

EMPLOYMENT REFERENCE POLICY

Version 1

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Author	CEO
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Employment Reference Policy

1. References for Staff – Overall Guidelines

There are two principal reasons why an employer normally requests a reference on a prospective employee:

- a. to confirm the accuracy of statements made in his/her application, and
- b. to provide opinions as to the candidate's suitability for the post in question and his/her potential for the future.

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 Brighter Futures Learning Partnership Trust's policy to provide references on request.

It is an expectation that all staff wishing to use the school/UTC/Trust as a reference will, as a matter of courtesy, discuss their intention with the Headteacher in the first instance as well as communicating regularly throughout the duration of looking for alternative employment. Staff should be aware that requesting references can impact on workload and it should not be an expectation that references can be provided without sufficient notice.

Reference requests for current or past employees will normally be handled by the Headteacher/Principal in each school. All agreed references will need to be signed off by the Trust's CEO. Each Headteacher/Principal is responsible for monitoring all references with support from the Central HR Manager. The Trust's practice is to provide a reference with factual information; the style of reference may vary depending on the information an employer is requesting.

Where Leaders/Managers are asked to provide a reference for present and past employees of the Brighter Futures Learning Partnership Trust (BFLPT) you may wish to do so but on the understanding that it is in a personal capacity and is in line with the guidance set out in this policy. **You must make clear in your reference that you are supplying the reference as a personal reference and not on behalf of the Trust.**

If you are asked to provide a reference in a personal capacity (e.g. as a friend) you must make this clear and not under any circumstances use the school's/UTC's or Trust's headed paper. No liability will attach to the BFLPT if you decide to act in a personal capacity as a personal referee.

Reference requests from banks, building societies or other potential lenders should be directed to the Headteacher/Principal for response, as should there be any reference request which relates to an employee who has been dismissed or who has been subject to disciplinary sanctions or whose performance is under review, this would have to be disclosed.

If there is any doubt about this policy, advice must be sought from the Trust's Central HR Team.

2. Duty of Care and General Approach

When providing references, you must be aware that the BFLPT owes a duty to the recipient (usually a prospective employer) and to the employee. The duty is to take reasonable care and to provide information that is true, accurate, fair and non-discriminatory. The reference given does not have to be full and comprehensive but it must not give a misleading impression. It is, therefore, essential that the reference is based on facts which can be backed up by evidence if challenged. Opinions and subjective personal views which cannot be substantiated should not be included. **Statements made should be consistent with those made elsewhere about the employee, for example, comments made about standard of performance in annual performance reviews.**

References can reveal the number of days an employee has been absent, but it must not include the nature for the absences. This would require explicit consent from the employee.

If a careless, misleading or false reference is provided and the recipient acts on it and, as a result suffers loss, the person who wrote the reference may be sued for providing a fraudulent or negligent misstatement, or for defamation. In addition, the individual about whom the reference was written may be entitled to compensation for damages caused by a negligent reference.

3. Providing a Reference

All reference requests for existing or past employees of the BFLPT should be directed to the Headteacher/Principal for processing. **If there is any uncertainty, the Headteacher/Principal must discuss this with the CEO. All references for employees must be approved and signed off by the Headteacher/Principal before sending to prospective employers.**

References for a Headteacher/Principal or the Central Team must be directed to the CEO. References for the CEO must be directed to the Chair of the Trust.

As a minimum, a reference should set out the name of the employee, job title, employment dates. It must identify as well as any safeguarding concerns if an employee has been subject to disciplinary action. References can contain staff attendance data, with the one exception of reporting data for those staff who have or may have a disability. If Headteachers/Principal are unsure, they should liaise with Central HR/CEO.

The BFLPT expects this standard as a minimum and this approach must be:

- communicated to all employees at the outset of employment by the BFLPT;
- applied uniformly to all employees; and
- not used as a means of concealing something serious.

All references should be marked 'confidential' to the addressee and must contain the following disclaimer in the final paragraph:

"In accordance with the BFLPT's normal practice this reference is given in good faith and in confidence, without legal liability on behalf of the author or the BFLPT."

References provided by a middle and senior leaders/ managers on behalf of the BFLPT

In some situations, senior and middle leaders may be asked to provide references. However, this must be discussed with the Headteacher/Principal to ensure there is consistency and that the references are evidence based. If there are any discrepancies, these must be approved by the Headteacher/Principal before forwarding to potential employers. Only the Headteacher/Principal are authorised to respond more fully to reference requests relating to former members of staff, but always within the guidelines set out in this policy. Guidance for this must be sought from their Headteacher/Principal or the Trust HR Manager.

4. Confidentiality and Disclosure of References

All references are given in confidence but the BFLPT or the recipient, may be required to disclose a reference under certain circumstances, such as a request for disclosure by an Employment Tribunal or a Court dealing with a negligence or defamation case.

References received from another person are likely to be covered by the Data Protection Act 1998 (DPA). An individual can have access to information which is about them, but may not necessarily have access to information about other people, including their opinion, provided in confidence.

Although it is not a legal requirement, the BFLPT will adopt best practice to operate an open recruitment and selection procedure with any references written being available to the subject.

Subject to the provisions of the DPA, it is the BFLPT's practice, therefore, that where an individual member of staff gives notice to the Headteacher/Principal that they wish to see their reference, their request will be accommodated.

5. Telephone or Verbal References

Requests for telephone or verbal references are infrequently received, but should be avoided to minimise the risk of misinterpretation.

If a telephone reference is urgently required, and the person requesting it is not known to you, take the telephone number of their place of work, verify this, and call them back to confirm their position and determine that they are properly authorized to obtain a reference. Always make a full note of the questions asked and the answers given, and follow up the conversation in writing. The Headteacher/Principal must sign off the written reference.

6. Unsolicited References

It is generally inadvisable to provide unsolicited references addressed 'to whom it may concern'. If exceptionally, such references are provided they must be limited to factual statements in accordance with this policy.

7. Requesting References for Prospective Brighter Future Learning Partnership Employees

BFLPT's policy regarding the taking up of references on prospective employees is contained within the Recruitment and Selection Policy. Firm appointments cannot be made unless references are taken up and there are no safeguarding concerns. All employment offers are subject to reference.

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Signed CEO of BFLPT – Helen-Redford-Hernandez:

H. Redford-Hernandez

Date: March 2021

Signed – Chair of BFLPT – Marcus Isman-Egal:

Marcus Isman-Egal

Date: March 2021

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