



HEARTS ACADEMY TRUST



# EMPLOYMENT REFERENCES POLICY

# HEARTS VALUES

## Redefining Possibilities

Our HEARTS values form the foundation of our culture of care, inclusion, mutual respect, and service to our communities which empowers all to flourish and make a difference.

H



### HAPPINESS

We promote **happiness** and good mental health & wellbeing by building relationships that have a strong, shared sense of purpose, where all are valued and belong. Our curriculum is rich in opportunities and experiences that ignite a love of learning.

E



### EQUITY

We are engines of social justice: we ensure everyone is treated with **equity** and help those who need it, overcoming barriers and battling against unfairness.

A



### ACHIEVEMENT

We facilitate and celebrate **achievement** within and beyond our schools, recognising the individuality of success, enabling all to fulfil their potential and prosper.

R



### RESILIENCE

We develop **resilience** through hard work and cultivating courage in the face of adversity. We foster independence of thought, a willingness to take risks, persevere and learn from mistakes, taking responsibility over our decisions.

T



### TRUTH

We model **truth**, integrity and authenticity: doing the *right* thing, because it is the right thing, even when it is difficult.

S



### SPIRITUALITY

We promote **spirituality** through empathy, reflection and appreciating diverse backgrounds and cultures. We endeavour to live life in all its fullness through a deepening sense of awe and curiosity, expanding connections with the wider world around us.

[www.heartsacademytrust.co.uk](http://www.heartsacademytrust.co.uk)

Email: [admin@heartsacademy.uk](mailto:admin@heartsacademy.uk)

Tel: 01268 572672

 @hearts\_academy\_trust

HEARTS Academy Trust, HEARTS House, 2 Mount Road, Wickford, Essex, SS11 8HE

# § EMPLOYMENT REFERENCES POLICY

## Source of information and guidance:

[Deeply Christian, Serving the Common Good \(The Church of England Vision for Education\)](#)  
[Valuing All God's Children \(The Church of England Vision for Education\)](#)

## Timetable

Action	Date
Adopted	December 2020
Date reviewed	September 2023 - updated utilising LEGAL\62724900v1 and August 2024
Next date to be reviewed	September 2026

## Background

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, the Head of School can expect to be asked to act as a referee for current or former employees (described in this policy as "applicants").

HEARTS Academy Trust have produced a policy which sets out what to do when presented with such a request. This policy should be read in conjunction with the Recruitment and Selection policy.

Any reference given should be fair, true and accurate. Some employers may choose to only give a factual reference stating dates of employment, job title and salary, but the application of this policy must be consistent. Further information on a prospective employee should therefore be sought from a reference provider in circumstances where the information provided is vague and/or insufficient.

Employers must give a reference if there was a written agreement to do so, or, if they are under some other obligation to do so, such as providing certain information under the terms of the Funding Agreement or under the agreed terms of a settlement agreement.

## References

All references are from the most senior person in the organisation. The EHT/CEO delegates this role to the Head of School (described in this policy as Referees). However, accountability for the reference lies with the most senior staff. All other employees are not authorised to provide employment-related references on behalf of the Academy Trust or school.

Requests for telephone or verbal references are infrequently received, HEARTS Academy Trust do not provide such references or request these on potential employees/current employees, this is to minimise the risk of misinterpretation.

It is our policy to provide a reference in accordance with the requirements of Keeping Children Safe in Education, rather than a reference that merely confirms details of employment.

Employers are not required to provide references but they are required to state pupil safeguarding and disciplinary processes when requesting and responding to references.

## Legal Issues

Referees should be aware that 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**. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time 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 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, including when requesting a reference provided in confidence through making a subject access request.

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.

### What this means for referees:

You must only provide content which is true, accurate, factual and fair to the best of your knowledge and belief and which does not give a misleading overall impression.

If this does not happen, the applicant may bring a claim against both the school and Trust and the referee alleging, for example, deceit, negligence, negligent misstatement, defamation, malicious falsehood or alleged discrimination, such as victimisation because of a protected characteristic.

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).

Under Keeping Children Safe in Education referees must be verified before providing a reference.

**Obtaining consent to provide a reference:**

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.

All personal data must be processed lawfully, fairly and in a transparent manner. The referee 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 a reference.

