

EMPLOYMENT REFERENCE POLICY

Version 3.0

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Responsible committee/Individual	Trust Board
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.**

An employer cannot ask an applicant about sickness absence in previous jobs until the applicant has been offered a job. 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. The Trust will only complete appendix 1 and 2 when providing a reference and alternative templates provided by other employers will not be processed. **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

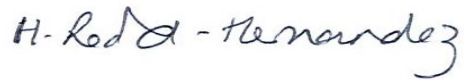
It is generally inadvisable to provide unsolicited references addressed 'to whom it may concern'. If exceptionally, such references are provided they must be limited to factual statements in accordance with this policy.

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.

Employment Policy Agreed: March 2023 (Version 3)

Signed CEO of BFLPT – Helen-Redford-Hernandez:

A handwritten signature in black ink, appearing to read "H. Redford-Hernandez".

Date: March 2023

Signed – Chair of BFLPT – Peter Duffield:

A handwritten signature in black ink, appearing to read "Peter Duffield".

Date: March 2023

Employment Reference Policy to be reviewed : March 2024

Created: March 2021 (Version 1)
Revised March 2022 (Version 2)
March 2023 (Version 3)

APPENDIX - 1 REFERENCE TEMPLATE TO BE SENT OUT FOR TEACHING STAFF WHO HAVE LEFT/ARE LEAVING THE BFLPT

School Name _____ (Brighter Futures Learning Partnership Trust)

Referee's name and organisation:					
Reference in respect of:					
In regard to application for: (title of post applied for)					
Dates of applicant's employment with the BFLPT:					
From		To			
Continuous service date (Previous Local Authority/employer details where applicable):					
The applicant's current or most recent job title with the BFLPT:					
The main duties and responsibilities of that post:					
The applicant's reason for leaving the BFLPT:					
How long have you known the applicant?					
In what capacity do you know him/her?					
Did the applicant perform his/her duties satisfactorily? Yes [] No []					
If no, please provide details of any areas needing improvement and any remedial action taken:					
Please tick the statement that best describes the candidate.					
Teaching and Learning:					
Student Learning Learning is outstanding in classes	<input type="checkbox"/>	Most children learn effectively in classes	<input type="checkbox"/>	Needs support and further training	<input type="checkbox"/>

Examination Results In-line with or very much above school targets	<input type="checkbox"/>	In-line with school targets	<input type="checkbox"/>	Below school targets	<input type="checkbox"/>
Preparation of Lessons First class, always attends to fine detail	<input type="checkbox"/>	Sound, sets well focused learning objectives and outcomes	<input type="checkbox"/>	Needs support and further training	<input type="checkbox"/>
Learning Environment Creates an outstanding learning environment	<input type="checkbox"/>	Creates an effective learning environment	<input type="checkbox"/>	Needs support in creating an effective learning environment	<input type="checkbox"/>
Relationship with Pupils/Students Children respond very positively	<input type="checkbox"/>	Children are usually well motivated	<input type="checkbox"/>	Needs support and further training	<input type="checkbox"/>
Class Management Established excellent classroom management	<input type="checkbox"/>	Has occasional difficulty, but classroom management not seen as a significant issue	<input type="checkbox"/>	Needs support and further training with classroom management	<input type="checkbox"/>
Assessments and Marking Assessments and marking are highly effective with high quality teacher/pupil feedback	<input type="checkbox"/>	Assessments and marking are effective with quality teacher/pupil feedback	<input type="checkbox"/>	Marking is regular and identifies strengths and targets but there is limited impact on pupil/student progress.	<input type="checkbox"/>
Work as tutor Caring, provides outstanding learning support	<input type="checkbox"/>	Carries out agreed tasks reliably	<input type="checkbox"/>	Needs support in effective learning support strategies	<input type="checkbox"/>
Professional Development Very pro-active, giving high priority	<input type="checkbox"/>	Undertakes some professional development when required	<input type="checkbox"/>	Passive, low priority	<input type="checkbox"/>
Relationship with colleagues Respected by all	<input type="checkbox"/>	Respected within own circle	<input type="checkbox"/>	Does not engage with colleagues	<input type="checkbox"/>
Drive and Enthusiasm Works hard and with great interest	<input type="checkbox"/>	Works well	<input type="checkbox"/>	Needs regular support and encouragement	<input type="checkbox"/>

