

## PROCEDURES FOR THE PROVISION OF PERSONAL REFERENCES

### 1 APPLICABILITY

- 1.1 This document applies to all employees of the NSW Department of Education and Communities.
- 1.2 This document does not apply to reports which are required to be provided by employees as part of their duties (for example, reports for permanent employees on probation, reports on employees whose efficiency is in question or causing concern, reports to Medibank Health Solutions and reports to the Employee Performance and Conduct Directorate).

### 2 CONTEXT

- 2.1 This document must be read and applied in conjunction with the Department's [Code of Conduct](#).
- 2.2 Nothing in this document affects the rights and obligations of employees under relevant legislation including:
- *Child Protection (Working with Children) Act 2012*
  - *Advocate for Children and Young People Act 2014*
  - *Independent Commission Against Corruption Act 1988*
  - *Public Interest Disclosures Act 1994*
  - *Government Information (Public Access) Act 2009*
  - *Privacy and Personal Information Protection Act 1998*
  - *Ombudsman Act 1974*

### 3 SUPERSEDED DOCUMENTS

- 3.1 This document supersedes the following:
- *Memorandum 97/229–Provision of Personal References (21 August 1997);*
  - *Policy–Personnel–References–Senior Officers (TAFE Commission Gazette No. 9 of 8 June 1987).*

### 4 RESPONSIBILITIES AND DELEGATIONS

- 4.1 Employees are responsible for complying with requirements under these procedures.
- 4.2 Line managers are responsible for ensuring the appropriate application of these procedures.
- 4.3 The Senior Manager, Corporate Recruitment and Employment Policy, People and Services is responsible for monitoring and reviewing the continued accuracy of these procedures.
- 4.4 Employees who wish to issue personal references in an official capacity using departmental letterhead (including school letterhead) must obtain a written request

from the person seeking the personal reference which identifies the purpose for which it is required.

4.5 Employees must obtain written approval from their line manager prior to providing personal references in an official capacity. Line managers must be employees of the Department (not contractors) in a position or role at a level not lower than Clerk Grade 9/10 or equivalent in order to provide approval.

4.6 Personal references may only be issued in an official capacity in accordance with section 5.2 below.

## **5 PROCEDURES**

### **5.1 Definition**

5.1.1 A “personal reference” is a document which provides information or makes assertions about a person’s skills, conduct, performance, character, or suitability or non-suitability for employment.

5.1.2 A personal reference is issued in an “official capacity” where the personal reference is issued on departmental letterhead (including school letterhead), and/or the personal reference is signed using the author’s departmental title.

### **5.2 Providing personal references in an official capacity**

5.2.1 Employees must not provide personal references for current and former employees of the Department, or for a person otherwise known to the employee (eg. parent of a student), in an official capacity using departmental letterhead (including school letterhead) except:

- (i) where required to enable compliance with legislation or industrial instrument that gives rise to an expectation on the Department to provide such references, or departmental policy; or
- (ii) where it is otherwise 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.

Circumstances in which it would be appropriate to provide personal references in an official capacity include:

- officers in the Work Health and Safety Directorate may issue personal references in an official capacity to assist other employees in applying for accreditation as WorkCover trainers for the Department;
- employees may issue personal references in an official capacity to assist other employees in applying for DEC-sponsored programs, membership in professional associations, and for professional development and staff development activities;

- employees may provide an oral referee's report for current or former staff members applying for roles or positions within or outside the Department in their capacity as an officer of the Department;
- school principals may provide personal references for current and former students in an official capacity in appropriate circumstances (for example, to assist current and former students in obtaining employment);
- employees may provide personal references for external contractors and consultants however the reference must only include statements relating to the efficiency and effectiveness of the work that the contractor or consultant undertook for the Department.

5.2.2 The following general principles apply when providing personal references in an official capacity:

- employees must take reasonable care in compiling or giving the personal reference, and in verifying the information on which it is based;
- 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;
- the personal reference must not assert or claim that the person to whom the reference relates has no criminal record or otherwise;
- 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.

5.2.3 Relevant provisions in the Department's [Code of Conduct](#) must also be applied including the following (references below relate to the *Code of Conduct*):

- employees must engage in personal or professional conduct that upholds the reputation of the Department (section 3.1 (i));
- employees must not sign a document which they know is not true and correct (section 16.1);
- employees must only sign their own name and must never permit or encourage anyone to sign a name other than their own. Managers and supervisors must not encourage or coerce staff to sign a document with which the employee is not satisfied (section 16.2);
- employees must act ethically and responsibly, and be accountable for their actions and decisions (section 3.1 (iii & iv))
- employees must avoid conflicts of interest if possible (section 8). For example, employees should not provide personal references in an official capacity to relatives or close associates, and must not accept gifts or other incentives from the person to whom the personal reference relates.

Employees are required to disclose in writing to their supervisor any perceived or actual conflict of interest as soon as they become aware that there is or may be a potential conflict.

Conflicts of interest are to be resolved and managed having regard to section 8 of the [Code of Conduct](#).

### 5.3 Providing personal references in a private capacity

5.3.1 Nothing in this document prevents employees from providing personal references in a private capacity provided that:

- (i) departmental letterhead (including school letterhead) must not be used for this purpose. The use of other departmental resources is subject to section 18 of the Department's [Code of Conduct](#);
- (ii) where, to establish context, the employee providing the personal reference gives information about his or her role/position, rank or office in the Department, the personal reference must clearly state that the opinions expressed therein are provided in a private capacity.

## 6 RELATED DOCUMENTS

Statements of Service which verify a person's employment with the Department (for example, role/position held, employment status, hours worked and salary) are covered in the following documents:

STAFF CATEGORY	DOCUMENTS
Public Service staff (other than TAFE administrative and support staff)	<a href="#">Personnel Handbook</a> (section 4-2.1.1)
Teaching Service staff	<a href="#">Teachers Handbook</a> (section 11.1.8)
School administrative and support staff	<a href="#">Handbook for Non-Teaching Staff in Schools</a> (section 8.1.7)

## 7 FOR FURTHER INFORMATION

Senior Manager, Corporate Recruitment and Employment Policy, People and Services Directorate (02) 9836 9335.