



LIGHTHOUSE
SCHOOLS PARTNERSHIP

REFERENCE POLICY

Statutory

Policy Approved by the Board of Trustees

Signed:

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This Policy applies to all schools and employees within the Lighthouse Trust Partnership.

REFERENCE POLICY

CONTENTS

1.	INTRODUCTION.....	3
2.	WHAT IS THE PURPOSE OF A REFERENCE	4
3.	REQUESTING REFERENCES	4
4.	IF REFERENCES ARE DEEMED UNSATISFACTORY	6
5.	TELEPHONE REFERENCES.....	6
6.	WORKING FOR THE TRUST WITHOUT A REFERENCE	6
7.	CONFIDENTIALITY	7
8.	REFERENCES THAT ARE WRITTEN FOR PROSPECTIVE EMPLOYEES	7
9.	PROVIDING REFERENCES	7
10.	CHECKING VALIDITY OF THE REFERENCE REQUEST.....	7
11.	EQUALITIES AND DISCRIMINATION.....	7
12.	REQUIREMENTS FOR WRITING A REFERENCE.....	8
13.	LINE MANAGERS ACTING AS A PERSONAL REFEREE	8
14.	FILING REFERENCES	8
15.	REFERENCE FORMS	9

1. Introduction

Care needs to be taken in the writing of such references, and this Policy outlines the basic requirements that must be observed. The purpose of providing references in line with the Keeping Children Safe in Education guidance, is to allow the next employer, either school or college, to obtain objective and factual information, to support appointment decisions.

References can be provided on either a professional or a personal level, and the reference itself should clearly identify which is being offered. A personal reference must not be given on school/Trust letterhead, and should not be provided from a school/Trust email address.

Information about staff/volunteers can be disclosed in response to reference requests provided that there is a reasonable degree of satisfaction that it is the subject's wish. If there is any doubt as to the authenticity of a reference request, its validity should be checked with the subject. Unsolicited references (e.g. addressed either to the Trust or "to whom it may concern") should be restricted to statements of public fact (start/end dates, job title). Anyone who has worked for the school/Trust can ask for a reference, whether on a paid or unpaid basis, with the exception of those who are agency workers. Agency workers, including supply teachers, will need to gain a reference from their agency.

1.1 Authorship of References

References provided in respect of a current member of staff/volunteer should be given by someone who has had direct contact with the subject. Where this is not possible, references will need to be limited to information contained within the individual's records.

References about current or former members of staff/volunteers which are provided in a professional capacity may only be given by individuals who are either on the same or a more senior grade than the subject of the reference.

If a member of staff is not willing or able to provide a reference on request, any refusal must be carefully conveyed in order to avoid implying a negative reference. Where possible, this should be pre-empted by speaking to the subject before being nominated. In such cases, the request may be conveyed to the Trust HR team.

1.2 Content of the Reference

When writing references, there is a duty of care to the subject of the reference and to the receiving party to ensure that references are true, accurate and fair, and that they do not give a misleading impression. This duty applies to the reference as a

whole and not merely when individual sentences are taken out of context. It is expected that references given will be scrutinised by future employers before confirmation of appointment. It is in the responsibilities of the Education sector to ensure Safeguarding of students.

Members of staff providing professional references have a duty of care to the trust, as the Trust may be held liable for a negligent reference.

References may only provide information which is relevant, reasonable, and which the referee is qualified to supply. Expressions of fact or opinion should be clearly differentiated.

Remarks may be qualified if necessary, e.g. “To the best of my knowledge...”.

Information about “sensitive personal data” cannot be provided. This includes information relating to:

- A. racial or ethnic origin
- B. political opinions
- C. Religious beliefs
- D. Trade union activities
- E. physical or mental health
- F. sexual orientation
- G. criminal offences

2. What is the purpose of a reference?

The purpose of references is to obtain information, in confidence, from a third party, providing a factual check on a candidate’s employment history, qualifications, experience and/or an assessment of the candidate’s suitability for the post in question. This document provides guidance on requesting references and providing references.

