

Appendix A

Guidance for Members – Handling Reference Requests

Councillors are on occasion asked to provide character or other references on behalf of a ward resident or acquaintance. In certain circumstances it may be appropriate for a reference to be supplied as a community service but it is important that procedures are in place to protect the interests of both the Councillor and the Council, particularly in relation to the Code of Conduct. Councillors are not obliged to supply a reference, which can be provided only at their discretion and for someone who is known to them. The Standards Committee has agreed the guidance below to be followed in the event that a Councillor is requested to provide a reference for a ward resident or acquaintance. To assist Councillors, guidance is also provided for countersigning UK Passport Application Forms based on current information provided by HM Passport Office.

1. Matters where the Council is involved – This can include court matters where the Council is a party or has some involvement in relation to its functions, duties, powers and responsibilities. For example, matters relating social care, public protection, and environment matters. In such matters, Councillors should not provide references (or make any representations) on behalf of ward residents or acquaintances as this could be regarded as a conflict of interest in view of their position as Councillors, and could breach potentially the Code of Conduct. If approached, Councillors should politely decline and if necessary seek advice from the Monitoring Officer/Deputy Monitoring Officers. The Council has also provided specific advice and guidance in the Constitution for Councillor Involvement in relation to family member and social care matters.

2. Personal Character references/representations where there is no Council involvement – This can include providing personal character references for a ward resident or acquaintance in court matters (civil and criminal), or employment matters. Councillors are under no obligation to provide personal character references. However, Councillors are regarded as persons of good standing and they are often approached by ward residents or acquaintance to provide personal character references. If Councillors choose to provide a personal character reference for a ward resident or an acquaintance, they must adhere to the following safeguards which clarifies the status of the reference, and protects the interests of both Councillors and the Council itself:
 - Personal character references should only be provided for someone who is known to the Councillor.
 - Councillors should use their own note paper, and not Council letterhead.
 - All personal character references may be signed by Councillors using the title “Councillor” but must include the following text in the main body of the letter: *“This is a personal reference reflecting my views, knowledge and belief. It is not a reference of (or on behalf of) Blackburn with Darwen Borough Council.*
 - Councillors should carefully consider each request and address reference letters to a specific addressee, and avoid addressing the reference *“To whom it may concern”*.
 - Councillors should ensure that references are factually accurate and honest.
 - Any responsibility, liability or any other consequence arising from providing a personal reference would rest entirely with the Councillor concerned, and not with the Council.
 - Councillors should seek advice from the Monitoring Officer/Deputy Monitoring Officers, and consult their group leader before providing a reference on a high profile matter, or a matter which may be publically reported.

3. Countersigning UK Passport Application Forms

Based on the current information provided by HM Passport Office (Dec 2019) Councillors, are listed as persons of good standing in the community, and are therefore often requested to countersign passport applications for ward residents or acquaintances.

Councillors are not obliged to countersign passport applications for anybody. However, should they choose to do so at their discretion, they should check and comply any with the requirements issued by HM Passport Office. The current requirements (Dec 2019) for countersigning UK passport application forms are that the Councillor can only countersign if they have personally known the individual for at least 2 years, live in the UK and hold a current British or Irish passport. When countersigning the application, the Councillor will need to enter their current British passport number.

When signing the application form, Councillors are reminded to check that the name on the form matches that of the individual that has presented the form, and that the photograph (which is also to be signed) is a current likeness of the individual. As a general reminder, a Councillor must not sign an application form for any person who is related by birth or by marriage, involved in a relationship with the applicant or residing at the same address. Under no circumstances should Councillors sign a blank or partially completed application form.

Countersignatories may be contacted by HM Passport Office for more information.

Councillor should always also check the HM Passport website for the latest advice for countersignatories.

<https://www.gov.uk/government/organisations/hm-passport-office>