

William Austin Junior School

Policy & Procedure for References



1. Introduction

References are an essential part of the recruitment process for the school/academy/trust and it is imperative that it obtains appropriate references for those who may work for it. References provide an important safeguard and demonstrate that the school has taken appropriate steps to validate the statements of applicants. Applicants give their consent to the school for obtaining references by signing the application form.

Similarly, it is essential that references provided by the school to external employers in respect of existing or previously employed staff are accurate, honest and full.

The school will provide a reference for any employee and endeavour to provide references for former employees upon request and where the school still holds the employment records

2. Purpose of the Policy

To provide guidance for those giving and obtaining references.

3. Responsibility of Employer

It is the responsibility of the Headteacher who have been asked to provide a reference to ensure that the provision of any reference is within the scope of this policy. References provided by the school are considered private and confidential.

4. Providing References

4.1 Consent

Requests for references should only be accepted when made in writing (this may include via email). There is a reasonable expectation that the employee/former employee will advise the Headteacher they are giving their name as a referee.

5. General

Headteachers have a duty to take reasonable care when providing a reference and to ensure that the information supplied is accurate and fair and does not give a misleading overall impression of the employee.

References must always be given in writing. Any information supplied during a verbal follow up to a written reference must be confined to facts and must be recorded in writing.

6. Disclaimer

All school references must include the following disclaimer:

"I am writing in response to your request for a reference for the above-named individual, which is given on the understanding that any legal responsibility or liability for the accuracy or otherwise of any statement herein is hereby excluded in respect of the author of the reference, his (her) employer, the recipient of the reference and the subject of it."

- 6.1 If a reference request is made on a pro forma or other standard form, the form should be completed and the disclaimer must be contained in a covering letter. The letter must state that it is the School's/Academies policy to make such a disclaimer and that the disclaimer will also apply to any follow up telephone conversation. A record of any such conversation and that the disclaimer applies must be made and retained.

7. Content

- 7.1 If no pro forma is provided and there are no specific questions, then a full and frank reference should be given. All information provided must be honest and fair and must not give a misleading overall impression of the employee. The School's/Academies format for reference requests may be used as a guide as to what should be included.
- 7.2 Care must be taken to ensure that nothing inaccurate, defamatory, deceitful negligent or discriminatory is included in the reference. The reference must concentrate on factual information rather than subjective opinion. No personal opinions should be given in a reference.
- 7.3 Headteachers should be aware, that in many organisations, it is common for references to be disclosed to applicants. In addition, the reference will have to be disclosed should an unsuccessful applicant issue legal proceedings claiming that it is the reason they have not been offered a position. In any event, references should only include information which is accurate and is supported by evidence
- 7.4 All references should be marked private and confidential and provided on school headed paper.
- 7.5 All references must be approved by the Headteacher given in a work capacity.
- 7.6 If an employee is subject to a disciplinary investigation at the time the reference is given, this should be stated in the reference or covering letter if the employer requesting the reference seeks this information. The reference must make it clear that no conclusion has yet been drawn. Basic factual details of any disciplinary investigation must be included in all references. If the disciplinary proceedings are subject to an appeal, this must also be stated in the reference. Advice should be sought from HR before providing any reference where the employee is involved in disciplinary proceedings.
- 7.7 If a current live formal warning is recorded against the employee, this should be disclosed in the reference, setting out the precise wording of the allegation and the level of warning given. Only expired warnings, which are related to safeguarding, should be referred to on a reference. In these cases, there is a requirement to disclose any "cause for disquiet" or previous allegation of child abuse whether or not it resulted in a disciplinary warning or sanction. Please contact Human Resources advisory team for advice.
- 7.8 A copy of any reference should be stored on the employee's personnel file.

8. Common difficulties

- 8.2 Employees must not use their official position or school headed paper when providing personal references.
- 8.3 If further advice is required either in the drafting of references or on related matters, HR should be contacted. Staff should be clear that they are giving a reference on behalf of the School and not in their personal capacity.

8.5 References for agency staff

Headteachers may be asked to provide references for those who have worked for the school as agency staff. Headteachers must ensure that they make it clear that the individual was not an employee of the school. However, such references should be provided to the same standard as former employees.

9. Obtaining references

9.1 Internal Applicants:

References must be obtained for internal candidates. Ideally, the school should obtain two references, however, where this is not possible one reference will be acceptable but must be from the employee's existing line manager.