Organisation First-class organiser, attends to fine detail	<input type="checkbox"/>	Sound organizer, has a good idea of aims and objectives	<input type="checkbox"/>	Can be disorganized and needs support	<input type="checkbox"/>
Teamwork Works well with others, taking a lead when necessary	<input type="checkbox"/>	Works well in a team	<input type="checkbox"/>	Prefers to work independently	<input type="checkbox"/>
Accepting Responsibility Always eager to accept responsibility related to own work	<input type="checkbox"/>	Accepts responsibility for own work	<input type="checkbox"/>	Has a tendency to blame others, rather than accepting responsibility	<input type="checkbox"/>
Uses Data Effectively Uses data effectively both as a manager and as classroom teacher	<input type="checkbox"/>	Regularly uses data to assist planning and monitoring	<input type="checkbox"/>	Uses data only occasionally	<input type="checkbox"/>
Support Always offers support	<input type="checkbox"/>	Always offers support for appropriate occasions	<input type="checkbox"/>	Occasionally offers support	<input type="checkbox"/>
Punctuality Always on time	<input type="checkbox"/>	Usually on time	<input type="checkbox"/>	Has needed prompting on occasions	<input type="checkbox"/>
Deadlines Instantly	<input type="checkbox"/>	Within the timescales given	<input type="checkbox"/>	Only after a reminder	<input type="checkbox"/>
Extra-Curricular Gives their time generously	<input type="checkbox"/>	Does their 'fair' share	<input type="checkbox"/>	Rarely assists outside school hours	<input type="checkbox"/>
For Leadership positions, please evaluate the following:					
Uses initiative and is solution focussed: Driven, independent thinker who requires no prompting from others and delivers strong strategies	<input type="checkbox"/>	Works well with others to find solutions	<input type="checkbox"/>	Prefers to take direction from others	<input type="checkbox"/>
Can inspire and empower others: Instills confidence and is able to evidence strong motivational skills	<input type="checkbox"/>	Well driven and willing to offer guidance	<input type="checkbox"/>	Lacks drive and inspiration	<input type="checkbox"/>

Can implement strategies quickly and work at pace: Demonstrates a 'can do' approach and attitude at all times and QAs processes for impact	<input type="checkbox"/>	Always works to set deadlines and evidences a strategic approach	<input type="checkbox"/>	Shows a lack of initiative and can need prompting to meet set deadlines	<input type="checkbox"/>
Is able to evaluate effectively and work with impact: Strives to achieve the ultimate goal and evidence impact	<input type="checkbox"/>	Able to evaluate effectively and change direction when required	<input type="checkbox"/>	Fails to act prudently and evaluate effectively, resulting in little or no impact	<input type="checkbox"/>
Sets realistic targets for self and others: Evaluates effectively and sets realistic goals which are well communicated to staff	<input type="checkbox"/>	Understands reasonable expectations and sets appropriate targets	<input type="checkbox"/>	Sets targets that often fail to have impact	<input type="checkbox"/>
Monitors and intervenes effectively: Provides early intervention to avoid escalation	<input type="checkbox"/>	Intervenes when made aware that support is required	<input type="checkbox"/>	Slow to recognise problem areas and apply intervention when required.	<input type="checkbox"/>
Can plan strategically and design actions which lead to improvement: Able to identify areas for improvement and strategically design effective implementation plans to drive positive outcomes	<input type="checkbox"/>	Offers ideas and supports the implementation of bespoke action plans	<input type="checkbox"/>	Often fails to identify areas for improvement, leading to little or no progress	<input type="checkbox"/>
Provides quality coaching and mentoring, securing improved practice: Has high impact in developing staff, leading to strong practice	<input type="checkbox"/>	Able to develop staff effectively to secure outcomes	<input type="checkbox"/>	Able to identify when coaching is needed but strategy is not always implemented effectively	<input type="checkbox"/>
Leads by example: Creates a clear picture of what is possible, making it easier for others to follow and achieve their goals	<input type="checkbox"/>	Actively demonstrates good practice	<input type="checkbox"/>	Struggles to model the behaviours they wish to see in others.	<input type="checkbox"/>

