



Every Child Every Day Academy Trust

Providing Employment References for Employees

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Statement of intent

In The Every Child Every Day Academy Trust, we recognise the importance of having an effective reference policy to ensure the school uses references appropriately to support a fair and justifiable recruitment and exit system. The school is committed to obtaining objective and factual information to support and scrutinise appointment decisions, providing only verifiable information and statements, and encouraging a spirit of reciprocity with other schools and employers by providing references when requested.

This policy is designed to cover procedures for the school requesting references as part of its recruitment process, as well as procedures for when it is appropriate for the school to provide a reference for a former or current employee. The policy applies to both internal and external candidates.

1. **[Updated]** Legal framework

[Updated] This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)
- **[Updated]** DfE (2023) 'Keeping children safe in education 2023'
- DfE (2021) 'Staffing and employment advice for schools'

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Complaints Procedures Policy
- Data Protection Policy
- Disciplinary Policy and Procedure
- Teacher Appraisal Policy
- Teacher Capability Policy **2.**

Roles and responsibilities

The governing board will:

- Ensure they have the skills to carry out effective selection processes, including knowing when and how to request references.
- Establish a selection panel when appointing a candidate that includes at least one person who has completed safer recruitment training within the past five years.

The selection panel will:

- Check that references have been received where requested.
- Consider any advice provided by the school's HR manager or provider.
- Ensure that all references for a shortlisted candidate are properly scrutinised and that information is not contradictory, unclear, or incomplete, with clarification requested when appropriate.
- Ask previous employers when appointing headteachers and teachers for details about whether the individual has been subject to capability procedures in the previous two years.

The headteacher will:

- Provide references when requested in line with this policy.
- Determine which other members of staff it is appropriate to be permitted to provide references where requested, e.g. line managers.
- Ensure all other members of staff are aware that they are not permitted to provide references on behalf of the school.
- Decide in exceptional circumstances when it may be inappropriate for the school to provide a reference.
- Ensure that all references provided by the school adhere to this policy and will not bring the school into disrepute.

- Ensure that all relevant staff are familiarised with this policy and adhere to it when requesting or providing a reference.

Other members of staff will:

- Provide references only if they have the express permission of the headteacher.
- Follow this policy's procedures when providing a personal reference.
- Request references from a suitable member of staff, e.g. their line manager or the headteacher.

The DPO will:

- Ensure that references are handled in line with the Data Protection Policy and relevant legislation.

The DSL will:

- Decide when it is appropriate or necessary to disclose safeguarding concerns or allegations as part of a reference.
- Discuss with the headteacher the suitability of a candidate when a reference has disclosed safeguarding concerns or prior allegations.

3. **[Updated]** Requesting references

Once a candidate, including an internal candidate, has been shortlisted for a position, references will be requested and scrutinised by the selection panel. Any concerns will be resolved satisfactorily prior to confirming an appointment. References will always be requested directly from the referee and from a senior person with appropriate authority rather than a colleague.

If the candidate is a school leaver or has not been in work for over **two years**, a character reference will be requested.

When a candidate is applying for a teaching role (including the role of headteacher), information about the details of any capability procedures in the previous two years that they may have been subject to, and the reasons for these, will be requested from their current or former employer.

Concerns raised following a candidate's reference(s) will be explored further with the referee where appropriate and discussed with the candidate at interview.

[New] Before requesting references, those involved in the recruitment process will be clear that they will:

- Not accept open references, e.g. to whom it may concern.
- Not rely on applicants to obtain their reference.
- Ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority.
- Obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed.
- Secure a reference from the relevant employer from the last time the applicant worked with children where applicable.
- Always verify any information with the person who provided the reference.

- Ensure electronic references originate from a legitimate source.
- Contact referees to clarify content where information is vague or insufficient.
- Compare the information on the application form with that in the reference and take up any discrepancies with the candidate.
- Establish the reason for the candidate leaving their current or most recent post.
- Ensure any concerns are resolved satisfactorily before appointment is confirmed.

4. Checking references

References will be checked upon receipt to ensure that all questions have been answered satisfactorily and that information is not contradictory or incomplete. The referee will be contacted to provide further clarification where appropriate, e.g. if some answers are vague or insufficient, or contradictory information has been provided. The reference will be compared for consistency with the information on the candidate's application form. Discrepancies between the reference and the application form will be discussed with the candidate at interview.

The selection panel will ensure that any past disciplinary action or allegations disclosed as part of a reference are considered carefully when assessing the candidate's suitability for the role. If this involves safeguarding or potential safeguarding concerns, the DSL will be consulted to help assess the candidate's suitability.

Before making a decision to not appoint a candidate based on an unsatisfactory reference, the selection panel will consider if HR advice is necessary. Once the decision is made, the headteacher will record this on the recruitment file as the reason for non-appointment.

All members of staff who provide a reference will be responsible themselves for checking the content to ensure that it only contains factual and verifiable statements. If there is any doubt about whether to include information, caution will be exercised and it will be omitted. Alternatively, advice will be sought from a senior figure, e.g. the headteacher or the chair of governors.

