee's service with Council. Certificates will be prepared and signed by the General Manager, the relevant Director or the Team Leader Human Resources and issued on Council letterhead.
- b) References written by staff other than the above designated officers are not to be issued on Council letterhead.
- c) In the event an employee's service is terminated on disciplinary grounds, a statement of service will be prepared and issued on request by the Team Leader Human Resources. The statement of service will only include details of the period of service, the nature of the employment and the position held at the time of ceasing employment.

This may be varied under special circumstances as determined by the General Manager and is to be signed by the General Manager.

3 PROVIDING PERSONAL REFERENCES IN AN OFFICIAL CAPACITY

- a) Employees must not provide personal references for current and former employees of the Council in an official capacity using Kempsey Shire Council letterhead, except where approval has been granted by the General Manager in the following circumstances:
 - i) Where required to enable compliance with legislation, industrial instrument or Council policy; or
 - ii) Where it is appropriate for the employee to provide the personal reference in an official capacity having regard to the employee's duties and the proper scope of his or her authority in the workplace, and the purpose for which the personal reference is required.
- b) Circumstances in which it would be appropriate to provide verbal personal references in an official capacity include:
 - i) Employees may provide an oral referee's report for current or former staff members applying for positions within or outside Council in their capacity as an officer of the Council.

- c) The following general principles apply when providing personal references in an official capacity:
 - i) Prior approval to provide a verbal reference to be obtained from Director or Team Leader Human Resources
 - ii) Employees must take reasonable care in compiling or giving the personal reference, and in verifying the information on which it is based.
 - iii) The personal reference must not, to the best knowledge and belief of the employee providing the reference, contain information that is misleading, incomplete or inaccurate.
 - iv) The personal reference must not assert or claim that the person to whom the reference relates has no criminal record or otherwise.
 - v) The personal reference must not assert or claim that the person to whom the reference relates is suitable or not suitable for child-related employment.
- d) Relevant provisions in the Council's Code of Conduct must also be applied including the following (references below relate to the Code of Conduct):
 - i) General conduct

6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

 - a) *Contravenes the Act, associated regulations, council's relevant administrative requirements and policies.*
 - b) *Is detrimental to the pursuit of the charter of a council.*
 - c) *Is improper or unethical.*
 - d) *Is an abuse of power or otherwise amounts to misconduct.*
 - e) *Causes, comprises or involves intimidation, harassment or verbal abuse.*
 - f) *Causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment.*
 - g) *Causes, comprises or involves prejudice in the provision of a service to the community (Schedule 6A).*

4 PROVIDING PERSONAL REFERENCES IN A PRIVATE CAPACITY

- a) Nothing in this document prevents employees from providing personal references in a private capacity except that:
 - i) Council letterhead must not be used for this purpose.
 - ii) Where, to establish context, the employee providing the personal reference gives information about his or her position in the Council,

the personal reference must clearly state that the opinions expressed therein are provided in a private capacity

VARIATION

Council reserves the right to renew, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.