If the person dealing with the request has any doubts about whether or not the individual has given their consent, they must contact the individual to check whether or not they authorise a reference to be provided.

**References we request**

<b>Who?</b>	<ul style="list-style-type: none"> <li>• All staff directly employed by the school/academy</li> <li>• Volunteers working regularly (these are personal not employment references. Safeguarding history needs to be included)</li> </ul>
<b>When:</b>	<ul style="list-style-type: none"> <li>• Immediately following shortlisting and inviting to interview</li> <li>• On all applicants invited to attend an interview</li> </ul>
<b>How:</b>	<ul style="list-style-type: none"> <li>• Standard format reference request letter/email</li> <li>• Enclose job description and person specification</li> </ul>
<b>Source:</b>	<ul style="list-style-type: none"> <li>• DfE Statutory Guidance Keeping Children Safe in Education School Staffing Regulations 2009, updated 2015</li> </ul>
<b>Third Parties:</b>	<ul style="list-style-type: none"> <li>• Third parties providing workers are expected to follow the best practice set out in the DfE Keeping Children Safe in Education Statutory Guidance. School Leaders must assure themselves that satisfactory checks have been made and add regular contract staff to the SCR and evidence of checks made.</li> </ul>
<b>SCR:</b>	<ul style="list-style-type: none"> <li>• References to be recorded on SCR Tracker and retained in HR files and signed by referee and clear who the reference is from with contact details. If from a school, the reference must be signed by the head of school and school logo/contact details must be attached.</li> </ul>
<b>Forms:</b>	<ul style="list-style-type: none"> <li>• The reference request form can be found at <i>Appendix 1. This will be sent via our recruitment portal MyNewTerm.</i></li> <li>• A letter requesting further information relating to the preferred candidate can be found at <i>Appendix 2</i></li> </ul>

**How many and from whom**

All offers of employment will be conditional upon receipt of at least two satisfactory written references. Internal candidates require one reference.

It is expected that the referees must be the two most recent employers and in the case of a school must be the last school that the member of staff was employed in as a first reference. If this is not possible, the applicant must clearly outline who the referees are. Other referees should, where possible, be from another recent employer working with children.

References are to be completed by a senior person with appropriate authority (if the referee is school or college-based, the reference should be confirmed by the Headteacher or Principal as accurate in respect to disciplinary investigations, even though the applicant might have given a different contact name) and where an applicant for a teaching post is not currently employed as a Teacher, will include the applicant's most recent employer as a Teacher.

Where an applicant does not have a previous employer they must identify a trusted authoritative source, wherever

possible with knowledge of the person's interaction with children. Examples may include from an academic institution, voluntary organisations, church etc.

The school/academy will not accept references from relatives or from people writing solely in the capacity of friends or colleagues. Open references will not be accepted.

In exceptional circumstances, a candidate may present with their application, a good reason not to want their referees to be contacted prior to interview. In such cases the school/academy will liaise with the applicant and where they agree to defer, contact the referee immediately after interview and before an unconditional offer of employment is made.

The school/academy will use their best endeavours to obtain appropriate references, this may entail making repeat requests for references in the event that no response is received. Where no reference is obtained the school must keep copies of all their attempts to obtain references and carry out a risk assessment as to whether to proceed with the recruitment process in the absence of such references and in light of all other pre-employment checks. Employment references for teaching staff must include safeguarding confirmations.

### Format

References will be requested and completed through the MyNewTerm recruitment portal and specific to the job applied for – “open” references or “testimonials” are not acceptable.

An example reference request is available at Appendix 1.

Reference requests should specifically ask:

- about the referee's relationship with the candidate;
- whether the referee is satisfied that the candidate has the ability and is suitable to undertake the job in question;
- whether the referee is completely satisfied that the candidate is suitable to work with children, and, if not, to provide specific details of the concerns and the reasons why the referee believes the person might be unsuitable.

Referees should also be asked to confirm details of:

- the applicant's current post, and salary
- performance history, capability\* and conduct;
- any disciplinary procedures in which the disciplinary sanction is current;
- any disciplinary procedures and the outcomes, involving issues related to the safety and welfare of children, in which the disciplinary sanction has expired, and,
- any details of allegations or concerns related to the safety and welfare of children, except where they have been found to be unsubstantiated, unfounded or malicious.