9.2 External Applicants

The School must ensure that they are compliant with Keeping Children Safe in Education and obtain two references for external candidates before interview. The references should cover the previous 5 year working history and must include their last place of work where this has involved working with children. The purpose of references is to obtain an objective, factual check on information provided by the candidate and also any additional data, which may assist in the selection process.

Where a candidate has provided the details of potential referees that the Headteacher does not deem to be appropriate, the Headteacher may contact the applicant to seek permission to request references from those people that the school deem to be more appropriate.

All offers of employment to external candidates will be made subject to the receipt of at least two satisfactory references, one of which should be from the current/last employer where the applicant worked with children. As per the requirement of safer recruitment, these references must be received before shortlisted applicants are interviewed. Please ensure that you have due consideration for Keeping children safe in education
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf

It is for the Headteacher to determine whether they deem a reference satisfactory. If there is any doubt about any information provided in a reference, the Departmental HR Team should be consulted.

In line with good practice, it is recommended that the authenticity of references is checked upon receipt. This is a compulsory requirement for those positions working with children. An example of how that can be undertaken is contacting the referee by telephone, email, checking the organisation on the internet or speaking to the referee to directly.

The Headteacher must not accept references that are titled "To whom it may concern".

A template reference can be found:

https://www.luton.gov.uk/Education_and_learning/Lists/LutonDocuments/Word/Personnel%20handbook/C2/C2S7.doc

10 Applicants with little previous employment

- 10.1 Applicants who do not have previous employer references should not be automatically excluded from employment with the school.
- 10.2 There is a need to balance concerns about the quality of any references and avoiding discrimination against those applicants who do not have a standard work history.
- 10.3 In these situations, references from academic institutions e.g. from teachers, lecturers or from voluntary organisations to which the applicant has contributed, or from personal referees may be acceptable.

11. Character/Personal References

- 11.1 A school employee may write a Character reference for a fellow or previous employee.
- 11.2 If an employee provides a character / personal reference for a colleague or a former employee, they must make it clear they do so purely as a personal acquaintance or friend and not in their capacity as an employee of the school. Such a reference should not be provided until the referee and prospective recipient have acknowledged it is given in a personal capacity and no liability to its content lays with the school.
- 11.3 Under no circumstances must school headed paper, school email address or school telephone number be used in such a reference.
- 11.4 The referee must state that 'This is a personal reference' at the beginning of any reference provided.

12 Provision of details of an employee's attendance record

- 12.1 Under the Equality Act 2010 it is NOT permissible to request details about an applicant's attendance. Sickness or health prior to a job offer being made. Therefore, a potential referee should establish whether an offer has been made before providing this information. Once this has been confirmed, factual information can be provided about the number and length of absences in the last twelve months. The Headteacher must not provide the reason for sickness absence. A template reference can be found in the personnel handbook:

www.luton.gov.uk/Education_and_learning/Lists/LutonDocuments/Word/Personnel%20handbook/C2/C2S8.doc

13. Format of References

- 13.1 Standard forms are provided for the taking of references. The relevant job description and person specification must be sent with the form to the referee.

14. Telephone References

- 14.1 Telephone references should be taken only to clarify issues in a written reference or to verify the authenticity of a reference. All telephone references must be recorded in writing and retained as part of the recruitment/personal file.

15. References with insufficient or unsatisfactory detail

- 15.1 Where a reference contains insufficient detail advice should be sought from HR.

- 15.2 Where an applicant's appointment is not progressed as a result of an unsatisfactory reference, the reference and the reasons for non-progression of the appointment must be recorded and retained on the recruitment file. The applicant must be advised that they have not been offered employment due to unsatisfactory clearances. No other information must be disclosed to the applicant. HR advice may be sought.
- 15.3 Where an applicant requests to see the reference(s), he/she should be asked to obtain the reference from the referee in the first instance. If the applicant wishes to look at the schools/academies copy, then written permission must first be obtained from the referee(s). The applicant must be advised that permission has been sought from the referee. If the referee does not consent to the release of the reference, the applicant must be advised that the reference may be disclosed.
- 15.4 Requests to see references received by the school are exempt under s40 (1) Freedom of Information Act 2000 as they fall within the Data Protection Act. When a request is made under the Data Protection Act to see a reference, the referee's name should be redacted.

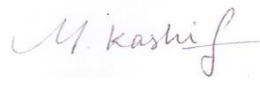
This policy will be monitored and reviewed by the Governors on an annual basis.

Policy updated: February 2021

Staff responsible: Headteacher

This policy was ratified by the Governing body on: 10 March 2021

Signed on behalf of the Governing Body:

 (signature)

Muhammad Kashif (printed)