

## Reference Policy

<b>Version Number</b>	1
<b>Location</b>	
<b>Author</b>	Schools HR Advisory Service – North Somerset Council
<b>Published</b>	
<b>SSE Review Date</b>	
<b>Effective Date</b>	Formal Adoption by school
<b>Consultation</b>	



## Reference Policy

**March 2020**

**Review Date: March 2022**

## **ST. JOSEPH'S CATHOLIC PRIMARY SCHOOL**

### **Reference Policy**

This policy will be carried out with due regard to our School Vision and Mission Statement:

**Together we love- Together we hope- Together we learn**

**St Joseph's Catholic Primary School is an inclusive, vibrant, Catholic community where we encourage everyone to share a love of learning and the love of Christ.**

**Together, we hope to inspire each other to achieve our full potential and to embrace our future with confidence.**

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# REFERENCE POLICY

## 1. POLICY OVERVIEW

- 1.1 As a school we are committed to recruiting and retaining the best people to ensure that we achieve the school's objectives. It is recognised staff turnover is normal for a healthy organisation and that referencing is part of the management/leadership role. This policy outlines the use of references in supporting fair and reasonable recruitment and exit processes.
- 1.2 It also describes:
  - the procedure for requesting references
  - the procedure for providing references

## 2. REFERENCE POLICY

- 2.1 All line managers within St. Joseph's (henceforward referred to as 'the school') are authorised to provide references for current or ex-employees. References must be provided for ex-employees for as long as practicable after the employee has ceased to work for the school,
- 2.2 Personal references will not be provided in any circumstances e.g. court hearings, by the Headteacher / line managers acting on behalf of the school.
- 2.3 There is no law which requires employers to provide references, except for those companies covered by the rules of the Personal Investment Authority. However, there is certain reciprocity in giving and receiving references and the consequences of not doing so can be serious for the employee. Most employers like to confirm their interview impression of a candidate by checking out facts and opinions with someone who knows them well. It is therefore our policy to provide references in all but very exceptional circumstances.
- 2.4 As an employer we do have the duty to take reasonable care in the preparation of references and we are liable in negligence if the reference we provide is inaccurate and the employee or prospective employer suffers damage because of it.
- 2.5 All references are provided in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 2.6 If the Headteacher or the relevant line manager is unsure as to whether to provide a reference the Schools HR Team should be contacted for clarification.
- 2.7 All references provided should be factually accurate and contain only statements which can be verified.

### **3 PROCEDURE FOR REQUESTING REFERENCES**

- 3.1 In accordance with national safer recruitment and selection guidance, once a candidate has been shortlisted for a position (and prior to interviews taking place), the relevant line manager will seek references from those stated on the job application form (including internal candidates), using the model Reference pro-forma (see Appendix 2) or an equivalent that requests the same information from the referee. The model or its equivalent will be used because it has been drawn up in line with the national safer recruitment guidance. A copy of the job description and person specification for the post will be included with the reference request whenever possible.
- 3.2 Two references must be sought for all candidates. One referee should be the current or most recent employer, and if possible one should be from an employer for whom the individual worked with children.
- 3.3 If the applicant is a school leaver or has not been in work for some time, a character reference may be sought. The model character reference pro-forma (see Appendix 3) or an equivalent that requests the same information from the referee will be used.
- 3.4 References will always be sought and obtained directly from the referee. The school will not rely on references or testimonials provided by the candidate, or on 'to whom it may concern' (sometimes called 'open') references and testimonials. If you have any questions relating to a 'to whom it may concern' reference or testimonial you may have received, please contact Schools Human Resources.
- 3.5 Save in exceptional circumstances, the school will not accede to any request by the candidate to only approach his/her current employer following the interview
- 3.6 References will be passed to the line manager.
- 3.7 The selection panel will review the references received. On receipt references will be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, the referee should be contacted and asked to provide written answers or further information as appropriate. The contents of references will also be checked against the information supplied on the application form, scrutinised for any discrepancies / issues of concern and any such concerns noted down. The suitability of the candidate for the post will be assessed (with particular regard to their suitability to work with children). Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case (please see paragraph 8.1 for guidance on the disclosure of past disciplinary action or allegations).
- 3.8 Having reviewed the references of each shortlisted candidate, the selection panel will devise / revise specific interview questions to follow-up on contents of reference(s) as necessary and ask these at interview.
- 3.9 Preferably, all references will have been received before interview, but, in the event the references of all the shortlisted candidates are not received before interview the line

manager should not review those references that have been received before interview; instead:

- each candidate should be asked 'if there is anything they wish to discuss / declare in light of the questions put to their referees' and
- once the interviews have taken place and a candidate provisionally appointed, the references of the successful candidate should be reviewed as soon as possible after interview in order to assess the suitability of the candidate for the post (with particular regard to their suitability to work with children) and the prospective employee asked any follow-up questions that may be necessary prior to confirming the appointment.