3. Requesting References

3.1 The Trust requests two references as part of the recruitment and selection process however reserves the right to request a third reference in situations that include but are not limited to:

- the past 5 years’ employment history is not fully referenced;
- where references are generic; or
- when references are objective and not subjective. References and other pre-employment checks must be deemed as satisfactory before a formal offer of employment can be made.

- 3.2 How are references used in recruitment & selection processes?
At the Trust, contact details of at least two referees from all applicants and prospective employees are requested: their current or immediately previous employer and a second employer is usual.
If an applicant has not been employed, we ask them to provide contact details for an academic and a character referee. The Trust reserves the right to request additional references, particularly if it is considered necessary to adhere to safeguarding and safer recruitment principles.
- 3.3 For all teaching posts, it is normal practice that references are requested in advance of the interview day and can be used to support the selection process. For support staff where possible, references are generally taken up after the shortlisting process, however, the Trust may request contacting current employers in advance of selection. Outside of this, full referencing will occur at the point of offer.
- 3.4 Obtaining reference before interview, will allow any concerns raised by the references to be explored further with the referee and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague.
Generic references will not be relied upon nor will open references (e.g. “to whom it may concern”), as there is no way of checking authenticity and accuracy.
- 3.5 If the referee has not completed the school reference pro forma, the Headteacher should ensure that all the relevant questions have been covered in the interview and/or any reference request letter, and seek further clarification where necessary. This may require a meeting with the offered candidate to achieve satisfactory clarification.
- 3.6 It is the Trust’s normal practice and expectation of schools, that written references are reconfirmed through telephone follow-up conversations with the referee to verify information.
- 3.7 Candidates are asked to indicate on their application form whether they are happy for referees to be contacted before their interview. Candidates who state they do not wish contact to be made, will not be penalised in any way.
- 3.8 After the selection process, the successful candidate is informed that they are the ‘preferred candidate’ through a conditional offer of employment and that we will be doing pre-employment checks, which must be deemed satisfactory before a formal employment offer will be made. The pre-employment checks are two or three references; pre-employment health check; verification of qualifications and entitlement to work in the UK, and a Disclosure and Barring Service (DBS) check for people working with children or vulnerable adults.
- 3.9 The Headteacher/recruiting manager confirms whether the references are satisfactory i.e. verify the information given by the candidate during the

selection process. If references and all other pre-employment checks are satisfactory, the person will be formally offered the job.

- 3.10 Reference information is stored on the school Single Central Record information as well as the personnel file of the employee in the HR system.

4. If references are deemed unsatisfactory

- 4.1 Recruiting managers need to contact the Trust's HR Team to discuss whether to continue with the recruitment process.
- 4.2 For conditional offers that have been made, the Headteacher will review with the recruiting manager and a decision will be made, advice may be taken from the Trust's HR Team. The offered candidate will then be communicated with, in terms of the final decision and a reason why if the offer is withdrawn.

5. Telephone references

- 5.1 There may be an occasion where recruiting managers take up telephone references e.g. where the preferred candidate can start immediately and a quick response from the referee is required to avoid unnecessary delays.
- 5.2 General guidance if the above happens is as follows:
- Ensure you are speaking to the appropriate person in the organisation.
 - Make it clear to the referee that you are making notes and that under the Data Protection Act 1998 a copy of the notes may be provided to the person if they request it and that the referee's name will also be disclosed.
 - Base the conversation on the employment reference pro forma or pro forma for character references as appropriate.
 - Ask factual questions only.
 - Be sensitive that recent legal judgements may limit the amount of data a referee is prepared to give.
 - Record date, time, name of referee and the organisation they present.
 - Make clear notes of your conversation Recruiting managers should file and retain the completed reference pro-forma with all candidate's other recruitment and selection papers.

