



Reference Policy

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Next Review Due: 6 October 2026

Adopted by: Chief Executive Officer on 6 October 2023

The HEART Education Trust Documents Review Record:

Version:	Date Amended:	Amended By:
1	9 June 17	Business and Operations Executive
1.1	12 June 17	Judicium
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2.1	28 January 21	COO
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The HEART Education Trust, a charitable company limited by guarantee registered in England and Wales with company number 08286818. Registered office address: Heartsease Primary Academy, Rider Haggard Road, Norwich, Norfolk NR7 9UE.

1 Our Position

- 1.1 The purpose of providing an employment reference is to provide a prospective employer with enough information (as part of the recruitment/selection process) to determine an individual's suitability for a particular post. As a result, line managers can expect to be asked to act as a referee for current or former employees (described in this policy as "Applicants") from time to time.
- 1.2 This policy sets out what to do when presented with such a request.
- 1.3 Any reference given will be fair and accurate. The Trust will provide a factual reference stating dates of employment, job title and salary.
- 1.4 The Trust must always give a reference if there was a written agreement to do, or if it is under some other obligation to do so, such as providing certain information under the terms of the Funding Agreement.
- 1.5 Only the central HR Department is authorised to issue employment related references on behalf of the Trust. All other employees and workers are prohibited from providing employment related references on behalf of the Trust.
- 1.6 Requests for telephone or verbal references are infrequently received but will be avoided to minimise the risk of misinterpretation. Any verbal requests for references should be referred to the central HR Department. All other employees and workers are prohibited from giving verbal references on behalf of the Trust.
- 1.7 If the HR Department, having considered the circumstances and taken advice from the Trust's HR Consultant, concludes that a telephone/verbal reference must be given, a full, contemporaneous note of the conversation will be made. Any such reference will be made in line with this policy.
- 1.8 It is our policy to provide a reference in accordance with the requirements of Keeping Children Safe in Education.

2 Legal issues

- 2.1 There are various legal issues involved with the writing of references. The provision of a reference will generally involve the processing of data and so be subject to the **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) and the relevant Information Commissioner's Employment Practices Code. Our Data Protection Policy sets out how we will comply with Data Protection Legislation. Records will be kept in accordance with our Privacy Notice for Staff, our Data Retention Policy and in line with the requirements of Data Protection Legislation. In accordance with the Data Protection Act 2018, Applicants are not entitled to view references written or received in respect of them where such references are provided in confidence. In this Trust all references are given in confidence. Those who give references owe a legal duty of care in their preparation to both the Applicant and the prospective employer.

2.2 What this means for the references we provide:

- 2.2.1 References only contain content which is true, accurate, factual and fair to the best of the author's knowledge and belief and which does not give a misleading overall impression.
- 2.2.2 If this does not happen, the applicant may bring a claim against both the Trust and the author of the reference alleging, for example, deceit, negligence, negligent misstatement, defamation, malicious falsehood or alleged discrimination, such as victimisation because of a protected characteristic.
- 2.2.3 The prospective employer may also bring a claim for negligence if they suffer financial loss or damage as a result of an inaccurate or misleading reference (e.g. following the withdrawal of a job offer).

3 Obtaining Consent to Provide a Reference

- 3.1 Personal data in an employment context is information held on record by an employer about an individual. Providing personal data to a prospective employer about an employee or former employee will amount to processing and sharing for the purposes of the Data Protection Legislation.
- 3.2 All personal data must be processed lawfully, fairly and in a transparent manner. The Trust must obtain consent from the employee/former employee in order for a reference to be provided. Where the employee is applying for a role in an education setting, the prospective employer will have a statutory obligation under Keeping Children Safe in Education to obtain references.
- 3.3 If the Trust has any doubts about whether or not the individual has given their consent, it will contact the individual to check whether or not they authorise a reference to be provided.

4 Writing references

- 4.1 The Trust will not complete pro forma reference requests or comment on the suitability of an applicant in meeting the requirements of the role being applied for. The Trust will only provide a reference in the form set out in Appendix A save as to where the Trust agrees to an alternative format as part of a written agreement.
- 4.2 Whenever a reference is being prepared, the following guidance should be observed:
 - 4.2.1 Before dealing with a reference request, the HR Department will check the Applicant's personnel file to establish:
 - (a) whether the Applicant and the Trust have agreed the wording of a reference (e.g. via a settlement agreement) and/or any other agreements about the manner in which a reference is given;
 - (b) whether references have been given recently concerning this Applicant (to ensure consistency); and

