



The STAR Multi Academy Trust

Reference Policy

Date reviewed	April 2024
Changes made	New Policy
Date adopted by Trust Board	16 July 2024

1. Introduction

1.1 The Trust have adopted this policy as the statement of their commitment, and their processes, regarding obtaining and providing references.

1.2 The purpose of this policy is to ensure that:

- The information provided in references by the Trust is fair, accurate, true, and complies with legislation.
- Comprehensive reference information is obtained on all applicants, and that this is used appropriately within the selection process.
- The principles of safer recruitment are applied when the Trust provides or obtains reference information.

1.3 This policy and procedure recognises the employer's responsibilities in respect of legislation and statutory guidance:

- Safeguarding of Vulnerable Groups Act 2006
- Data Protection Act 2018 and (Amendment) Regulations 2003
- Equality Act 2010
- Keeping Children Safe in Education
- The School Staffing Regulations

2. Scope

2.1 This policy applies to all employment references provided or obtained by the Trust. References for volunteers will not be provided on behalf of the Trust. Any references provided by Trust employees in relation to volunteers will be considered character references.

2.2 Trust leaders are responsible for obtaining and providing references in line with this policy, in a confidential manner. Leaders are responsible for ensuring that references are provided in a timely manner. The Trust recognises that a refusal to provide a reference could be detrimental to the person under consideration for a job.

2.3 Copies of reference requests, and references provided, will be held confidentially on the employees personal file in line with GDPR.

3. Providing employment references

3.1 When an employee leaves their job, a reference will be completed by the manager (on the Trust reference template) and placed on the personal file to provide the information for future reference requests.

3.2 All references provided will be marked as confidential.

3.3 Trust leaders with the appropriate authority will respond to employment reference requests. As a general rule, this is the line manager who has responsibility for that employee, and who would have direct knowledge of any disciplinary, capability or attendance management action in relation to the employee. Where the line manager is not the Headteacher, the reference should be confirmed as accurate in respect of any matters of discipline, safeguarding and/or capability by the Headteacher.

3.4 References will not include any information relating to absence due to disability, adoption, maternity, paternity or shared parental leave. In line with the Equality Act 2010, it is unlawful for an employer to ask any job applicant about their health or disability unless the applicant has been offered the job. On that basis, information relating to absence due to illness will not be provided in a reference unless confirmation has been received that a job offer has been made. When providing sickness absence details, it is important to state the number of occasions of absence as well as the number of days. The reasons for absences will not be disclosed.

3.5 References provided will be fair, accurate and true in substance, based upon verifiable facts, and given without malice. Leaders will not conceal or omit any serious matter relating to the employee's conduct or capability. Failure to provide information to a new employer could lead to a negligence claim.

3.6 Under the Amendment to the School Staffing Regulations 2012, maintained schools must provide on request, whether or not a teacher has been the subject of capability in the preceding two years, and provide details of the concerns, duration, procedure and outcome.

The DfE guidance 'Staffing and Employment Advice for Schools' confirms that schools, including academies, should ask as part of the referencing process for Headteachers and Teachers whether the individual has been subject to capability procedures in the past two years. It is the Trust's position that this information will be provided in respect of formal capability processes. However, the Trust may refer in a reference to informal processes and those being dealt with under the Trust's Developing Performance Policy, where the manager feels this is relevant and important to ensure an accurate reference is provided.

3.7 Information relating to disciplinary sanctions will only be included where such sanctions remain 'live'. Information should be limited to the date and type of sanction only, unless there are safeguarding considerations (see below).

3.8 In line with Keeping Children Safe in Education, there is a statutory responsibility for employers to disclose any information on an employee relating to the safeguarding of children and vulnerable adults, if the job involves working with children. Information will confirm whether the employer is satisfied with the employee's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations. Cases in which an allegation was categorised as false, unsubstantiated, unfounded or malicious will not be included in a reference. Low-level concerns will not be included in references unless they related to issues which would normally be included in a reference, for example, misconduct or poor performance.

