

### Reference Policy

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| Policy Code        | HR32       |
| Policy Start Date  | March 2018 |
| Policy Review Date | March 2021 |

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

- HR 4 Recruitment and Selection Policy
- HR 16 DBS Procedures Policy
- SW 5 Safeguarding and Child Protection Policy
- HR 33 Records Management Policy

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## **1. Policy Statement**

- 1.1 This policy covers all requests for references for current employees, students and any staff (ex-employees) that have left The Priory Federation of Academies Trust (Trust). Care needs to be taken when writing any such reference, and this Policy will outline requirements that need to be taken into account.
- 1.2 This policy outlines the procedure to ensure a consistent and lawful approach when providing references and requesting references.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## **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 employees are responsible for supporting colleagues and ensuring its success.

## **3. Aims**

- 3.1 The Trust will ensure that there will be a consistent approach when dealing with references. It is the Trust's policy that Managers who provide any references will be honest and give an accurate assessment of an employee's ability. Any response to questions will be answered factually and subjective personal opinions will be avoided. Anyone who fails to adhere to the above may render the Trust liable for any loss which the employee 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 Staff Disciplinary Policy.
- 3.2 Any references written must be sent to the Head of the Academy and the Human Resources Director before sending back to the organisation requesting the reference to ensure they are true, accurate and fair.

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#### **4. Personal References**

- 4.1 Employees of the Trust will not be required to follow the above procedure when writing a personal reference. 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 Head 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 Head or Deputy Head.
- 5.2 Managers have a duty of care to provide an accurate and honest assessment of the employee'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 pass it on to the relevant member of the Senior Management Team or Director.
- 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 – any information relating to an identified or identifiable person, should not be provided on a reference without gaining prior consent. Consent can be gained through a phone call (making a note of the verbal

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consent), through email or asking the organisation requesting the reference to provide the Trust with the consent of the employee/ex-employee.

5.6 Sensitive Information – this information should not be provided on the reference without the written consent of the employee 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.

5.6.1 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 employee/ex-employee to confirm they are happy for the Trust to provide the information.

5.7 Verbal references should not be given without the permission of the Head 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.

## **6. Data Protection and Disclosure of References**

6.1 Under the Data Protection Act 1998 (to be replaced by GDPR in May 2018), an individual has the right to request sight of any references provided by their current or past employer.

6.2 A copy of all references will be kept on the employee's personnel file and electronically for ex-employees.

6.3 Following the Trusts Records Management Policy, all ex-employees' personnel files and electronic data is disposed of six years after their leave date from the Trust. Therefore any requests for references for an employee

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who left the Trust more than six years ago will not be able to be processed or issued.

## **7. Procedure for Obtaining References**

- 7.1 This procedure is used for both internal and external candidates applying for jobs and covers all categories of the vacancy. References must be sought from two referees for all posts advertised within the Trust. If an applicant is currently an employee, one reference 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 should be able to comment on their work). 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.
- 7.2 The second reference can come from a past employer or someone who the employee has known for a minimum of 12 months. References are requested prior to interview.
- 7.3 The Trust has a standard reference request form template, which should be used for all reference requests. As all posts within the Trust come into contact with students/pupils who are defined as vulnerable young people, the Trust's 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.
- 7.4 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.
- 7.5 All offers of employment within the Trust are subject to two satisfactory references being received and must be reviewed by the Chair of the Interviewing Panel before the employee 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.

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## **8. Requesting copies of References**

- 8.1 The Trust will not disclose any references given or received for current employees due to an exemption under the Data Protection Act. Once an employee has left the employment of the Trust, they can request to see any references provided by the Trust.
- 8.2 Any such request should be directed to the Human Resources Director who will balance the rights of the individual who is requesting the reference with any duty of conscience that is owed to the person who wrote the reference.

## **9. Policy Change**

- 9.1 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.