6. Working for the Trust without a reference

The Trust aims to reference check all employees prior to any commencement of employment in line with the Keeping Children Safe in Education guidance. It is unlikely and not recommended that people start work for the Trust before their references have been checked. If an employee starts before receipt of their references, the requirement to obtain satisfactory references is no longer a condition of employment and the employee may acquire contractual rights as a result. A risk assessment will be conducted in every situation where there is no DBS in place and reviewed every two weeks.

7. Confidentiality

All references must be kept confidential.

8. References that are written for prospective employees

Under the Data Protection Act 2018, employees are not entitled to view references given in confidence by, or to, their employer or by a former employer. In the event that a request is received, you should seek the advice of the Trust's HR Team. It is always best to assume that the contents of a reference may be seen by the employee and the advice given in this policy is adhered to.

9. Providing References

The Trust aims to provide references for employees and ex-employees. However, there is no obligation to do so. Referees must not discriminate in any way in the content of their references or in refusing to give a reference. When writing references, referees have a duty to take reasonable care and provide information that is true, accurate and fair, and does not give a misleading impression. Advice may be requested from the HR team.

Referees should have first hand, recent knowledge of the applicant, to provide accurate information on the employee's performance and are normally written by the Headteacher for teaching staff, Schools Business Manager for support staff/volunteers or other line manager.

When writing a reference the referee does not have to complete a form provided by the new employer, and may prefer to provide a reference in the form of a letter, to enable the referee to provide a fair reference.

10. Checking validity of the reference request

10.1 The line manager may like to check with the employee before providing a reference. For employment references, the employee or ex-employee would have provided your details to the new organisation and they are therefore likely to be aware that you are being contacted for a reference.

10.2 The Trust sometimes receives requests from banks, building societies, letting agencies or other financial organisations to verify an employee's salary in support of a mortgage or loan application. The School Business Manager/line manager will contact the employee to get approval before they respond to such requests unless otherwise notified in advance.

11. Equalities and discrimination

11.1 The Trust will not accept unlawful discrimination and has clear duties for staff, which are outlined in the Equality & Diversity Policy. These duties extend to the giving of references:

Any refusals to give a reference must not be for discriminatory reasons and; Information contained in a reference must not be discriminatory in any way.

- 11.2 Giving of references is now included in discrimination legislation and employees and/or ex-employees can go to an Employment Tribunal if they feel they have been discriminated against in any way.

12 Requirements for writing a reference

- 12.1 When providing references, the referee needs to be aware that the employer owes a duty to the recipient (e.g. prospective employer) and to the employee. This duty is to take reasonable care and to provide information that is true, accurate and fair, and does not give a misleading impression. If an employee fails to secure a job because of an inaccurate reference, they may seek an appropriate remedy through the courts.
- 12.2 References should not refer to performance or other issues that have not been previously discussed with the employee through their Appraisals/supervision (e.g. poor performance). Managers should also be cautious about giving any subjective opinion about an individual's performance, conduct or suitability, which they cannot substantiate with factual evidence e.g. appraisal documentation, supervision notes, probationary forms etc.
- 12.3 Care must also be taken when writing references for employees who have resigned pending disciplinary investigation. Support can be given by the Trust's HR team.
- 12.4 References need to be written bearing in mind the requirements under the Equality Act 2010.
- 12.5 Overall, there is no obligation to provide a full and comprehensive reference, but care should be taken to ensure that if information is omitted, the reference, is not misleading.

13 Line Managers acting as a personal referee

Line managers can act as a personal referee for any individual whether they work at the Trust or externally. However, you must ensure that Trust/School headed paper is **not** used and say that the reference is being made in a personal capacity. On no account should a personal reference be written on headed paper, or in any way suggest that the Trust endorses the reference. Any employee doing so could find themselves subject to disciplinary action.

14 Filing references

Copies of written references and notes of telephone references must be kept on the employees' personnel file.

15 Reference Forms

Reference forms for requesting professional or personal references can be found in Foldr for:

- Teachers
- Support Staff
- Volunteers

Please ask the HR team for advice.