A history of repeated concerns or allegations which have all been found to be unsubstantiated and malicious should not be included in any reference.

\*In accordance with the School Staffing (Amendment) Regulations 2012, employers should specifically ask if the current employer has implemented its capability procedures in respect of the individual within the last 2 years. Any maintained school is obliged to respond to this question. This applies specifically to teachers but may be applied for all staff. Academies are also obliged to respond to this question by virtue of the Academies Funding Agreement.

In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made. Once the preferred candidate has been issued a conditional offer (written or verbally), then sickness and attendance records (i.e., period of absence over the last 2 years and number of days absence over the last 2 years) can be obtained from the referee as part of the pre-employment checks (see Appendix 2 for a sample letter). Where such information is provided the school should discuss the information with the candidate prior to making any decision in relation to whether to confirm the offer of employment. If a school wishes to withdraw an offer following receipt of additional information relating to sickness absence/attendance they should seek advice from the trust CEO/COO/HR Provider.

### Checking references

On receipt, references must be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered satisfactorily or the reference is vague or unspecific, the referee should be contacted and asked to provide written answers or amplification as appropriate.

References must be compared to the details contained in the application form to ensure that the information provided is consistent. Any discrepancies should be taken up with the candidate at or prior to, interview.

### Access to references

Any current or former member of staff can request to see a reference held on their file. However, if the reference is marked "in confidence" this will be exempt from disclosure. Further details can be located on the [ICO](#) website under right of access.

### Use of information

Any information about current or past disciplinary/capability issues should be considered in the circumstances of the individual case. Such information should not be used to automatically discount applicants and should be considered in the overall context of the selection process including all other pre-employment checks, the role and the discussion with the applicant. Cases in which an issue was satisfactorily resolved some time ago, or did not require a formal sanction, and where no further issues have been raised, are less likely to cause concern.

### References we issue

Reference requests may be made in the form of a letter or the completion of a proforma. Referees at HEARTS Academy Trust will **only** provide written references with the following being observed.

- A check of the applicant's personnel file should also be made to establish
  - Whether the applicant and the school/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. Any such agreement can only be authorised by the Trust's CEO/D-CEO/COO.
  - Whether references have been given recently concerning the applicant (to ensure consistency)
  - 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 CEO/COO before responding.

References are confirmation that you are satisfied that the individual is suitable to work with children, confirmation of the individual's employment dates and provide facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold.

References for employees/former employees must not be sent unless the applicant has given their permission and/or requested one from their line manager/ HOS.

Once an offer of conditional employment is made, if requested, a reference can, with the consent of the applicant, include details as to the number of days of absence from work an applicant has had during the past year. Personal information about the applicant's health is special category data and cannot be disclosed without the consent of the applicant. If a referee is asked to provide information regarding the reasons for an applicant's absence it should exercise caution and seek consent from the applicant before responding.

Where the individual does not provide their consent, the information must not be released (this is notified to employers in the sample letter). Schools should inform the employer requesting the information that the individual has not consented to the release of such information. In these circumstances, the prospective employer will need to make a decision based on the information available to them.

- Special category data of any type should not be included in a reference without consent from the applicant. Special category data includes but is not limited to, the individual's race or ethnic origin, political opinions, religious or similar beliefs, trade union memberships, physical or mental health or condition or sexual life.
- Caution is needed if additional information is requested following an applicant's appointment. If information is requested about an applicant following their appointment, then information that is provided should only be given if relevant at the time the reference was initially requested. Unless it relates to safeguarding issues where there is a need to update the employer. Advice should be sought from the Trust's CEO/COO/HR provider if a request for further information is requested following an applicant's appointment.
- Information provided must be capable of being independently verified, e.g., through appraisals or attendance records.
- Subjective opinion should be avoided. The reference must provide an overall balanced view of the applicant, although it does not need to be full and comprehensive.
- Comments on suitability for a new job must be given with caution because they are difficult to justify objectively. These comments should not be made where an applicant is applying for a role different from the role which they previously undertook. However, references should confirm whether you are satisfied with the applicant's suitability to work with children, as is outlined in Keeping Children Safe in Education. Advice should be sought from the Trust's CEO/COO/HR provider before proceeding if there are any concerns about this.
- Caution is required if there are outstanding issues, such as an ongoing disciplinary process at the time of the request, including how to respond to questions including "would you re-employ?" Advice should be sought from the Trust's CEO/COO/HR provider before proceeding.
- Low level safeguarding concerns should not be included in references except where they met the threshold for referral to the LADO and were found to be substantiated. References should only provide the facts (not opinions) of any substantiated safeguarding allegations.
- Mark the reference as "Private and Confidential for the addressee only" and a copy should be retained on the applicant's personnel file.
- A disclaimer should be included in the reference making it clear that, while the information provided is, to the best of the organisation's knowledge, completely accurate, the organisation cannot accept any liability for decisions based on it.