- 3.9 References will be in writing using the Trust’s template reference. Pro-formas or templates received from the requesting organisation will not be completed. Where any verbal clarification is sought from the prospective employer, information provided will be factually correct and limited to clarifying information already provided in the written reference. Information given verbally is never “off the record”, and the referee will record the detail and be able to account for any comments made.
- 3.10 Employment references will only be provided in response to direct requests and will always be provided on the Trust proforma, regardless of any varying request or proforma received.
- 3.11 Open employment references addressed “to whom it may concern” will not be provided.
- 3.11 Where a settlement agreement is used on ending an individual’s employment, the details to be included in any employment reference will be confirmed at the time. In this event, only the reference included as part of the settlement agreement will be sent when responding to a reference request and no additional information, even verbally, will be shared in line with the terms of the agreement.
- 3.12 Work colleagues are not permitted to provide an employment reference, and if providing a personal reference, it must be stated on any letter that the reference is personal and not an employment reference.

4. Obtaining Employment References

- 4.1 In most cases, the Trust will obtain references for shortlisted candidates before interview to allow any concerns raised to be explored further with the referee and taken up with the candidate at interview. In any case, the Trust will aim to process all clearances including references as soon as possible. Where reference(s) are outstanding, the candidate will be made aware of this at interview/offer stage by the recruiting manager. If the recruiting manager is unable to obtain the required references and other associated clearances and there has not been suitable updates supplied by the applicant then the Trust may consider withdrawing the offer as part of a risk assessed approach.
- 4.2 References will only be requested when permission to do so is given by the candidate.
- 4.3 The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions, as a check of suitability for the role. They will not be used to evaluate candidates as part of the assessment.
- 4.4 The Trust will use the reference pro-forma template to request references direct from the employer, to ensure information is obtained in line with safeguarding requirements. Employers should compare the information in the application form with that in the reference and investigate any discrepancies with the candidate.

4.5 In line with the Equality Act 2010, it is unlawful to ask any health / absence related questions prior to an offer of employment, other than;

- to determine if reasonable adjustments are required in the selection process
- to determine if an applicant can carry out a function essential to the role
- for diversity monitoring purposes

To comply with legislation in these circumstances these references will be requested in two parts with the health / absence related information only requested once an offer of employment has been made.

4.6 At least two references will be obtained for external candidates, one of which must be from the most recent employer. The number of references relates to the applicant's employment history and the type of work to be undertaken, meaning additional references may be required.

4.7 A reference will be obtained from the relevant employer from the last time the applicant worked with children (if not currently working with children), in addition to a reference from the last employer. If the applicant is not currently employed then the Trust will obtain verification of the individual's most recent relevant period of employment.

4.8 Information will be requested on any issues or concerns that have been raised about the applicant regarding the safeguarding of children or vulnerable adults.

4.9 References will be obtained from the organisation's business address directly and should be addressed to a senior person with appropriate authority (if the referee is school or college based, in most cases this will be the Headteacher but, where it is not, the reference should be confirmed by the Headteacher as accurate in respect of disciplinary investigations, capability and safeguarding issues).

4.10 Open references or testimonials will not be accepted, nor will the Trust accept employment references from the applicant's relatives or people writing solely in the capacity of a friend.

4.11 The applicant could seek access to the reference information under the Data Protection Act, as a Subject Access Request, however, there is a general exemption for references given in confidence for actual or prospective employment of the subject of the reference.

5. Action Required on the Receipt of References

5.1 The Trust will ensure the reference received is an official employment reference. The referee who completed the request should be a senior person with appropriate authority.

5.2 The reference will be scrutinised and compared with the application form to identify inconsistencies and areas for concern, for example, discrepancies regarding employment dates, reasons for leaving, gaps in employment, or undisclosed performance or disciplinary issues. Information will be verified with the person who provided the reference and additional clarity requested where information is provided which is vague or inconsistent. Any discrepancies will be discussed with the candidate and considered as part of a risk assessed approach.

5.3 Particular attention will be given to information about past disciplinary action or safeguarding allegations.

6. Unsatisfactory References

6.1 Receipt of references that are considered unsatisfactory will normally result in a withdrawal of the conditional offer. The manager may decide, with the applicant's permission, to seek further references to consider the applicant's suitability further as part of a risk assessed approach, however this will only be in exceptional circumstances. It remains essential that a suitable reference is provided from the last employer, that there are no concerns about an individual's suitability to work with children, and that the referee must be an appropriate referee.

