

Employment Reference guidance

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Reference summary

The MPS has a general obligation in respect of serving and former police staff and officers to provide a reference for employment purposes. Whilst a reference does not need to be comprehensive, it must be truthful, accurate and fair and, importantly, it must not give a misleading impression overall by the omission of important information. Information should be drawn from recorded and verifiable material and not from rumour, subjective opinion or the unrecorded views of the individual's peers and managers

This guidance sets the requirements in respect of receiving a request, who should respond to the request, who is eligible for an employment reference, completing a complaints and conduct check and the assessment of the information which can be disclosed on an adverse reference.

It is against the law for information on any of the following, known as protected characteristics, to be used, whether providing, requesting or checking a reference.

Age
Disability
Race
Gender reassignment
Marriage and civil partnership
Religion or belief
Sex
Sexual orientation

It is the responsibility of the Directorate of Professional Standards to complete a complaints, conduct, performance and attendance check to determine what type of reference (Standard Reference / Adverse Reference) can be sent to the prospective employer. Reference responses should not be in the form of questionnaires.

SSCL will be instructed to complete and send all standard reference letters
DPS – Management Support Unit will complete all adverse reference letters and request SSCL to forward the letter to the requestor.

Companies seeking a reference for individuals working within the Met or for those who have left can request this by e-mail to mpsreferences@sscl.gse.gov.uk.

The reference request should include two of the following:

- date of birth
- national insurance number or
- pay/warrant number

SSCL will respond to the request following contact with DPS who will complete all necessary checks. The e-mail mpsreferences@sscl.gse.gov.uk is also available for Met staff to forward on any reference request received.

Line managers are not permitted to respond to a reference request. The MPS provide a corporate response. Reference request letters should be sent to mpsreferences@sscl.gse.gov.uk who will respond to the request within 21 days of receipt.

Any questionnaires received should be sent to mpsreferences@sscl.gse.gov.uk who will create a formal response on MPS letterhead.

The response will only include the name of the officer/staff, DOB, the date they joined, date they departed and the reason for their departure. Employment Tribunals claims are not to be referred to in any responses to internal or external reference requests.

Example of References

- Employment references
- Character references
- Mortgage & Bank references
- Tenancy references
- Adoption references

Complaints, conduct, attendance and performance check

A complaints, conduct, attendance and performance check will be completed by the Directorate of Professional Standard by utilising the recordable source of information (PSOP and Centurion)

If adverse information is identified, the DPS Management Support Unit is responsible for completing the adverse reference letter.

If no adverse information is identified through PSOP or Centurion, the DPS Management Support Unit will instruct SSCL to send a standard reference response.

References will include the reason for leaving. This information can be viewed on the individuals 'End Employment' screen within PSOP.

If the individual was dismissed, this information will be included within the reference response, providing a brief statement to the circumstances i.e. due to Conduct, Performance, Attendance

or Regulation 13. It will not include the allegation/offences. If an appeal is outstanding that fact should be disclosed. It should be made clear that no further information will be provided.

Gross Misconduct – Details of pending conduct investigation/s, where either a 163 for Police Officer or a Notice of Investigation (NOI) for Police Staff has been served may also be given in a reference response, only if the matter has been initially assessed as Gross Misconduct on Centurion. However, information should be restricted to a brief description of the matter i.e. individual is currently subject to a conduct investigation.

The same approach should be adopted where an officer or member of police staff has resigned or retired whilst such matters were pending. Where there is an ongoing complaint, conduct, attendance or performance matter assessed as Gross Misconduct at the date of the individual's resignation or retirement and it has, as a result, been discontinued the fact of the investigation and nature of the matter under investigation will be disclosed.

If an individual has previously received a warning or other sanction or punishment in respect of either conduct (Gross Misconduct only) or Stage 3 UPP which remains live on their personal record on receipt of the reference request or was live at the point of their departure from the MPS (i.e. it is not expunged or spent), such information should be mentioned in the reference in order to present a fair and balanced picture which is not misleading to the recipient.

Misconduct – A decision was made in 2020 to not disclose matters where there are either proven allegations of misconduct which have resulted in a misconduct sanction (first written warning) or an ongoing investigation which has been initially assessed as misconduct. However, some matters may be disclosed as part of data sharing agreements i.e. sharing with another police force / emergency service.

Attendance – The same approach regarding misconduct applies for a first written warning for unsatisfactory attendance (police staff) or a Stage 1 Written Improvement Notice (WIN) for Police Officers under UPP

Long Term absence – At present, there is no recorded sanction on PSOP when someone is long term absence. During this period only case conferences are taking place. Therefore, a position was taken to not disclose long term absence.

