

Reference Policy

Policy document provenance

Approver:	Trust Board
Date of approval:	June 2024
Policy owner:	Executive Principal
Date of next review:	June 2025
Summary of changes since last review:	<ul style="list-style-type: none">• Clearer guidance on who must provide a reference and what a reference should contain• Changes to the times at which advice must be sought from our trust HR team
Related policies and documents:	<ul style="list-style-type: none">• Keeping children safe in education• Professional conduct policy

Unless there are legislative or regulatory changes in the interim, this policy will be reviewed on an annual basis. Should no substantive change be required at this point, the policy will move to the next review cycle.

Contents

Section	Page
1.0 Policy statement	4
2.0 Scope and purpose	4
3.0 Providing a reference	4
4.0 Including adverse information in references	5
5.0 Data protection and consent	5
6.0 Personal references	5
7.0 Refusing to provide a reference	5
8.0 Review	6



1.0 Policy statement

- 1.1 Leaders within our trust will routinely be asked to provide a reference for current or past employees when they apply for new roles within our trust or with other organisations. The purpose of these references will be to assist the new line manager or organisation to assess the suitability of the subject for a particular post; for this reason, it is important that any reference we provide is fair, factual and accurate.
- 1.2 We have obligations to ensure that we share relevant information relating to performance, conduct and safeguarding, this policy sets out how we will act to meet these obligations.

2.0 Scope and purpose

- 2.1 This policy applies to employment references provided by our trust about current, or ex, members of staff to prospective / new employers. The purpose of the policy is to ensure that in providing references they are true, fair, accurate and ensure that we meet our obligations to safeguarding, as laid out in the latest version of 'Keeping Children Safe in Education'.

3.0 Providing a reference

- 3.1 We will provide a reference in accordance with the requirements of the current version of 'Keeping Children Safe in Education' as a matter of practice, rather than a reference which merely confirms dates of employment. A reference should only ever be issued to a named individual / organisation, be marked as 'given in confidence and without prejudice', and should include:
- the dates of employment with our trust
 - their most recent role, significant responsibilities held and key achievements
 - accurate information on the subject's performance
 - details on the number of days absent from work during the past year, but only if the request confirms that a conditional offer of employment has been made (a reference must never disclose details of the reasons for absence)
 - any other roles undertaken whilst working for our trust (if applicable)
 - details of any formal capability procedures currently underway (if applicable), no mention should be made of any informal support or capability process
 - whether, in the opinion of the referee, the individual is suitable to work with children
 - the facts, not opinions, of any substantiated safeguarding concerns / allegations that meet the harm threshold
 - a disclaimer making it clear that "while the information provided is, to the best of the referee's knowledge, completely accurate, our trust cannot accept liability for decisions a prospective employer bases on it"
- 3.2 The following points are provided for the guidance of referees:
- 3.2.1 Before completing a reference, the referee should check the individual's personal file to establish:
- there is an agreed form of reference (e.g. in the event of a settlement agreement having been reached);
 - whether any other references have been provided recently, to ensure consistency; and
 - whether there are any other circumstances which should be taken into account (e.g. safeguarding concerns, current / past disciplinary issues etc...).
- 3.2.2 Special category data should never be revealed in a reference. Special category data includes, but is not limited to, the subject's race or ethnic origin, the subject's religion, political opinions or similar beliefs, trade union membership, physical or mental health or relationship status.
- 3.2.3 Subjective opinion should be avoided, and caution is advised when answering questions about the subject's suitability for the new role or whether we would reemploy the subject.
- 3.2.4 You must not disclose details of any disciplinary warnings which have lapsed or of any low-level safeguarding concerns (concerns that do not meet the harm threshold).
- 3.4 Where the subject of a reference request has worked in more than one academy or shared services team, then the reference should be provided by the current or most recent trust board member, trust executive team member, principal or functional lead to line manage the individual; where that person no longer works for our trust, the reference request should be forwarded on to our trust HR team who will advise on who should complete it.
- 3.5 Although infrequent we will still respond to requests for verbal references, they should be directed to the relevant individual, as described above. When giving verbal references, individuals must ensure they are careful in their phrasing and remember that there is a greater risk of misinterpretation. A contemporaneous note of the conversation should be kept, detailing the information given and the person spoken to; this should then be retained on the individual's personnel file.