6.2 In the event that there are concerns about an applicant's suitability due to their level of absence, before withdrawing a conditional offer, the Trust will carefully consider all available information including whether to seek advice from Occupational Health.

7. Action When there is Difficulty in Obtaining Employment References

7.1 The Trust will take all reasonable steps to secure all relevant references. Where it has not been possible to obtain references, the Trust will take a risk assessed approach to considering suitability of employment. In some cases, it may be necessary for a conditional offer of employment to be withdrawn.

7.2 In some circumstances it may not be possible to obtain employment references, for example, when an applicant has not worked for several years or has never worked. In such exceptional situations, the Trust will seek to obtain personal (character) references. The Trust will adopt a risk assessed approach and will ensure that appropriate alternative safeguarding measures are undertaken and/or put in place if the applicant is appointed. These details will be recorded on employee's file. References from friends or family members of the applicant are not acceptable for this purpose and personal references will ideally be sought from someone who has supported the individual from a professional capacity (e.g. Teacher, Lawyer, Doctor).

Appendix 1a: Employment Reference REQUEST (PART 1)

PRIOR to offer of employment

The STAR Multi Academy Trust has gathered the consent of the below named person to collect an employment reference from you in the strictest confidence. For more information about how we use personal data please see our privacy notice on our website.

OFFICE USE ONLY

Candidate's Name:	Job Title:
School/Location:	Job Ref No:

SECTION A - (Please use Black Ink)

Job Held:	
Dates of Employment:	From: (month/year) To: (month/year)
Salary	
Reason for leaving (if known)	Continuous Local Government Service Date (if applicable)

SECTION B

Has the employee had concerns raised about their standard of work informally:	Yes/No
Has the employee had concerns raised about his/her standard of work formally:	Yes /No
For example through a Capability policy or similar. If yes to either of the above, please give brief details and actions taken:	

Has the employee had any disciplinary action taken and recorded against them? Yes/No

[Include those involving children/young people or vulnerable adults, not omitting those where the sanction has expired]

If yes, please give brief details i.e. the general nature of the allegation(s), dates and action taken.

Signed and Confirmed by Headteacher [if different from the person completing reference at Section D and where applicable]

Has the employee ever been subject to any SAFEGUARDING process or procedures involving children/young people or vulnerable adults during the course of their employment? ONLY include SUBSTANTIATED safeguarding concerns or issues.

Yes/No

If yes, please give brief details i.e. the general nature of the allegation(s), dates and action taken.

Signed and Confirmed by Headteacher [if different from the person completing reference at Section D and where applicable]

SECTION C

Please list key activities and areas of responsibility
 (Please attach Job Description, if more convenient)

Would you recommend this candidate for the role for which they have applied Yes/No

Please provide any comments you have regarding the candidate's suitability for this role, include suitability to work with children if this is applicable to the post [i.e.; DBS required].

SECTION D

Referee Details	
Name (Print):	Contact telephone number:
Job Title: [Normally Headteacher where a school based employee]	Date:
For what amount of time has the applicant worked under your line management?	
Organisation name and address:	

Appendix 1b: Employment Reference REQUEST (PART 2) – Sickness Absence Information

AFTER a conditional offer of employment

The STAR Multi Academy Trust has gathered the consent of the below named person to collect an employment reference for you in the strictest confidence. For more information about how we use personal data please see our privacy notice on our website(link Trust privacy notice).

Thank you for providing us with information relating to the candidate detailed below. A conditional offer of employment has now been made therefore further information relating to the candidate is now required.

I would be grateful if you would complete the following questions and return to the sender as soon as possible. Thank you for your assistance in this matter.

OFFICE USE ONLY

Candidate's Name:	Job Title:
School/Location:	Job Ref No:

SECTION A

How many days of sickness absence did the employee have in the last two years of employment?
How many occasions of sickness absence has the employee had in the last two years of employment?

