

Reference Policy



1 Introduction

This policy sets out the school's approach to providing and obtaining references and aims to ensure that Headteachers take a consistent approach.

When providing a reference, it is essential that the information provided is fair, honest and accurate and that it is clear in what capacity the reference is being provided i.e. character or employment reference.

2 Obtaining references

Two references will be required for all candidates, one of which should be from the candidate's current employer. If they are not currently employed, the reference should be from their most recent employer and the Lead Officer must verify their reason for leaving.

Every effort should be made to obtain references prior to interview for all shortlisted candidates, including internal ones so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview.

It is the Lead Officer's responsibility to confirm that the references are satisfactory, however the Lead Officer should contact the HR Advice and Support Team before making a decision to withdraw an offer of employment.

Lead Officers involved in recruitment to posts involving working with children, young people or vulnerable adults, and therefore adhering to the [Key Safeguarding Employment Standards](#), are also required to verify that external references are authentic. The Lead Officer must contact the referee and complete the Reference Verification Form (available on the extranet) for each external reference received.

Following the appointment decision, sickness information will also need to be requested from the referee and a separate form is available to do.

All forms are available on the extranet.

2.1 Restrictions on acting as a referee

To ensure that the references received for candidates applying for posts within the school are satisfactory, the following principles should be applied:

- Elected members should not provide a reference or testimonial for either an internal or external candidate;
- Next of kin or immediate relatives should not be named as referees;
- Interview panel members should not be named as referees.

Where any of the above are unavoidable or the information they can provide is deemed essential to the recruitment process, they should provide a factual reference only and an additional reference should be sought.

3 Providing references

3.1 Employment references

There is no legal requirement for an employer to provide a reference for a current or past employee, however, there is an expectation that employers will provide references and it is the school's policy to provide references on request.

Headteachers have a duty of care to provide information that is true, accurate, fair and non-discriminatory, therefore, it is essential that any reference provided is based on facts that can be backed up by evidence if challenged.

Any statements in the reference should be consistent with the records held about the employee e.g. comments about an employee's standard of performance should be consistent with information recorded in their appraisals or 1-1 meeting records. Subjective or ambiguous personal opinions or statements that cannot be evidenced should not be included.

If a careless, misleading or false reference is provided and the recipient suffers loss as a result of relying on it, the school and person who wrote the reference could be subject to legal action, which could result in the payment of damages. If a Headteacher has any doubt or concern about the information they are providing, they should contact the School's HR Advice and Support Team.

3.1.1 Providing attendance information

Under the Equality Act 2010 it is not permissible to ask for details about an applicant's attendance before a job offer has been made.

If a Headteacher receives a reference request, they should establish whether a job offer has been made before providing attendance information. Once it is confirmed, factual information can be provided about the number and length of absences.

Details of the reasons for the absences should not be given without the employee's express consent. The Headteacher providing the reference should establish with the individual whether they are able to provide this detail, as it may help to explain high levels of absence and could be taken into account by the new employer.

3.1.2 Verbal references

Telephone or verbal references, where a written reference has not already been given, should not be provided.

Occasionally a Headteacher may be contacted for a verbal follow up to a written reference that they have already provided. If the request is for clarification of information that was provided in the written reference, the Headteacher can provide this while bearing in mind the responsibilities described in section 3.1.

If a request is made for additional information that was not contained within the written reference, they should be asked to put the request in writing so a written response can be provided.

3.1.3 Agreed references

In cases where an employee has left the school under a settlement agreement, they are likely to have an agreed reference on file.

It is essential that this reference is used when responding to a reference request, however, Headteachers must be mindful that they must not disclose that the reference they are providing is an 'agreed reference' as this would breach the terms of the settlement agreement.

Advice on what should be provided can be sought from the HR Advice and Support Team.

3.2 Character references

Any employee of the school wishing to provide a character reference for a colleague or former colleague must make it clear that they are doing so in a personal capacity and not on behalf of the school. A character reference must not be provided using school letterhead or using a school email address.

If it becomes necessary to obtain a character reference during a recruitment process, advice should be sought from the HR Advice and Support Team.

4 Access to references

Job applicants and employees have the right, upon request, to gain access to any record held about them. Although certain exemptions apply in relation to references, Headteachers should work on the basis that any reference they provide could potentially be seen by the individual in the future.

The Headteacher may wish to consider providing the employee with a copy of the reference before it is provided to the prospective employer, although this is not obligatory.

For advice regarding the application of this policy please contact:

HR Advice and Support

hradvice@durham.gov.uk

Further support can be accessed by contacting the following teams where you have a Service Level Agreement:

HR Operations & Data

hrschoools@durham.gov.uk

Occupational Health

occhealthadmin@durham.gov.uk

Health and Safety

hsteam@durham.gov.uk

Employee Assistance Programme

www.healthassuredeap.com

Username: durham Password: council
0800 716 017

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.

Author	Version	Last review	Next review
Senior HR Officer	v1	September 2019	December 2021