5. Providing references

References will only be provided once written consent has been obtained from the person requesting a reference.

The member of staff providing a reference will follow this policy's procedures and the prospective employer's requests as much as is reasonably possible, e.g. if a pro-forma is provided, they will complete the form. If the reference is not requested in a specific format, the member of staff will decide the most appropriate method, e.g. a pro-forma or a letter-formatted reference.

The headteacher will decide in exceptional circumstances if a reference cannot be provided or if certain questions asked by the prospective employer cannot be answered, with HR advice sought when appropriate.

Staff members will make the headteacher aware when they have been asked to provide a personal reference, e.g. for a current or former colleague. The staff member will make it clear within the reference that it is a personal one and is not written for or on behalf of the school. The staff member will use their own paper or an email address unaffiliated with the school and ensure that the reference is not linked to the school in any way.

Details of any capability procedures in the previous two years for a teacher (including headteacher) or former teacher at the school, and the reasons for these, will be provided if requested.

If, as part of a settlement agreement, the school has agreed to provide a reference for a member of staff, the headteacher will ensure it is provided in line with the agreement and this policy. In circumstances where new evidence emerges that indicates information provided in the reference is incorrect, the headteacher will decide if the reference is changed or withdrawn, with legal advice sought where necessary, and will notify the employee of any decision first.

6. Content of references

Basic information will always be provided when completing a reference, e.g. skills, knowledge, duties undertaken, experience working with children, and personal characteristics, in addition to any relevant or necessary information relating to safeguarding. Further relevant comments will be made as much as is reasonably possible in line with the employer's requests, provided they are verifiable and objective, e.g. through appraisals or attendance records.

References will contain only factual and verifiable information and will not include speculation, e.g. about a former employee's suitability for a job, or hearsay. The person providing the reference will ensure all comments have a factual basis and that an impression is not given which is misleadingly positive or negative. Performance issues or concerns which have not been discussed or raised with the employee beforehand will not be mentioned.

All members of staff providing references will be made aware that information provided verbally to the prospective employer is subject to the same duties as written information and will avoid making verbal statements. Where it is necessary or appropriate, verbal information will be provided only in line with this policy's procedures, e.g. all statements must be verifiable and objective.

7. Confidentiality

Personal data relating to references will be handled in line with the Data Protection Policy. All references will be properly addressed and marked private and confidential.

Information relating to an individual's health and sensitive personal data, e.g. information relating to the individual's ethnicity, religion or trade union membership, will not be disclosed as part of a reference unless 'express consent' has been received from the individual for this purpose.

The person requesting a reference will be offered the opportunity to see it before it is sent, unless the headteacher decides this is not appropriate; however, the school is aware that ultimately, they cannot prevent the person receiving a copy in line with the Data Protection Act. If the person raises comments about the reference before it is sent, the member of staff responsible for the reference will consider the comments and, if they decide to leave it unchanged, record the reason(s) behind their non-agreement.

8. Disciplinary action

The selection panel will ensure that any references requested by the school include a section asking for any past disciplinary action or allegations to be disclosed. Any disclosures will be carefully considered when assessing the candidate's suitability for the role, in line with this policy.

Information from DBS checks will not be included in references provided by the school. Information regarding criminal offences from other sources will not be included, unless the headteacher deems it appropriate and HR advice has been sought.

When providing references, the disclosure of information about past disciplinary action or allegations not relating to safeguarding will be provided where it is deemed appropriate, e.g. it is relevant to the staff member or former staff member's suitability for the role. Information relating to disciplinary action will generally only be disclosed if penalties or sanctions remain in place for the employee.

Allegations which were proven to be false, unsubstantiated or malicious, e.g. relating to misconduct, will not be included in a reference – this includes if it is a history of repeated concerns or allegations which have been found to be false, unsubstantiated or malicious. The member of staff providing the reference will make no comments about their own personal views on the veracity of allegations.

If an allegation exists which has yet to be investigated or an investigation is incomplete, the headteacher will seek HR advice, and legal advice where necessary, on what information, if any, should be provided to the prospective employer.

9. [Updated] Safeguarding

For references provided to the school, the candidate's suitability will always be assessed with particular regard paid to their suitability to work with children. The DSL will be consulted where appropriate.

The DSL will recognise the school's duty to disclose safeguarding concerns overrides any other duties to an employee, and ensure the school complies with its safeguarding obligations. The DSL will ensure records are kept of all allegations against staff in line with the most up-to-date version of the DfE's 'Keeping children safe in education' guidance.

[New] When asked to provide references, the school will ensure the information confirms whether it is satisfied with the person's suitability to work with children and provide the facts of any substantiated safeguarding concerns or allegations that meet the harm threshold.

For all safeguarding allegations, excluding those proven to be malicious, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, will be kept on the confidential personnel file of the accused member of staff. Accurate information based on these records will be given in response to future requests for a reference, where appropriate.

Safeguarding information will not be given in circumstances where the allegation was found to be false, unsubstantiated or malicious – this includes if it is a history of repeated concerns or allegations which have been found to be false, unsubstantiated or malicious. The member of staff providing the reference will make no comments about their own personal views on the veracity of allegations.