Service dispensed with via Regulation 13 (Probationer Constables)

Where a probationer constable who has received notice that their services are to be dispensed through Regulation 13, this will be disclosed on a reference response.

When providing a reference in these circumstances, it is important to identify the circumstances of the rationale to progress the officer through Regulation 13 i.e. performance, attendance, conduct.

If the reasons were relating to Performance, the DAC has requested the reference response to include the following statement.

The role of a Police Officer is unique and challenging. It exposes individuals to difficult and unpleasant situations and requires a particular combination of qualities for an individual to be

successful in the role. This inevitably means that not everyone will be suitable for a career as a Police Officer. The dispensing of an Officer's services should be understood as an indicator of their unsuitability only in respect of the specific demands placed on Police Officers. It does not necessarily indicate unsuitability for other roles which do not contain these very unique characteristics.

Legal Disclaimer

In addition to possible legal liability to the subject of an unfavourable reference, the MPS is potentially liable to the recipient of a reference given recklessly or negligently and which fails to inform the recipient employer of relevant information which might have led to a decision not to employ the individual. The following sentence (disclaimer) must therefore be inserted into all references, replies and covering letters to the recipient of the reference:

"This reference is given on the understanding that this is done without legal responsibility, and with the exclusion of legal liability, on the part of, and in respect of, the MPS and the author of it, and without legal liability to the subject of it and the recipient of it".

It should be noted that such a disclaimer will only be effective insofar as a court considers that it is fair and reasonable to allow reliance upon it (Section 2(2) Unfair Contract Terms Act 1977). It is unlikely to provide a sufficient defence if the giver of a reference maliciously defames the subject of it or fails to comply with a duty of care to avoid a negligent mis-statement or if the intention is to deceive the recipient.

References for Officers joining or transferring to other Police forces

Officers/Staff who have already left the MPS and are requesting to join another police force a reference letter can be sent to the force confirming if their complaints, conduct, attendance and performance was satisfactory.

If an Officer/Staff is serving with the MPS and requests to join another police service, a reference response will not be provided through this process. The MPS Force Liason Unit - Vetting unit (FLU – Vetting) will provide the police service with a copy of the officers/staff complaints and discipline history as a result of the vetting process and/or transfer to another force process therefore no employment reference response is required. Such requests should be sent to the DPS – FLU mailbox.

Disclosure of a reference response to the subject

The subject of a reference should not be allowed to take a copy of a reference received by the MPS from another source. They should be instructed to make a subject access request if a copy is wanted. Further advice and guidance on this can be obtained from the Subject Access Office.

Character/Personal References

Character and/or personal references (whether given for officers or police staff) must always be given in a personal capacity. It must be stated in writing to the recipient that the reference is provided in a personal capacity and not as a police officer or member of police staff or on behalf of the Metropolitan Police Service. These must not be kept on personal records or provided on official paper.

References in Respect of Renting Accommodation

A brief letter will be provided by SSCL providing confirmation of employment only. The MPS will make no comment on an individual's suitability as a tenant nor upon their ability to undertake financial commitments.

References in Respect of Banking Facilities

A brief letter will be provided by the SSCL providing confirmation of employment only. The MPS will make no comment on an individual's suitability as a banking customer nor upon their ability to undertake financial commitments. No information about income will be provided.

Confirmation of Employment / Service History

If a request simply requires confirmation of employment - including relevant dates and pay band / rank / role (and the individual is currently serving in the MPS) this will be provided SSCL. No other particulars will be provided. The same approach will be adopted in respect of requests relating to references in respect of Adoption / Fostering / Guarantors / Visas requests.

Confirmation of Earnings

Police staff - if information is required about an individual's pay (i.e. for a mortgage loan) it is usually sufficient for a member of police staff to supply evidence themselves in the form of pay advices / P60s.

Police officers - when seeking a mortgage, credit or a loan you will have to provide evidence of your employee status and earnings, if required, by producing your warrant card, pay slips, P60 and/or rent allowance figures. Requests from lending organisations will be referred to the relevant officer to deal with. The MPS Pay Branch will not provide verification.

Volunteers in the MPS

By definition, an employment reference cannot be provided for someone who has given their time to the MPS as a volunteer via the Met Volunteer Programme (MVP). Instead a statement can be provided (making it clear that it is **not** an employment reference) by the Borough MVP Manager responsible for the volunteer. This statement may include the dates during which time the individual volunteered. The MVP cannot provide employment references because it has not "employed" volunteers and cannot therefore comment on their suitability for employment.

Agency Workers in the MPS

As agency workers are not employee's of the MPS, requests must be forwarded to the supplying agency for completion.

This would not prevent employees providing a character reference for agency staff in a personal capacity but this must not be on headed notepaper and must emphasise that it is being provided in a personal capacity.