

Policy and Procedures for Obtaining References

Last reviewed on 1 September 2023

1. Introduction

References are an essential part of the recruitment process for Someries Infant School and Early Childhood Education Centre and it is imperative that the school obtains references for those who it may employ. References provide an important safeguard and demonstrate that the school has taken appropriate steps to validate the statements made by applicants in their applications for available positions at the school. Applicants give their consent to the school for obtaining references when they submit their online application form.

Similarly, it is essential that references provided by the school to external employers in respect of existing or previous employed staff are accurate, honest and full.

The school will provide a reference for any employee and endeavour to provide references for former employees upon request and where the school still holds any employment records about that former employee.

2. Purpose of policy and procedures

This policy and procedures outline consistent guidance for those providing and obtaining references.

3. Responsibility of the employer

It is the responsibility of the Head Teacher who has been asked to provide a reference to ensure that the provision of any reference is within the scope of this policy and procedures. References provided by the school are considered private and confidential.

4. General guidance

Head teachers have a duty to take reasonable care when providing a reference and to ensure that the information supplied is accurate and fair and does not give a misleading overall impression of the employee.

References must always be given in writing. Any information supplied during a verbal conversation following the provision of a written reference must be confined to facts and must be recorded in writing.

5. Disclaimer

All references from Someries Infant School and Early Childhood Education Centre must include the following disclaimer:

Please note it is the school's policy to provide factual references and, as is our standard practice, this reference is given without any liability in contract or in tort on behalf of the person giving it or the school to any future employer. The lack of any further information should not be interpreted as either a favourable or unfavourable reference.

All information should be treated as confidential and subject to the requirements of the Data Protection Act 2018.

If a reference request is made on a pro-forma or other standard form, the form should be completed and the above disclaimer must be contained in an accompanying cover letter. The letter must state that it is the Someries Infant School and Early Childhood Education Centre's policy to make such a disclaimer and that the disclaimer will also apply to any telephone conversation following the provision of a written reference. Any record of any such conversation and that the disclaimer applies to this must be made and retained.

6. Content

If no pro-forma is provided and there are no specific questions, then a full and frank reference should be given. All information must be honest and fair and must not give a misleading overall impression of the employee. Someries Infant School and Early Childhood Education Centre's format for reference requests will be used as a guide as to what should be included.

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Care must be taken to ensure that nothing inaccurate, defamatory, deceitful, negligent or discriminatory is included in the reference. The reference must concentrate on factual information rather than subjective opinion. No personal opinions should be given in a reference.

The Head Teacher is aware that, in many organisations, it is common for references to be disclosed to applicants. In addition, the reference will have to be disclosed should an unsuccessful applicant issue legal proceedings claiming that it is the reasons they have not been offered a position. In any event, references should only include information which is accurate and is supported by evidence.

All references should be marked private and confidential and provided on school-headed paper.

If an employee is subject to a disciplinary investigation at the time the reference is given, this should be stated in the reference or covering letter if the employer requesting the reference seeks this information. The reference must make it clear that no conclusion has yet been drawn. Basic factual details of any disciplinary investigation must be included in all references. If the disciplinary proceedings are subject to an appeal, this must also be stated in the reference. Advice should be sought from the school's human resources advisor before providing any reference where the employee is involved in disciplinary proceedings.

If a current live formal warning is recorded against the employee, this should be disclosed in the reference, setting out the precise wording of the allegation and the level of warning given. Only expired warnings which are related to safeguarding or child protection should be referred to on a reference. In these cases, there is a requirement to disclose and 'cause for disquiet' or previous allegation of child abuse, whether or not this resulted in a disciplinary warning or sanction. Advice should be sought from human resources advisor before providing any reference where the employee has an expired warning related to safeguarding or child protection.

7. Common difficulties

Employees must not use their official position or school-headed paper when providing personal references.

If further advice is required either in the drafting of references or on related matters, the school's human resources advisor should be contacted. All staff should be clear that they are giving a reference on behalf of the school and not in their personal capacity.

8. References for agency staff

The Head Teacher may be asked to provide references for those who have worked for Someries Infant School and Early Childhood Education Centre as agency staff. The Head Teacher will ensure that they make it clear that the individual was not an employee of the school when providing a reference. However, such references will be provided to the same standard as former or current employees.

9. Obtaining references

Internal applicants

References must be obtained for internal candidates. Ideally, the school should obtain two references; however, where this is not possible, one reference will be acceptable but must be from the employee's existing line manager.