SECTION B

Referee Details	
Name (Print):	Contact telephone number:
Job Title:	Date:
Organisation Name and address :	

Appendix 2a: REFERENCE TEMPLATE- CURRENT/PREVIOUS EMPLOYEES

Part 1

This reference is provided in strictest confidence, for employment purposes and on behalf of The STAR Multi Academy Trust. It is policy to confine such references to factual information and to outline any information that is required as part of our responsibility for Safeguarding. This form is used for employees who have left employment with us as well as existing employees who are applying for jobs.

This reference has been provided with the explicit consent of the subject of the reference:

1	Name of Applicant		
2	Current/previous post with school/Trust : Salary: Date of Commencement of employment with school/Trust : Last date of employment with school/Trust (if applicable):	Month Year Month Year	
3	Details of any disciplinary action taken (include allegations, dates and action taken) Confirmed by Headteacher/Principal where not the referee:	Name : Date :	
4	Has the employee been the subject of FORMAL Capability proceedings? Give details of any FORMAL Capability related issues in the preceding two years (including concerns, duration and outcome):	Yes : No :	

5	<p>You may use this space to comment on the performance of the employee, which is NOT part of FORMAL Capability proceedings. You must be fair, balanced and accurate in any description of performance in role and or development need.</p>	
6	<p>For posts requiring a DBS Certificate</p> <p>Please list any SUBSTANTIATED safeguarding concerns or issues that have been raised during the course of employment</p> <p>I am satisfied that the applicant is suitable to work with children</p>	<p>Yes : No :</p>
7	<p>Attach a copy of the current Job Description and Person Specification:</p>	

Appendix 2b: Part 2 – (to be kept together with Part 1) : Sickness Absence Information

(To be provided ONLY when employer indicates conditional offer has been made)

This reference is provided in strictest confidence, for employment purposes and on behalf of The STAR Multi Academy Trust. It is policy to confine such references to factual information and to outline any information that is required as part of our responsibility for Safeguarding. This form is used for employees who have left employment with us, as well as existing employees who are applying for jobs.

This reference has been provided with the explicit consent of the subject of the reference:

The following information detailed in Question 8 relating to sickness absence has been provided, for your consideration at an appropriate stage in your recruitment process.

	Name of Applicant	
	Current/previous post with school/Trust :	
	Date of Commencement of employment with school/Trust :	Month Year
	Last date of employment with school/Trust (if applicable):	Month Year
8	Total days absent due to sickness during the last two years of employment: Number of occurrences/ occasions:	
9	Name of referee: Job title and employment relationship to applicant: Contact Details: Date Reference Completed:	

The above information is considered to be true and accurate on the given date.

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

Appendix 3: Template Letter – Withdrawal of Conditional Offer of Employment

Dear (Name)

The conditional offer of employment made to you on (date) for the role of (role) was subject to relevant clearances being received and being satisfactory for employment in our school/Trust.

We have made several attempts to contact your referees, and asked you to personally contact them on (date), as references are required as part of your conditional offer of employment in the school/Trust. Despite our best efforts, we have been unable to obtain them for over (number) weeks.

After carefully considering the situation, I have taken the decision to withdraw your conditional offer of employment on this occasion on the basis of not being able to obtain satisfactory employment clearances.

I would like to wish you the very best for the future and thank you for your interest in this role.

Kind Regards,
(Name)

Appendix 4: PERSONAL REFERENCE FOR APPOINTMENT

The STAR Multi Academy Trust has gathered the consent of the below named person to collect an employment reference for you. Please be aware that this reference will be kept confidential but the information you provide may be disclosed to the applicant, upon request, as per the Data Protection Act 2018. For more information about how we use personal data please see our privacy notice on our website.

<u>OFFICE USE ONLY</u>	
Candidate's Name:	Job Title:
Directorate/Location:	Job Ref No:

Section A

How long have you known the candidate:
In what capacity do you know the candidate:
To what extent do you consider this person to be honest and trustworthy?
Please comment on the character and strengths of the person.
Please provide comments that you feel may be relevant to the employment of this applicant in the post for which they have applied for:

Section B Reference Details

Name:	Signature:
Contact Telephone number:	Date: