

Reference Policy

Policy Code	HR32
Policy Start Date	December 2020
Policy Review Date	December 2023

Please read this policy in conjunction with the policies listed below:

- HR4 Recruitment and Selection Policy
- HR6 Data Protection Policy
- HR12 Staff Disciplinary Policy
- HR16 DBS and Safeguarding Policy
- HR33 Records Management Policy
- SW5 Safeguarding and Child Protection Policy

1 Policy Statement

- 1.1 This policy outlines the Trust's approach to providing and requesting references. This policy outlines the procedure to ensure a consistent and lawful approach when providing references and requesting references.
- 1.2 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Training, Priory Apprenticeships, Lincolnshire Teaching School Alliance and Lincolnshire Teaching School Alliance SCITT.
- 1.3 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.
- 1.4 The Trust is committed to leading a mentally healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any such comments should be passed to the Trust's HR department (via FederationHR@prioryacademies.co.uk) for appropriate consideration at the next available point in the policy review cycle.

2 Roles, Responsibilities and Implementation

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR Committee has delegated day-to-day responsibility for operating the policy and ensuring its maintenance to the Human Resources Director.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

3 Aims

- 3.1 The Trust will ensure that there will be a consistent and thorough approach when dealing with references.

4 Staff Providing References

- 4.1 Managers who provide any references will be honest and give an accurate assessment of a member of staff's ability. Any response to questions will be answered factually and subjective personal opinions will be avoided.
- 4.2 Any references written must be sent to the Headteacher of the Academy and/or the Human Resources Director before sending back to the organisation requesting the reference to ensure they are true, accurate and fair.
- 4.3 Anyone who fails to adhere to the above may render the Trust liable for any loss which the member of staff could incur as a direct result of any inaccurate statements, opinions or any impression and may also lead to the Trust being liable for any discrimination claims. Any such action could lead to disciplinary action under The Trust's HR12 Staff Disciplinary Policy.
- 4.4 In the event that staff are asked to provide a personal reference they will not be required to follow the points set out in 4.1-4.3. However, personal references may not be written on the Trust's headed paper, nor refer to a person's professional performance or their relationship with the Trust. Personal references simply record a person's experience of another. Any individual giving such a personal reference is personally responsible for anything said in that reference. Such references must state that they are a personal reference and do not represent the views of the Trust.

5 Procedure for Providing References

- 5.1 To provide a consistent approach to reference requests, these must be passed to the Academy Headteacher and/or the Human Resources Director. If a reference request is received for a current or ex-student, this must be passed to the relevant Academy Headteacher or Deputy Headteacher.
- 5.2 Managers have a duty of care to provide an accurate and honest assessment of the member of staff's ability. Any responses to questions must be factually correct and avoid providing vague personal statements or opinions which could be subjective. If in doubt, advice should be sought from the Human Resources Director before completing the reference.
- 5.3 References that are about a current or former member of staff which are provided in a professional capacity may only be given by individuals who are on the same pay scale or on a more senior pay scale than the subject of the reference. Any member of staff who receives a reference request must inform the Academy Headteacher and/or Human Resources Director.

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- 5.4 A reference should clearly specify the basis on which it is being provided and this includes:
- The referee's relationship with the subject.
 - The length of the relationship.
 - The capacity in which the reference is being provided.
 - The date of writing the reference.
- 5.5 Personal Information - For current staff the Trust seeks written consent for any information relating to an identified or identifiable person to be provided on a reference. For former staff consent can be gained through a phone call (making a note of the verbal consent), through email or asking the organisation requesting the reference to provide the Trust with the consent of the member of staff/ex-employee.
- 5.6 Sensitive Information – this information should not be provided on the reference without the written consent of the member of staff and may only be given by the Human Resources Director. Sensitive information concerns:
- Racial or ethnic origin
 - Political opinions
 - Religious or philosophical beliefs
 - Membership of a Trade Union
 - Physical, mental health or other medical condition
 - Sex life or sexual orientation
 - The commission of, or proceedings for, any offence committed or alleged to have been committed, the disposal of those proceedings or any sentence issued by a court.
- 5.7 A request for a reference will not in itself amount to consent for these details to be disclosed. Consent in these cases should be explicit and received on a signed form from the member of staff/ex-employee to confirm they are happy for the Trust to provide the information.
- 5.8 Verbal references should not be given without the permission of the Headteacher of the Academy or Human Resources Director and should only be given in exceptional circumstances, as information could be misinterpreted. Where any verbal reference is given, there should be notes of the conversation kept and filed.
- 5.9 Any references sent by the Trust will be marked 'Private and Confidential'.
- 6 Procedure for Obtaining References**
- 6.1 At least one reference must be sought for all posts advertised within the Trust.
- 6.2 References will be requested as follows:

Applicant:	Number of references to be requested:	Form to be used:
Member of staff (external)	2 x references	Teaching Staff Template Support Staff Template
Volunteer	2 x references	Volunteer Template
Governor/Trustees	2 x references	Governor Template
Member of staff (internal)	1 x reference	Internal Template (Teaching Staff or Support Staff)
Student (internal)	1 x reference	Internal Template (Student)
Agency Staff	Assurances to be sought from the Agency	

- 6.3 The Trust has standard reference request form templates, which should be used for all reference requests. As all posts within the Trust come into contact with pupils, the Trust’s external reference request form asks specifically if the referee believes the applicant is suitable to work with children and to give details of any concerns or allegations that have been raised about the applicant in relation to safety or welfare of children or young people.
- 6.4 The Trust will not accept open references and any reference which is in the form of a “to whom it may concern” testimonial. If such a reference is received, the Trust will request a third referees contact details to gain a third reference.
- 6.5 All references are requested prior to interview.
- 6.6 For references for a member of staff (external applicant) the following conditions must be met:
- Two satisfactory references must be received.
 - Of the two references received, one must be from the current employer. If the applicant is unemployed, one reference must be from their most recent employer (if the applicant has been self-employed this referee must be able to comment on their work). The other reference can come from a past employer or someone who the member of staff has known for a minimum of 12 months.
 - One reference must be obtained prior to the employee’s start date. If, prior to a member of staff’s start date, only one reference has been received and this is an employment confirmation reference only, that reference must provide a confirmation of employment, confirm the

applicant's start date and end date and provide responses to the safeguarding and disciplinary questions.

- Both references must have been verbally verified with the referee.
- If the applicant is applying for a teaching post but is not currently employed as a teacher, one reference must be from the school or local authority at which they were most recently employed.
- If the applicant has not yet been employed, the referee should be able to comment on their experience/performance as a student/pupil.

6.7 All offers of employment within the Trust are subject to satisfactory references being received and must be reviewed by the Chair of the Interviewing Panel before the member of staff is confirmed in post. Personal references from colleagues or friends should not be accepted unless given as a character reference. If a reference is received that is ambiguous, is not addressed to a specific individual or raises any concerns, then advice should be sought from the Human Resources Director.

6.8 In addition to references received for a member of staff (external), all references for governors, Trustees and volunteers must be verbally verified with the referee.

6.9 A volunteer can start work within an academy's covid-19 rapid testing programme without the academy having received at least one reference, providing the volunteer is a known quantity to the academy (eg a parent/carer) and the following checks are in place:

- Enhanced DBS with Children's Barred List check (or the form has been submitted if it has not been received);
- Separate Barred List check (if the DBS has not been received prior to the volunteer starting);
- References sent for;
- Volunteer Checklist adhered to;
- Trust Supervision Plan in place and key members of staff aware.

In the event that a volunteer is an unknown quantity to the academy, at least one reference must be obtained.

Clause 6.9 above is a temporary variation to HR32 and will be reviewed on 1st April 2021.

7 Requesting copies of References

7.1 References received by the Trust - Applicants have the right to view copies of their references. In order to see their references they must make a Subject Access Request (SAR) to the Trust. For this type of reference, a copy will be kept on the member of staff's personnel file.

- 7.2 References written by the Trust - Members of staff have the right to view their references (which have been sent to external organisations or used internally). In order to see their references the member of staff must make an SAR to the Trust. However, depending upon the nature of submission, the Trust may not always have a copy of a reference sent to an external organisation.
- 7.3 However, confidential references are exempt from an SAR under Data Protection Law and as such the Trust will not release them.
- 7.4 References which have been received and/or provided will be kept in line with the Trust's Records Management Policy. Therefore, depending upon when a request is made, the Trust may no longer hold the required information. Please see HR33 Records Management Policy for further information.
- 7.5 The Trust is unable to write a reference for an ex-member of staff once the retention period for holding their records has passed. Please see HR33 Records Management Policy for further information.

8 Policy Change

- 8.1 This policy may only be amended or withdrawn by the Priory Federation of Academies Trust.



The Priory Federation of Academies Reference Policy

This Policy has been approved by the Pay, Performance and HR Committee:
Chair of the Committee

Signed..... Name..... Date:.....

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed.....Name..... Date:.....

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.