HEARTS Academy Trust does not complete online reference or proformas. Nor do we give opinions such as "describe in three words".

### **Refusal to give a reference**

As an Academy, references are given as a matter of course, so if you consider refusing a request for a reference for any reason, advice must be sought from the Trust's CEO/COO/HR provider.

Where a member of the teaching staff (to include Head of School/Senior Leader), employed at the Trust applies for a teaching post (to include Head of School/Senior Leader) at another Academy, Trust, a maintained school, or a further education institution, the Trust must at the request of the Board of Governors or Academy Trust of that other educational institution:

- advise in writing whether or not, in the previous two years, there have been any formal capability considerations or proceedings for that Teacher at the Academy or the Predecessor School; and
- 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 outcomes.



In these circumstances, a refusal to give a reference would be a breach of the Academy's' funding agreement.

### **Format**

Some or all of the following could be included:

- Length of service
- Roles undertaken
- Training undertaken
- Qualification undertaken
- Current salary
- Employment status (part/full time)
- Year groups worked in
- Leadership undertaken
- Attendance (in line with guidance above)
- Whole school contribution
- Safeguarding confirmation from the HOS (this is the only member of staff who can confirm a staff member's suitability to work with children)
- Current (on file) disciplinary sanctions as set out in part four of KCSIE

### **Who sends them?**

All references issued must be shared with the Executive Headteacher prior to being sent.

References are from the most senior member of staff regardless of who writes them. They must be on school-headed paper, signed by the Head of School or in the case of the Head of School, their line manager/EHT. In the case of the Executive Team, the CEO will sign references.

### **Record of reference**

Once a reference is written for a member of staff it must be dated and retained in the member of staff personnel file as a minimum, it may also be retained in any electronic files held and updated if needed when future requests are made.

### **Business networking websites**

When 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 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/D-CEO. All employment references to prospective employers should comply with this policy set out above and should not be given online in an open format via websites such as LinkedIn.

**Appendix 1 Reference request email (MyNewTerm)**

FAO: [referee\_title] [referee\_first\_name] [referee\_last\_name]  
[referee\_job\_title]  
[referee\_organisation\_name]

Re: Request reference for [candidate\_first\_name] [candidate\_last\_name] [candidate\_previous\_surnames]

[candidate\_title] [candidate\_first\_name] [candidate\_last\_name] has applied for a [job\_vacancy] vacancy at [organisation\_name] and has given your name as a referee. I would be grateful if you could provide an assessment of their suitability for the post by completing the online reference request form via the link below.

To avoid any delay in the recruitment process I would be grateful if you could please return by [5\_days\_from\_now].

If possible, we would prefer it if you are able to complete and submit the online form. You are able to save and return later if required. If it is your company policy to only provide a letter reference, **please also click the link below to submit** but instead select the 'Upload' button to submit instead.

Attached to this email is a signed consent form from the candidate should you require this information to provide a reference.

Thanks in advance for your time and assistance.

Warm regards,

[employer\_name]  
[employer\_job\_title\_organisation\_name]  
[employer\_email\_address]

## MNT TRUST

### Data Protection Notice

Samantha Bloggs has provided consent to MNT Trust for this reference to be obtained. All the details are provided to MNT Trust without liability on the part of MyNewTerm and will be held in confidence by MNT Trust and in accordance with their Privacy Policy. This reference contains confidential and personal data which any recipient is required to maintain in confidence and protect in accordance with UK GDPR, the Data Protection Act 2018 and all other UK data protection legislation.