Please comment on the effectiveness of the applicant's interactions with:

a) Other adults

b) Children and young people

Are you completely satisfied that the applicant is suitable to work with children?	Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]
If no, please provide specific details of your concerns and the reasons for your doubts:	
To the best of your knowledge has the applicant ever had an allegation made against them, which was founded, in regard to his/her behaviour towards children?	
Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]	
If yes, please give full details of the nature and date(s) of the allegation(s), by whom they were investigated, what conclusion was reached as a result of the investigation, whether any action was taken and if so what that was?	
Has the applicant been the subject of a disciplinary action in respect of which penalties or sanctions remain in force?	
Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]	
If yes, please give full details of the nature and date(s) of the misconduct and of the penalty or sanctions still in force.	
Would you re-employ this person?	
Yes (<input type="checkbox"/>) No (<input type="checkbox"/>)	
If no, please confirm reasons _____	
Do you give permission for this reference to be shared with the candidate?	
Yes (<input type="checkbox"/>)	
No (<input type="checkbox"/>)	

"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."

Printed name:

Signature:

Position:

Organisation:

APPENDIX – 2 REFERENCE TEMPLATE TO BE SENT OUT FOR ASSOCIATE STAFF WHO HAVE LEFT/ARE LEAVING THE BFLPT

School Name _____ (Brighter Futures Learning Partnership BFLPT)

Referee's name and organisation:					
Reference in respect of:					
In regard to application for: (title of post applied for)					
Dates of applicant's employment with the BFLPT:					
From		To			
Continuous service date (Previous Local Authority/employer details where applicable):					
The applicant's current or most recent job title with the BFLPT:					
The main duties and responsibilities of that post:					
The applicant's reason for leaving the BFLPT:					
How long have you known the applicant?					
In what capacity do you know him/her?					
Did the applicant perform his/her duties satisfactorily? Yes [] No []					
If no, please provide details of any areas needing improvement and any remedial action taken:					
Please tick the statement that best describes the candidate.					
Relationship with Colleagues Respected by all	<input type="checkbox"/>	Respected within own circle	<input type="checkbox"/>	Does not engage with colleagues	<input type="checkbox"/>

Professional Development Very pro-active, giving high priority	<input type="checkbox"/>	Undertakes some professional development when required	<input type="checkbox"/>	Passive, low priority	<input type="checkbox"/>
Drive and Enthusiasm Works hard and with great interest	<input type="checkbox"/>	Works well	<input type="checkbox"/>	Needs regular support and encouragement	<input type="checkbox"/>
Organisation First-class organiser, attends to fine detail	<input type="checkbox"/>	Sound organiser, has a good idea of aims and objectives	<input type="checkbox"/>	Can be disorganised and needs support	<input type="checkbox"/>
Teamwork Works well with others, taking a lead when necessary	<input type="checkbox"/>	Works well in a team	<input type="checkbox"/>	Prefers to work independently	<input type="checkbox"/>
Accepting responsibility Always eager to accept responsibility related to own work	<input type="checkbox"/>	Accepts responsibility for own work	<input type="checkbox"/>	Has a tendency to blame others, rather than accepting responsibility	<input type="checkbox"/>
Punctuality Always on time	<input type="checkbox"/>	Usually on time	<input type="checkbox"/>	Has needed prompting on occasions	<input type="checkbox"/>

Please comment on the effectiveness of the applicant's interactions with:

a) Other adults

b) Children and young people

Are you completely satisfied that the applicant is suitable to work with children? Yes [] No []

If no, please provide specific details of your concerns and the reasons for your doubts:

<p>To the best of your knowledge has the applicant ever had an allegation made against them, which was founded, in regard to his/her behaviour towards children?</p> <p>Yes [] No []</p>
<p>If yes, please give full details of the nature and date(s) of the allegation(s), by whom they were investigated, what conclusion was reached as a result of the investigation, whether any action was taken and if so what that was?</p>
<p>Has the applicant been the subject of a disciplinary action in respect of which penalties or sanctions remain in force?</p> <p>Yes [] No []</p>
<p>If yes, please give full details of the nature and date(s) of the misconduct and of the penalty or sanctions still in force.</p>
<p>Would you re-employ this person?</p> <p>Yes () No ()</p> <p>If no, please confirm reasons _____</p>
<p>Do you give permission for this reference to be shared with the candidate?</p> <p>Yes ()</p> <p>No ()</p>
<p>"In accordance with the BFLPT's normal practice this reference is given in good faith and in confidence, <i>without</i> legal liability on behalf of the author or the BFLPT."</p>
<p>Printed name:</p>
<p>Signature:</p> <p>_____</p>
<p>Position:</p>
<p>Organisation:</p>