3.10 Once the appointment has been made, copies of the two references should be sent to Schools HR together with the remainder of the appointment paperwork. Please also retain copies at the school.

#### **4 UNSATISFACTORY REFERENCE**

4.1 In some circumstances it may be necessary to contact the referee for clarification of comments made. It may also be necessary to contact the candidate to give them the opportunity to discuss any concerns which the reference has raised about their ability to carry out the role successfully (see points 2.7 and 2.8 above).

4.2 The Schools HR Team can provide support to the Headteacher / line manager in these circumstances. If the decision is made not to appoint the candidate on the basis of an unsatisfactory reference, the line manager must make a note on the recruitment file as to the specific reason for non-appointment, and the school will normally seek the advice of Schools HR before making the decision not to appoint on the basis of a reference.

#### **5 PROCEDURE FOR PROVIDING REFERENCES**

5.1 Before providing a reference the Headteacher/line manager should ensure that they have obtained the written consent of the individual concerned. This is necessary to comply with the requirements of the General Data Protection Regulation (GDPR). A model Employee Consent pro forma which may be used for this purpose is attached as Appendix 1.

5.2 The Headteacher / line manager may not wish to provide a reference or may have difficulty in answering some of the questions asked by a new employer. In these cases advice should be sought from the Schools HR Team.

5.3 The Headteacher / line manager providing a reference may wish to use the Reference pro-forma in Appendix 2, which should cover the information a prospective employer requires (this pro-forma should be used as part of the school's own recruitment process, see above). Alternatively the Headteacher / line manager may wish to write a letter-formatted reference covering the specific points asked for. The Headteacher / line manager may also have been provided a pro-forma reference to complete.

5.4 The Headteacher / line manager may be asked to provide a reference for staff who are applying for a post in which the Headteacher / line manager is involved selecting for. In

these circumstances it is absolutely vital that managers follow the guidance in this policy in order to demonstrate that a fair and equitable recruitment and selection process has taken place.

## **6 STANDARDS OF REFERENCE**

- 6.1 The basic information which needs to be included in a reference relates to skills, knowledge, experience and safeguarding children (for posts involving work with children) as well as personal characteristics. On drafting a reference, if you are unsure about whether or not to include a comment about the employee, leave it out. There is a risk of the school being liable for inaccurate or misleading references and therefore references should include only verifiable statements. General comments may be given with care if the general tone is a positive one and limited to the Headteacher's / line manager's knowledge of the employee (e.g. while working for us X has been a hard working, conscientious employee). Before sending the reference it should be confirmed that the employee has given their written consent for personal data to be released.
- 5.2 If the reference request relates to work in a school or with children generally, the information provided in the reference should be equivalent to the information we seek as a school in our reference requests (see paragraphs 4.33 – 4.34 [4.68 – 4.69] of the DfE's *Safeguarding Children Guidance*).

## **7 CONFIDENTIALITY OF REFERENCES**

- 7.1 Individuals have no automatic legal right to see what is written about them in a reference but they may gain access to the reference through the courts by taking legal action or, because of our policy of accessibility to personal files, it may well be that the reference is made available through that route in any case. They may also gain access to the reference through their new employer. It is therefore viewed as best practice if the reference is openly shared with the employee or ex-employee before it is sent to the person requesting the information. That is not to say that the reference needs to be agreed, but comments should be taken on board by the Headteacher / line manager providing the reference and if agreement is not reached the reasons for non-agreement should be discussed and recorded.

## **8 CRIMINAL OFFENCES AND REFERENCES**

- 8.1 Information regarding criminal offences would not normally be included in references. In particular, information from CRB disclosures must not be included in references. If the school is considering including any information relating to a criminal offence received from any other source, advice must be sought from the Schools HR Team.

## **9 EMPLOYEES SUBJECT TO DISCIPLINARY ACTION**

- 9.1 The disclosure of any information about past disciplinary action or allegations (including allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people) should be considered in the circumstances of the individual case. Cases in which an



allegation was determined to be unfounded or malicious should not be included in a reference.

