

Reference Policy

This policy sets out the school's approach to providing and obtaining references for support and teaching staff and aims to ensure 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.

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Where the headteacher is the employee concerned, any reference to the headteacher in this policy should be replaced with the chair of governors.

1 Obtaining references

References should be requested using the template letter and reference form available on the schools portal.

Two references will be required for all candidates, one of which should be from the candidate's current employer and, if the applicant has previously worked with children but is not currently doing so, one reference should be sought from their last employer where they worked with children. 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.

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

References must always be sought and obtained directly from the referee. The school will not rely on references or testimonials provided by the candidate.

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 and to ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority. The references should be reviewed to ensure that all specific questions have been answered satisfactorily, checked against the information provided on the application form and any concerns should be satisfactorily resolved before appointment is confirmed.

Where information in a reference is vague, or insufficient information is provided, the referee should be contacted to clarify content.

Lead Officers involved in recruitment to posts involving working with children, young people or vulnerable adults are required to comply with paragraphs 222-224 of Keeping Children Safe in Education 2023 statutory guidance. This includes the requirement to verify that external

references are authentic. The Lead Officer must contact the referee by telephone and complete the Reference Verification Form 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 request this on the schools portal.

1.1 Unsatisfactory References

In some circumstances it may be necessary to contact the referee for clarification of comments made. It may also be necessary to contact the candidate to give them the opportunity to discuss any concerns which the reference has raised about their ability to carry out the role successfully.

If the decision is made not to appoint the candidate on the basis of an unsatisfactory reference, the Lead Officer must make a note on the recruitment file as to the specific reason for non-appointment.

The Lead Officer should contact the HR Advice and Support Team before making a decision not to appoint, or if they want to withdraw an offer of employment on the basis of an unsatisfactory reference.

1.2 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, the individual should be asked to provide a factual reference only and an additional reference should be sought.

2 Providing references

2.1 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 where requested. It is the school's policy to provide references directly to prospective employers upon request.

Employment references should only be provided by the headteacher, or a manager authorised to do so by the headteacher. An employee who provides a reference when they are not authorised to do so could be subject to disciplinary action, up to and including dismissal.

Should any employee other than the headteacher receive a request to provide an employment reference they should discuss this with the headteacher.

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. It is expected that any issues of concern highlighted within a reference would have previously been brought to the individual's attention during their employment with the school.

In relation to disciplinary records the headteacher should only disclose any live disciplinary warnings and should state the sanction applied and the reason. Where an employee has left whilst disciplinary proceedings were not concluded, this should be stated without reference to the nature of the alleged misconduct.

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 HR Advice and Support team.

2.2 Personal / 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. The referee must ensure that the recipient is clear about its status and they should state their relationship to the individual (e.g. colleague). It should not be presented as representing the view of the school.

2.3 Attendance information

Under the Equality Act 2010 it is not permitted 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.

2.4 LADO information

In order to comply with Keeping Children Safe in Education (KCSIE) guidelines, details of any **substantiated** LADO allegations must be provided in a reference and should include the facts and not opinions. Therefore, it is essential that the headteacher providing the reference checks the employee's personnel file. Information regarding substantiated allegations must be retained until the employee has reached normal pension age, or for 10 years from the date of the allegation, whichever is longer.

Any allegations that were found to be false, unfounded, unsubstantiated or malicious **should not** be referred to in a reference.

2.5 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 2.1.

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.

2.6 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.

Where there is a requirement to complete a reference form, questionnaire, pro forma or any other format advice should be sought from the HT advice and support team prior to providing the reference in order to avoid a potential breach of the settlement agreement. The answers should be provided in line with the content of the agreed reference. Refusal to complete the form and only provide the reference in the agreed format could indicate to the prospective employer that it is an 'agreed reference'.

3 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.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

Telephone	03000 266688
Email	hradvice@durham.gov.uk

Further support can be accessed by contacting (subject to SLA buy in):

Payroll and Employee Services	pesschools@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 716017

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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.