## 1. CANDIDATE DETAILS

**Full Name:** Ms. Samantha Bloggs  
**Previous Surname(s):** Johns  
**Preferred Name(s):** Sam  
**Job Vacancy:** Teaching Assistant  
**School:** Preschool ABC

---

## 2. REFEREE DETAILS

**Title:** Miss.  
**First Name:** Example  
**Last Name:** Referee  
**Job Title:** Example Job Title  
**Organisation Name:** Example Employer 2, L69 3BX  
**Contact Number:** 012345678904

---

## 3. REFERENCE INFORMATION

**How long have you known Samantha Bloggs and in what capacity?:**  
Example text

---

**Please tell us the positions held by Samantha Bloggs whilst employed:**

**Position:** Example text  
**Contracted Hours:** Example text  
**Start Date:** January 2024  
**End Date:** Present

---

**What was / is Samantha Bloggs salary or hourly rate in their most recent position employed?:**  
Example text

---

**Please provide a brief description of Samantha Bloggs' duties:**

Example text

---

**Please enter the reason for Samantha Bloggs leaving their current or most recent position employed?:**

Example text

---

## 4. RATINGS

How would you rate Samantha Bloggs':

	OUTSTANDING	GOOD	SATISFACTORY	POOR	N/A
Conduct	<input checked="" type="checkbox"/>				
Timekeeping	<input checked="" type="checkbox"/>				
Attitude	<input checked="" type="checkbox"/>				
Work performance	<input checked="" type="checkbox"/>				
Reliability	<input checked="" type="checkbox"/>				
Honesty	<input checked="" type="checkbox"/>				
Relationship with colleagues	<input checked="" type="checkbox"/>				
Capability of achieving agreed targets and deadlines	<input checked="" type="checkbox"/>				
Initiative	<input checked="" type="checkbox"/>				
Administrative efficiency					<input checked="" type="checkbox"/>
Ability to cope with pressure	<input checked="" type="checkbox"/>				
Ability to follow management instruction	<input checked="" type="checkbox"/>				
Ability to follow the behaviour management policies	<input checked="" type="checkbox"/>				
Ability to manage others					<input checked="" type="checkbox"/>

Have you, or your colleagues, ever had cause for disquiet about Samantha Bloggs' behaviour or judgment?: Yes

If yes, please give details:

Example text

Would you offer / re-employ Samantha Bloggs if a suitable vacancy occurred?: No

If No, please state why:

Example text

Has Samantha Bloggs ever breached your Data Protection Policy or to your knowledge breached the policy of any previous employer?: Yes

If yes, please give details:

Example text

Please add any further comments you may have regarding Samantha Bloggs and the position applied for:

Example text

Having considered the enclosed details regarding the position, would you recommend Samantha Bloggs for this appointment?: Yes

If yes, please comment on how Samantha Bloggs has demonstrated that they meet the person specification :  
Example text

## 5. SAFEGUARDING CHILDREN

Has Samantha Bloggs been involved in any disciplinary procedures, substantiated concerns or allegations related to safety and welfare of children or young people? Please include any 'live' or spent warnings, disciplinary action and substantiated concerns/allegations (including a group of low-level concerns about the same individual) that meet the harm threshold. Please note that any repeated concerns or allegations which do not meet the harm threshold which have been found to be false, unfounded, unsubstantiated or malicious should not be included in this reference: Yes

If yes, please provide further details:

Example text

Is/was Samantha Bloggs subject to any current or pending disciplinary procedures or sanctions?:Yes

If yes, please provide further details:

Example text

## 6. TEACHERS ONLY

If Samantha Bloggs is a teacher, have they undergone Formal Capability Procedures within the past 2 years?: Yes

If yes, please provide written details of the concerns which gave rise to the capability proceedings, the duration of the proceedings and their outcome in accordance with the School Staffing (England) Regulations 2009 (or equivalent legislation for non-maintained schools) and/or guidance from the Department for Education:

The concerns which gave rise to the application of the Procedure:

Example text

Duration of the capability process with the Teacher?:

Example text

What was the outcome of managing the Teacher through the Capability Procedure?:

Example text

Are you satisfied that Samantha Bloggs is suitable to work with children?:Yes

## 7. CONFIRMATION

In signing this document, you confirm that the information provided is accurate.