### **Disciplinary action involving children's safeguarding issues**

- 9.2 With regard to past disciplinary action and/or allegations in connection with the safety and welfare of children or young people or behaviour towards children or young people, the following should be included (**subject to paragraph 8.3 below**): details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired, and the outcome of those and details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, and the outcome of those concerns e.g. whether the allegations or concerns were investigated, the conclusion reached, and how the matter was resolved.
- 9.3 Cases in which an allegation was proven to be unsubstantiated, unfounded or malicious should **not** be included in any reference. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also **not** be included in any reference
- 9.4 Otherwise, any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago or did not require formal disciplinary sanctions, and in which no further issues have been raised, are not likely to cause concern. More serious and / or more recent concerns, or issues that were not resolved satisfactorily are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.
- 9.5 If you are not sure in a particular case as to whether to include an allegation please contact the Schools HR Advisory Service.

### **Disciplinary action not involving safeguarding issues**

- 9.6 With regard to disciplinary action not involving children's safeguarding issues, only action in respect of which penalties or sanctions are current should be included.
- 9.7 As employers we should not mention concerns or allegations which have not yet been investigated.

### **General – Employees Subject to Disciplinary Action**

- 9.8 In cases where a compromise agreement has been made, the provision for the supply of a reference is often included. Where this is the case it should be ensured that the exact wording of a fair and accurate reference is fully discussed, clearly agreed and carefully recorded in writing in any compromise agreement at the same time as other severance terms. In such cases the Schools HR Team and Legal Service will provide advice.

- 9.9 Referees must provide an oral or a written reference for an employee or ex-employee in an objective manner and avoid providing a reference that reflects their personal beliefs about the guilt of that employee or ex-employee concerning an allegation of misconduct.
- 9.10 The Headteacher / line manager should also avoid mentioning any performance issues which were not discussed with the employee during their employment.

## **10 TELEPHONE REFERENCES**

- 10.1 Although many referees are more relaxed about giving information over the telephone than in written form it should be recognised that there still exists a duty of care as an employer. It is therefore advised that telephone references are only asked for and given in the following circumstances:
- When the appointment is time critical
  - When a written reference needs clarification
- 10.2 In both circumstances written notes must be taken and placed on the employee's personal file.

## **11 EQUAL OPPORTUNITIES**

- 11.1 In accordance with the school's Equal Opportunities Policies and Equality Legislation, line managers must be careful not to discriminate on the grounds of race, gender, disability, sexual orientation, religion or belief, age or other grounds covered by statute when operating the council's Reference Procedure.

## **12. GENERAL DATA PROTECTION REGULATION**

- 11.2 All references are provided in accordance with the General Data Protection Regulation (GDPR).
- 11.3 The Headteacher / line manager who receives a reference request must ensure that they have the individual's written consent to provide personal information in order to comply with the Regulation.

## **13. OTHER RELEVANT POLICIES**

Capability Policy and Procedure  
Disciplinary Policy and Procedure  
Probationary Policy and Procedure  
Disclosure Policy

**Signed Chair of Governors** \_\_\_\_\_

**Date** \_\_\_\_\_

**Review Date** \_\_\_\_\_

# APPENDICES

## APPENDIX 1 - Pro-forma for Employee to Consent to Provide a Reference

I give my consent for an employment reference to be provided and agree to the release of personal information for that purpose.

Signed: .....

Name: .....

Position with the School: .....

Date: .....

### Privacy Statement

*The School is registered with the Information Commissioner's Office for the purposes of processing personal data.*

*The information your referee will provide will be held and used in accordance with the requirements of UK and European data protection law. The information provided will form part of your personnel file, which, in accordance with Section 2 of the Limitation Act 1980, will be stored securely until six years after the termination of your employment period.*

*The purpose of the processing of this data is to ensure that the school is able to assess your suitability for employment in the role for which you have applied at the school. The processing of this information is lawful as we are obtaining your explicit consent to process the data (GDPR Article 6 (1)(a)).*

*If you have any questions or concerns about the way we process your personal data, please contact our Data Protection Officer through the School.*

## APPENDIX 2 – Model Reference Request Form

### PRIVATE AND CONFIDENTIAL

Name of applicant	
Position applied for	Job Reference
Confirm dates of employment	From To
Capacity in which employed and/or job title	
Main responsibilities	
Full time or part time If part time, number of hours per week for which employed	
Salary/wages	