External applicants

Someries Infant School and Early Childhood Education Centre complies fully with the guidance set out in the Keeping children safe in education (DfE, 2019) and will obtain two references for all external candidates before interview. These references should cover the applicant's previous five-year working history and must include their last place of work where this has involved working with children. The purpose of references is to obtain an objective, factual check on the information provided by the applicant in their application and also any additional information which may assist the selection process.

Where an applicant has provided the detail of potential referees that the Head Teacher does not deem appropriate, the Head Teacher may contact the applicant to seek permission to request references from those that the school deem more appropriate.

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All offers of employment to external candidates will be made subject to the receipt of at least two satisfactory references, one of which must be from the applicant's current or last employer where the applicant has worked with children. As per the requirements relating to safer recruitment practices, these references must be received before shortlisted applicants are interviewed. Consideration will always be given to the guidance set out in the Keeping children safe in education (DfE, 2019)

It is for the Head Teacher to determine whether they deem a reference to be satisfactory. If there is any doubt about any information provided in a reference, the Head Teacher will contact the school's human resources advisor.

In line with good practice, it is recommended that the authenticity of references is checked upon receipt. This is a compulsory requirement for those positions involving work with children. This could include contacting the referee by telephone, email, checking the organisation through an internet search or speaking to the referee directly.

The Head Teacher will never accept references that begin with 'To whom it may concern' or similar.

10. Applicants with little previous employment

Applicants who do not have previous employer references should not be automatically excluded from employment with the school.

There is a need to balance concerns about the quality of any references and avoiding discrimination against those applicants who do not have a standard work history.

In these situations, references from academic institutions – including teachers and lecturers – or those from voluntary organisations to which the applicant has contributed may be acceptable. Personal referees may also be acceptable.

11. Character and personal references

A school employee may write a character or personal reference for a fellow or previous employee.

If an employee provides a character or personal reference for a colleague or a former employee, they must make it clear that they do so purely as a personal acquaintance or friend and not in their official capacity as an employee of the school. Such a reference should not be provided until the referee and prospective recipient have acknowledged it is given in a personal capacity and no liability to its contents lays with Someries Infant School and Early Childhood Education Centre.

Under no circumstances must school headed paper, school email addresses or school telephone numbers be used in such a reference.

All personal references from referees must include the following disclaimer at the beginning of their reference:

This is a personal reference.

12. Provision of details of an employee's attendance record

Under the Equality Act (2010) it is not permissible to request details about an applicant's attendance record, sickness record or health prior to a job offer being made. Therefore, a potential referee should establish whether an offer has been made before providing this information. Once this has been confirmed, factual information can be provided about the number and length of absences in the last twelve months. The Head Teacher must not provide the reason for sickness absence.

13. Format of references

Someries Infant School and Early Childhood Education Centre uses a standard format for reference requests. The relevant job description and person specification must be sent with this form to the referee.

14. Telephone references

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Telephone references should be taken only to clarify issues in a written reference or to verify the authenticity of a reference. All telephone references must be recorded in writing and retained as part of the recruitment and selection process.

15. References with insufficient or unsatisfactory detail

Where a reference contains insufficient detail, advice will be sought from the school's human resources advisor.

Where an applicant's appointment is not progressed as a result of an unsatisfactory reference, the reference and the reasons for non-progression of the appointment must be recorded and retained on the applicant's recruitment file. The applicant must be advised that they have not been offered employment due to unsatisfactory clearances. No other information must be disclosed to the applicant and the school should contact its human resources advisor should further advice need to be sought.

Where an applicant requests to see their reference or references, they should be asked to obtain the reference from the referee in the first instance. If the applicant wishes to look at the school's copy, then written permission must first be obtained from the referee or referees. The applicant must be advised that permission has been sought from the referee. If the referee does not consent to the release of the reference, the referee must be advised that the reference may be disclosed.

Requests to see references received by the school are exempt under section 40(1) of the Freedom of Information Act 2000 as they will fall within the Data Protection Act (2018). When a request is made under the Data Protection Act (2018) to see a reference, the referee's name should be redacted.

16. Status of policy and review

The content and operation of this policy is reviewed as and when deemed necessary by the Governing Board. The policy is discretionary and does not confer any contractual rights.

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EducationHR

Line managers can access supporting resources through [EducationHR](#).

