

AGHALEE VILLAGE HALL POLICY ON REFERENCES

The aim of this policy is to ensure that Aghalee Village Hall volunteers, employees and ex-employees may be supplied with a fair reference while limiting any legal liability to the organisation.

The Law

We have a duty of care to ensure that any references we give are factually correct and not misleading. This includes misleading by giving only partial information, even if the information given is correct as far as it goes. We can be liable to both the recipient and the subject of a reference. There is no obligation under statute or common law to supply references. However, to supply a reference for some but not others might constitute victimisation and possibly unlawful discrimination as an employer's legal duty of care to an employee has been found by the courts to persist even after the person has left the organisation.

The Data Protection Act covers disclosure of "sensitive personal information". Information on the number of days absence taken, for example, or disciplinary history could be classed as sensitive personal information and we must have the person's permission before we disclose it. The Human Rights Act protects an individual's right to privacy and to a family life. This Act applies to organisations that may be designated "public authorities" so Aghalee Village Hall does not come directly within its scope. However, Employment Tribunals and other courts do fit within the definition of public authorities and must take account of the Human Rights Act in their judgements of employers' actions. Therefore, we would be unwise to give out sensitive personal information or any information that the subject of a reference might prefer us not to disclose, such as time away from work because of health or domestic problems.

Procedure

In order to limit our potential liability to claims from the subjects or recipients of references, all requests for references should be referred to the Secretary for response on behalf of Aghalee Village Hall. The provision of references does not form part of the responsibilities of any other managers or directors of Aghalee Village Hall, and we will only accept liability for references issued by the Secretary.

References will consist of confirmation of start date, leaving date, job title and job description. References will only be provided in response to written requests. Any person that contacts our organisation by telephone requesting a verbal reference for an employee or ex-employee must be asked to put their request in writing and fax or post it to the Secretary.

It is not our policy to give "to whom it may concern" references except in exceptional circumstances, such as when an employee is leaving to travel abroad or is being made redundant.

Personal References

Personal references will not be given.