### Assessment of Performance

Please comment on the following:

Skills and abilities	
Behaviour of employee with colleagues, clients, children/young people and management	
People management skills (if any)	

Quality of work	
Quantity of work i.e. tasks completed within agreed timescales	
<p>Are you completely satisfied that the applicant is suitable to work with children?</p> <p>If no, please provide specific details of your concerns and the reasons for your doubts</p>	Yes/No
<p>To the best of your knowledge, has the applicant ever had an allegation made against them that was shown to be substantiated, or been under investigation, as a result of any allegation that proved to be substantiated in regard to his/her behaviour towards children?</p> <p>If yes, please give full details of the nature and date(s) of the allegations, by whom they were investigated, what conclusion was reached as a result of the investigation, whether any action was taken and if so what that was?</p> <p><i>Please note: <b>no</b> allegation (or history of allegations) shown to be unsubstantiated, unfounded, false or malicious should be included in any reference</i></p>	Yes/No
Has the applicant been the subject of any disciplinary action(s) in respect of which penalties or sanctions remain in force?	Yes/No

<p>If yes, please give full details of the nature and date(s) of the misconduct and of the penalty or sanctions still in force.</p>	
<p>Has the applicant been the subject of any disciplinary action relating to his/her suitability to work with children in which penalties or sanctions were imposed but have since expired?</p> <p>If yes please give full details of the nature and date(s) of the misconduct and of the penalty or sanctions that were imposed.</p>	<p>Yes/No</p>
<p>Is the applicant currently under a warning to improve their performance under the terms of your Capability Policy/ Procedure?</p> <p>If yes, please state the nature of the capability issues recorded and when this occurred.</p>	<p>Yes/No</p>
<p><b>Teaching Posts only:</b> Has the applicant been subject to capability procedures within the past two years?</p> <p>If yes, please provide the details of the concerns which gave rise to this, along with the duration of the proceedings and their outcome.</p>	<p>Yes/No</p>
<p>Where appropriate does the person hold a clear CRB Disclosure with your organisation?</p>	<p>Yes / No / Not applicable</p>
<p><b>If the person has left your employment</b>, was he or she the subject of any disciplinary action, including informal action or investigation during his/her employment with your organisation?</p> <p>If Yes, please give details.</p>	<p>Yes/No/Not applicable</p>
<p><b>If no longer in employment please confirm:</b></p> <p>Date of leaving</p>	

Reason for leaving	
If dismissed, reason for dismissal	
Would you re-employ him/her?	Yes/No
Do you know of any reason why we should not employ him/her?	Yes/No
If Yes, please specify.	

Please add any further information or comments which you wish to offer about him/her bearing in mind the post for which he/she has applied:

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Signed by referee	
Name (please print)	
Date	
Position/Job title	
Telephone number and extension	
Email address	
Name and address of company/organisation	

Please provide adequate evidence that you are providing this reference on behalf of your company e.g. a covering letter on headed paper, a compliment slip or company stamp.

**Please note that this organisation operates an open reference policy, which means that employees have the opportunity to see references supplied for them. (This should not be confused with providing ‘open references’ in the sense of providing ‘to whom it may concern’ references.) By providing a reference you are considered to also be giving permission for it to be seen by the employee concerned. You may therefore wish to discuss the reference with them prior to it being sent.**



## APPENDIX 3 – Model Character Reference Request Form

### PRIVATE AND CONFIDENTIAL

Name of Applicant
Position applied for

Relationship (i.e. personal friend, colleague etc)	
Duration of relationship	From                      To
Personal Qualities	
Your assessment of their suitability to work as a XXXX [post title]	
Your assessment of their suitability to work with children in a school, with particular reference to the requirements of safer recruitment	
Do you know of any reason why we should not employ him/her?  If Yes, please specify.	Yes/No
Any general comments you think relevant	

Signed by referee	
Name (please print)	
Date	
Position/Job title	
Telephone number and extension	
Email address	
Name and address of company/organisation <i>(if relevant)</i>	

**Please note that this organisation operates an open reference policy, which means that individuals have the opportunity to see references supplied for them. (This should not be confused with providing 'open references' in the sense of providing 'to whom it may concern' references.) By providing a reference you are considered to also be giving permission for it to be seen by the individual concerned. You may therefore wish to discuss the reference with them prior to it being sent.**