



Giving References Policy

For the Following Academies:

Connaught Junior School
Holy Trinity Primary School
Windlesham Village Infant School
Crawley Ridge Infant School
Crawley Ridge Junior School

This Trustee & Governor Allowance Policy was approved and adopted by the Trust Board: Sum 2022
It will be reviewed: Sum 2024

1. Introduction and Purpose of Policy

The purpose of this policy is to provide guidance for staff where a reference request is received in respect of a former or current employee.

Whilst there is no statutory obligation to provide a reference for a member of staff, TAMAT's general policy is to respond to such requests unless there are compelling reasons not to. The Trust Board is mindful of its obligations under the Equality Act 2010 and will seek to ensure that its practices in relation to the provision of references do not discriminate unlawfully against individuals with protected characteristics.

TAMAT recognises that, in order to comply with statutory guidance on safer recruitment, it is normal practice that offers of employment in a school or college environment will be conditional on two references being received that are deemed satisfactory by the new employer and also that a prospective employer may seek to check that the information supplied by an individual in his or her job application is accurate and complete. TAMAT therefore acknowledges that it is in the interests of all schools and colleges that there is a spirit of cooperation in this regard.

TAMAT accepts that, in providing a reference, it owes a duty of care to both the employer that requested the reference and the individual who is the subject of the reference.

2. Receiving a Request for a Reference

It is TAMAT's Policy that employment references for staff within school may be given only by the Headteacher, referred to in the remainder of this policy document as the 'referee'. Any requests for references, whether written or verbal, should therefore be referred immediately to the referee for a response. The referee will seek the input of other managers as appropriate to ensure that an accurate and fair reference is given.

For staff within the Central Business Team, references will need to come from the CEO.

The Chair of the Local Academy Board will act as the referee for the Headteacher.

The Chair of Trustees will act as a referee for the CEO.

3. Providing a Requested Reference

As the rules around the provision of references in the education sector derive from statutory guidance, application forms for school/college vacancies tend to be formulated to include the applicant's consent for seeking references (and other verification of past employment as needed). An employee or former employee has a genuine choice about whether to consent to personal information being shared for the purposes of providing a reference. To comply with data protection law the school should ensure written consent has been obtained before sharing personal data.

References must be provided in writing and marked as confidential, although it is good practice for the prospective employer to clarify any vague or uncertain elements of the reference by telephone if necessary. If the referee is contacted by telephone, supplementary information given should not deviate from the original reference, only clarify it. A written record of the conversation, signed and dated, should be kept on file.

4. Content of the Reference

The referee, and any other member of staff asked to contribute to a reference, will take all reasonable care to ensure that only accurate information is provided. This might include:

- The dates of the employee's employment.
- The employee's job title, salary, and a short description of his/her key duties and responsibilities.
- Whether or not the individual held responsibility for staff, money, equipment etc.
- Confirmation of any other previous roles that the employee held and for how long he/she performed those roles.
- Details of any living disciplinary warnings on file.
- Details of any expired disciplinary warnings or substantiated allegations that relate to the safety and welfare of children or young people (details will **not** be provided relating to unsubstantiated, false, unfounded, or malicious allegations).
- Details of any capability proceedings to which the applicant has been subjected within the previous two years.
- Where the employee has left the organisation, the reason why, for example, resignation, redundancy, or the expiry of a fixed term contract.

Whilst the referee or other relevant manager may provide an opinion on the individual's performance or conduct, the information provided should be verifiable (for example, through appraisal records). The referee is expected to refrain from making adverse comments on aspects of an individual's performance that have never been brought to his/her attention. It is the responsibility of the referee to ensure that the reference provided is true, accurate and fair. Whilst there is no requirement for a reference to be full and comprehensive, it must not give a misleading impression overall.

The referee will consider discussing the content of the reference with the employee in circumstances where there are concerns about balancing the need to be fair to the individual with the need to avoid giving a misleading impression about his/her performance or conduct.