*Example Employer*

EXAMPLE EMPLOYER

7TH NOVEMBER, 2024

SIGNATURE

PRINT NAME

DATE

[DATE]

Dear

**Reference for [candidate name]**

Thank you for providing a reference in relation to the above-named candidate. We have now completed the interview process and have selected [name] as our preferred candidate.

In line with this school's Pre-Employment Checks procedure please provide the following additional information:

1. The number of periods of absence in the last 2 years
2. The number of days absence in the last 2 years
3. Any information that you are aware of relating to [name]'s health that may affect their capacity for doing the job of [insert role].

Any information provided by you will be held in accordance with the Data Protection Act 1998. Please note that under the Data Protection Act, any information relating to an individual's health is sensitive personal data and should not be released without the express (written) consent of the individual concerned. We would be grateful if you would respond to this request as soon as possible so that we can complete the recruitment process.

Yours sincerely

Template letter of reference we send – to be placed on school headed paper and shred with your Executive Headteacher prior to issuing.

***[Insert date]***

Dear

**Employment Reference for *[insert staff name]***

*[Insert staff name]* has been employed by *[insert school name]* School since *[insert date]* as a *[insert role]*. *[Insert staff name]* is paid at Band *[insert band point]* of the HEARTS pay scale, currently £*[insert value]* per annum.

I confirm that *[insert staff name]* is not subject to the school's disciplinary procedure and there are no disciplinary procedures in which the disciplinary sanction is current.

I know of no reason why *s/he [delete as appropriate]* is not suitable to work with children. There are no disciplinary procedures involving issues related to the safety and welfare of children, including any in which the disciplinary sanction has expired and there have been no allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children.

*[Optional – detail successes / areas of relevant skill for long serving members of staff]*

In accordance with the Trust's normal practice this reference is given in good faith and in confidence and only for the purposes for which it was requested, without legal liability on behalf of the author or *[insert school name]* School.

Yours sincerely

***[Insert HOS name]***

**Head of School**

## Amendments/updates to this policy

Date	Section Header	Amendment	Source
November 2023	Legal Issues	Insertion of "Legal Issues"	Browne Jacobson ref LEGAL\62724900v1
	What does this mean for referees?	Insertion of "What this means for referees?"	
	Obtaining consent to provide a reference	Insertion of "Obtaining consent to provide a reference"	
	How many and from whom	Insertion of: "All offers of employment will be conditional upon receipt of at least two satisfactory written references"	
	How many and from whom	Updated wording  "References are to be completed by a senior person with appropriate authority (if the referee is school or college-based, the reference should be confirmed by the Headteacher or Principal as accurate in respect to disciplinary investigations, even though the applicant might have given a different contact name) and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher"	
	Access to references	Wording enhanced to include: "if the reference is marked " in confidence" this will be exempt from disclosure. Further details can be located on the <a href="#">ICO</a> website under right of access" Deletion of:- "there is no requirement to share references and references received should not be shared with staff without the express and written consent of the referee. References do not form part of SAR requests and therefore there is no requirement to share them"	
	Format	Wording enhanced to include: In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made. . Once the preferred candidate has been issued a conditional offer (written or verbally), then sickness and attendance records (i.e., period of absence over the last 2 years and number of day's absence over the last 2 years) can be obtained from the referee as part of the pre-employment checks (see Appendix 2 for a sample letter). Where such information is provided the school should discuss the information with the candidate prior to making any decision in relation to whether to confirm the offer of employment. If a school wishes to withdraw an offer following receipt of additional information relating to sickness absence/attendance they should seek advice from the trust CEO/COO/HR provider.	
Access to	Insertion of:-		