- (c) whether there are any other circumstances which should be taken into account, such as safeguarding concerns (in accordance with the requirements of Keeping Children Safe in Education), ongoing disciplinary matters, or any other sensitivities. If so, further advice should be taken by the Trust's HR Department before responding.
- 4.2.2 The HR Department must seek additional confirmation from the Academy Headteacher (academy-based staff) or CEO (Trust based staff) that there have been no child protection concerns or safeguarding concerns in respect of the Applicant during their period of employment.
- 4.3 Once an offer of conditional employment is made, if requested an additional reference can include details as to the number of days' absence from work an Applicant has had during the past year. However, personal information about an Applicant's health is special category data and cannot be disclosed without the consent from the Applicant. If the Trust is asked to provide information regarding the reasons for an Applicant's absence it will always exercise caution and seek consent from the employee before responding.
- 4.4 Where the Trust agrees to vary the form of its standard reference as part of a written agreement to provide a reference, the following will be observed:
 - 4.4.1 Special category data of any type will not be included in a reference. Special category data includes, but is not limited to, the individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life.
 - 4.4.2 Accurate information on an Applicant performance must be obtained from the Applicant's most recent line manager or (if that line manager has left the Trust's employment) another member of management with personal knowledge of the Applicant's performance during their employment.
 - 4.4.3 Information provided within the reference must be capable of being independently verified, e.g. through performance managements or attendance records.
 - 4.4.4 Subjective opinion will be avoided. The reference must provide an overall balanced view of the Applicant, although it does not need to be full and comprehensive.
 - 4.4.5 Comments on suitability for a new job will not be given.
- 4.5 Caution will be applied if there are outstanding issues, such as an ongoing disciplinary process at the time of the request, and advice from the Trust's HR advisor will be sought.
- 4.6 All references will be marked as "Private and Confidential for the addressee only" and a copy will be retained on the Applicant's personnel file.
- 4.7 All references will contain a disclaimer that while the information provided is, to the best of the Trust's knowledge, accurate, the Trust cannot accept any liability for decisions based on it.

5 Refusal to give a reference

- 5.1 The Trust reserves the right to decline to provide a reference at any time, regardless of what references may have been provided previously. Where the Trust declines to provide a reference, this will be determined by a member of the Senior Management Team and the reasons should be documented on the personnel file.
- 5.2 The Trust will never decline to provide a reference where there are substantiated safeguarding or child protection concerns, or known ongoing LADO investigations.
- 5.3 The Trust will usually only disclose the reason for declining to provide a reference if that reason is due to the Applicant's employment records having been destroyed in accordance with the Trust's Data Retention Policy.

6 Formal Capability Procedures of Applicant

- 6.1 Where a member of Teaching Staff employed at the Trust applies for a teaching post at another academy, maintained school, or further education institution, the Trust must at the request of that organisation:
 - 6.1.1 advise in writing whether or not, in the previous two years, there have been any formal capability considerations or proceedings for that teacher at either the Trust or the predecessor school; and
 - 6.1.2 give written details of the concerns which gave rise to any such consideration of that teacher's capability, the duration of the proceedings and their outcome.

7 Personal references

If a request is made to provide a personal reference for an Applicant, this may be given but Trust headed paper, e.g. letterheads and compliments slips, must not be used, nor should the reference be sent from a Trust email address. The response must also clearly state that the reference is being given entirely in a personal capacity and not on behalf of the Trust and the content is not to be taken as a reflection of the employer's views.

8 Business networking websites

- 8.1 Where employees (or ex-employees) have set up personal profiles on business networking websites such as LinkedIn, these websites may include the facility for the user to request their contacts or other users to provide them with open recommendations, endorsements or references which are then published on their personal profile web pages for other contacts or connections, or prospective contacts or connections, to read. As these could potentially be construed as open references given on behalf of the Trust, all managers and employees are prohibited from providing these types of recommendations, endorsements or references online to or for the benefit of other employees or ex-employees, unless express permission is obtained from the CEO. All employment references to prospective employers must comply with this policy set out above and should not be given online in an open format via websites such as LinkedIn.

- 8.2 If these types of recommendations, endorsements or references are requested online by clients, customers, contractors, suppliers or other school-related business connections, managers should, in the first instance, refer such requests to their line manager and seek the permission of the CEO before responding.

9 Requests from Authorised Officers of Jobcentre Plus

Where a request is received from an Authorised Officer of Jobcentre Plus, it is a legal requirement to respond in the form that has been requested and within the time period stated. Legal advice will be sought before responding to any requests from an Authorised Officer of Job Centre Plus. Only the Chief Operating Officer is authorised to respond to these requests.

APPENDIX A

Private and Confidential for the addressee only

[Name of Prospective Employer]

[Address of Prospective Employer]

[Date]

Dear [Name of Prospective Employer]

Reference Request

I write in respect of your recent reference request for the below named employee.

Please note that it is the Trust's strict policy to provide factual references in the Trust's approved format only. The Trust will not complete pro forma reference requests or comment on the suitability of an applicant in meeting the requirements of the role being applied for. This reference has been prepared by the Trust's HR department in accordance with our Reference Policy.

Employee Name	
Employment Dates	
Post Title	
Annual Salary	
Have there been any formal capability procedures in respect of this employee within the last 2 years (including those known to have occurred at a predecessor employer)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there formal disciplinary warnings currently in force in respect of this employee?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have there been any safeguarding or child protection concerns in respect of this employee either during their employment or that have been disclosed by a predecessor employer?	Yes <input type="checkbox"/> No <input type="checkbox"/>

[Insert details of safeguarding or child protection concerns if these exist.]

Please note that while the information provided is accurate to the best of the Trust's knowledge, the Trust cannot accept any liability for decisions based upon it.

Yours sincerely

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For and on behalf of The HEART Education Trust

Email: hr@thehearteducationtrust.co.uk

Telephone: 01603 343 541