4.0 Including adverse information in references

- 4.1 In certain circumstances we are required to disclose information which could be considered adverse (e.g. details of substantiated safeguarding concerns, current disciplinary warnings or conditions / restrictions on practice imposed by the TRA or other professional body), in these cases caution should be taken to only disclose factual information and to ensure we only disclose information we are required to disclose in line with legislation or regulation (e.g. Keeping Children Safe in Education).
- 4.2 Where a principal is considering supplying a reference that contains any information which might not be deemed neutral or positive then they must seek advice from our trust HR team before sending the reference.

5.0 Data protection and consent

- 5.1 Providing a reference will generally involve the processing of data, including sensitive personal data, so referees should be aware of their obligations under our trust Data Protection Policy; given the importance placed on references during an employer's recruitment process, referees are reminded that they have a legal duty of care in the preparation of references that extends to the subject and the prospective employer.
- 5.2 This means that, in providing a reference, the referee must only provide content which is true, accurate, factual and fair to the best of your knowledge and belief and which does not give a misleading impression of the subject. If this does not happen:
- the subject of the reference may bring a claim against our trust and the referee for any detriment caused by the reference (e.g. for negligence, negligent misstatement, defamation, malicious falsehood or alleged discrimination and / or victimisation on the basis of a protected characteristic)
 - the prospective employer may bring a claim for negligence if they suffer financial loss or damage as a result of an inaccurate or misleading reference
- 5.3 As the provision of a reference itself qualifies as the processing of sensitive personal data, referees must assure themselves that the requester has obtained consent from the subject to seek the reference. This might involve checking with the subject directly that the request is valid or by asking the requester to provide evidence of the subject's consent. If the referee has any doubts, they should speak with our trust data protection officer or our trust HR team for advice.
- 5.4 References should always be supplied on our trust or academy headed paper, and sent to the business address of the requester, or emailed to their business email address. References must never be emailed to more generic web-based email provider (e.g. outlook, hotmail, yahoo, gmail etc...)

6.0 Personal references

- 6.1 Any employee of our trust can, if they are willing, be asked to provide a personal reference for a prospective employer. They must make clear when doing so, that they are acting in a personal capacity and that they are not providing an employment reference on behalf of our trust. The reference must not:
- be provided on trust or academy headed paper;
 - be sent in an envelope with trust / academy compliments slip or franked with our trust our academy name / logo;
 - be sent from a trust email account.
- 6.2 Business networking websites, e.g. LinkedIn, often provide users with the opportunity to provide other users with open recommendations, endorsements or informal references which are then published on the website for others to see. These posts should be considered personal references within the meaning of this policy and, as it is often the case that the association of the individual leaving them with our trust cannot be easily hidden, the permission of the relevant trust board member, trust executive member, principal or functional lead must be sought before leaving a post on someone else's page.
- 6.3 If providing a personal reference, you should contact the line manager of the individual to ensure they are aware.

7.0 Refusing to provide a reference

- 7.1 Where a member of our teaching staff applies for a teaching post at another academy, maintained school or further education institution, we must, at the request of the other institution:
- advise in writing whether or not, in the previous two years, there have been any formal capability or disciplinary proceeding for that teacher at one of our academies or predecessor school;
 - give details of the concerns which gave rise to any such consideration of the teacher's capability or conduct, the duration of the proceedings and their outcome.
- 7.2 It is a breach of our trust's funding agreement to refuse to give such details.
- 7.3 As there are other circumstances where we would be in breach of our obligations under relevant legislation or regulation in refusing to provide a reference; if you are considering refusing to provide a reference you must consult our trust HR team for advice.

8.0 Review

- 8.1 This policy should be reviewed every two years, or sooner should there be a significant change in best practice, advice or regulation.