§	references	“If the reference is marked “ in confidence” this will be exempt from disclosure. Further details can be located on the <a href="#">ICO</a> website under the right of access”
	Access to references	Deletion of:- “there is no requirement to share references and references received should not be shared with staff without the express and written consent of the referee. References do not form part of SAR requests and therefore there is no requirement to share them”
	References we issue	<p>Insertion of: Reference requests may be made in the form of a letter or the completion of a proforma. Referees at HEARTS Academy Trust will <b>only</b> provide written references with the following being observed.</p> <ul style="list-style-type: none"> <li>• A check of the applicant’s personnel file should also be made to establish <ul style="list-style-type: none"> <li>○ Whether the applicant and the school/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. Any such agreement can only be authorised by the trusts CEO/COO/EHT.</li> <li>○ Whether references have been given recently concerning the applicant (to ensure consistency)</li> <li>○ 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 CEO/COO before responding.</li> </ul> </li> </ul> <p>References are confirmation that you are satisfied that the individual is suitable to work with children, confirmation of the individual’s employment dates and provide facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold.</p> <p>Once an offer of conditional employment is made, if requested, a reference can, with the consent of the applicant, include details as to the number of days of absence from work an applicant has had during the past year. Personal information about the applicant’s health is special category data and cannot be disclosed without the consent of the applicant. If a referee is asked to provide information regarding the reasons for an applicant’s absence it should exercise caution and seek consent from the applicant before responding.</p>

5		<p>Where the individual does not provide their consent, the information must not be released (this is notified to employers in the sample letter). Schools should inform the employer requesting the information that the individual has not consented to the release of such information. In these circumstances the prospective employer will need to make a decision based on the information available to them.</p> <ul style="list-style-type: none"> <li>• Special category data of any type should not be included in a reference without consent from the applicant. Special category data includes but is not limited to, the individual’s race or ethnic origin, political opinions, religious or similar beliefs, trade union memberships, physical or mental health or condition or sexual life.</li> <li>• Caution is needed if additional information is requested following an applicant’s appointment. If information is requested about an applicant following their appointment, then information that is provided should only be given if relevant at the time the reference was initially requested. Unless it relates to safeguarding issues where there is a need to update the employer. Advice should be sought from the trust’s CEO/COO/HR provider if a request for further information is requested following an applicant’s appointment.</li> <li>• Information provided must be capable of being independently verified, e.g., through appraisals or attendance records.</li> <li>• Subjective opinion should be avoided. The reference must provide an overall balanced view of the applicant, although it does not need to be full and comprehensive.</li> <li>• Comments on suitability for a new job must be given with caution because they are difficult to justify objectively. These comments should not be made where an applicant is applying for a role different from the role which they previously undertook. However, references should confirm whether you are satisfied with the applicant’s suitability to work with children, as is outlined in Keeping Children Safe in Education. Advice should be sought from the trusts CEO/COO/HR provider before proceeding if there are any concerns about this.</li> <li>• Caution is required if there are outstanding issues, such as an ongoing disciplinary process at the time of the request, including how to respond to questions including “would you re-employ?” Advice should be sought from the</li> </ul>	
---	--	--	--

§		<p>trusts CEO/COO/HR provider before proceeding.</p> <ul style="list-style-type: none"> <li>• Low level safeguarding concerns should not be included in references except where they met the threshold for referral to the LADO and were found to be substantiated. References should only provide the facts (not opinions) of any substantiated safeguarding allegations.</li> <li>• Mark the reference as “Private and Confidential for the addressee only” and a copy should be retained on the Applicant’s personnel file.</li> <li>• A disclaimer should be included in the reference making it clear that, while the information provided is, to the best of the organisation’s knowledge, completely accurate, the organisation cannot accept any liability for decisions based on it.</li> </ul>	
November 2023	Refusal to give a reference	Entire section added	Browne Jacobson ref LEGAL\62724900v1
	Business networking websites	Entire section added	
November 2023	References we provide	Appendix 3 added Template letter we issue	
November 2023	Who sends them	<p><b>All references issued must be shared with the Executive Headteacher prior to being sent.</b></p> <p>References are from the most senior member of staff regardless of who writes them. They must be on school-headed paper, signed by the Head of School or in the case of the Head of School, their line manager/EHT. In the case of the executive team, the CEO will sign references.</p>	
May 2024	Reference request form	Updated to include: <b><i>For references from Tutors/Mentors/Colleges/ Training Providers, please confirm the name and course/training dates.</i></b>	
March 2025	References we request	Updated to include:  Forms: The reference request form can be found at <i>Appendix 1. This will be sent via our recruitment portal MyNewTerm.</i>	
	Appendix 1	Updated with MyNewTerm reference request email and form	