



Tudor Grange Academies Trust

Reference Policy

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1. Purpose

- 1.1. This policy sets out the Tudor Grange Academies Trust (“TGAT” or “the Trust”) policy on dealing with requests for references for current or former employees in relation to job applications.
- 1.2. This policy applies to all members of staff and must be adhered to at all times when supplying a reference. All employment references must be issued by a Principal, Executive or Chief Executive Officer (CEO).

2. Scope

- 2.1. Under English Law there is no legal obligation for an employer to provide a reference for an existing or former employee, with the exception of industries regulated by the Financial Services Authority. As it is custom and practice in education to provide references for employees, a refusal to provide a reference may inaccurately suggest that the employee is unsuitable.

3. Providing Employment References

- 3.1. TGAT accept that they have a responsibility to provide references to potential employers, that they act consistently and have a clear policy in respect of both who can provide references and their content.
- 3.2. All references issued on behalf of TGAT must be approved by the Principal, Executive or CEO. Under no circumstances should anyone below the post of Principal issue a reference, whether written or verbal.
- 3.3. Those employees with delegated responsibility for drafting references (e.g. Heads of department), must understand what is/is not appropriate and legal to include in references and the legal liabilities which may arise.
- 3.4. All employment references must be marked Private and Confidential and use the template provided.
- 3.5. Where a reference is provided, TGAT has a duty of care, both to the subject and the recipient, to ensure that the reference is compiled accurately and honestly.
- 3.6. 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 TGAT is satisfied with the employee's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations.

4. Obligation in Respect of Content

4.1. Statutory

- 4.1.1. Keeping children safe in Education makes it clear that any person who refuses to cooperate, resigns prior to formal proceedings or before the termination of their notice period in relation to allegations of safeguarding concerns must not have an agreed reference.
- 4.1.2. TGAT is under a legal obligation to provide information to a Job Seekers plus authorised officer by the deadline specified. Employers must not delay, obstruct, refuse or neglect to comply with a requirement to allow access to electronic records, references or to neglect to answer any question or to furnish any information or produce documentation when required to do so.

4.2. Health

- 4.2.1. 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.

4.3. Formal capability

- 4.3.1. TGAT will disclose information regarding any formal action conducted under TGAT's Capability Procedures within the last 2 years on a given reference. This information will include the nature of the concerns, the duration of the proceedings and the outcome.

4.4. Disciplinary matters (Not related to safeguarding)

- 4.4.1. There are times when an employee leaves the service of TGAT prior to the conclusion of a disciplinary process. In these circumstances it can be difficult to balance the needs of the employee and the requirement of TGAT to provide a fair and accurate reference. Advice should be sought from HR prior to any disclosure.
- 4.4.2. 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.

5. Verbal References

- 5.1. The Principal may be asked to provide a verbal reference for an employee (or former employee), applying for a post with a School or another outside organisation where:
- An interview is being held at short notice and an urgent response is required: or
 - Clarification/confirmation of a written reference is being sought.
- 5.2. What is said about an employee orally (i.e. face-to face or over the telephone), has the same status as what is said about them in a written reference and should, therefore, be treated with the same care and attention to detail.
- 5.3. Any oral reference provided will be honest, factual and will not include any information about areas of concern that have not previously been discussed with the employee. If an oral reference is given because an urgent response is required, the reference should be confirmed in writing and should accurately reflect the oral statement. Should any staff member require further guidance regarding the content of a reference to be provided for an employee or ex-employee they should contact the TGAT's HR provider or the HR Director.

6. Character References

- 6.1. 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.
- 6.2. Any member of staff asked to provide a personal/character reference must consult with the Principal before responding.
- 6.3. Under no circumstances should the reference include the name of the school, TGAT, or any related branding.
- 6.4. The reference must not be provided on school or TGAT headed paper, nor include job titles, school contact details, or any other identifiers linking it to the school or TGAT.

- 6.5. The content must make it explicitly clear that this is a personal character reference, not an employment reference.
- 6.6. Staff must not comment on the individual's work performance, professional conduct, or suitability for employment.
- 6.7. Personal capacity: The reference should be written in a personal capacity only, reflecting the individual's character and personal qualities, not their employment history or achievements.
- 6.8. Breaching this policy may result in disciplinary action, as it exposes TGAT to reputational and legal risk.

7. Obtaining References

- 7.1. In most cases, TGAT 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. 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 TGAT may consider withdrawing the offer as part of a risk assessed approach.
- 7.2. References will only be requested when permission to do so is given by the candidate.
- 7.3. 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.
- 7.4. 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 TGAT will obtain verification of the individual's most recent relevant period of employment
- 7.5. 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 Principal but, where it is not, the reference should be confirmed by the Principal as accurate in respect of disciplinary investigations, capability and safeguarding issues)
- 7.6. Open references or testimonials will not be accepted, nor will TGAT accept employment references from the applicant's relatives or people writing solely in the capacity of a friend.
- 7.7. 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.

8. Unsatisfactory References

- 8.1. 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.

9. Action When there is Difficulty in Obtaining Employment References

- 9.1. 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, TGAT will seek to obtain personal (character) references. TGAT 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 in a professional capacity.

[Headed paper]

[Date]

TGAT Reference Form

PRIVATE AND CONFIDENTIAL

Dear [insert name]

Reference for [name of employee/ex-employee]

Tudor Grange Academies Trust are pleased to provide the following reference for the above employee/ex-employee.

Please be advised that it is the Trust's policy is to provide only this factual proforma reference to ensure equality of approach. Absence data will only be released on receipt of proof of appointment. In accordance with Tudor Grange Academies Trust's normal practice, this reference is given in good faith and in confidence, without legal liability on behalf of the author or the Trust.

Yours sincerely

Principal/Executive /CEO

On behalf of Tudor Grange Academies Trust

Reference Form:

Applicant name:	
Post applied for:	
Name of referee:	
Job title of referee:	Principal/Executive /CEO
Referee's employer:	Tudor Grange Academies Trust – (school name)

Thank you for providing proof of the explicit consent of the applicant to request the information detailed on this reference. Tudor Grange Academies Trust (TGAT) is happy to supply the following standard reference in relation to the above named employee/ previous employee. Absence data will be released following confirmation of appointment.

1. Dates of employment
2. Capacity in which employed. (job description can be included) including main responsibilities

3. Current pay (or pay at the time they left)

4. Reason for leaving TGAT.

5. If the post the reference is required for is in “regulated activity” and therefore exempt from the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975), TGAT will confirm if there are concerns about the employment of this person in a School. If concerns exist then full details including information regarding allegations investigations and outcomes will be disclosed under Confidential separate cover

☐

Not applicable

☐

No concerns

☐

Concerns exist details attached under
separate confidential cover

Details of any disciplinary action pending or any current disciplinary sanctions.

Details of any capability proceedings in the last two years.

TGAT understands that:

- It has a responsibility to ensure that the reference is accurate and does not contain any misstatement and nothing significant is omitted.
- The content of the reference may be discussed with the applicant.
- The applicant may request and be granted access to the reference.

Signed:	
Name:	
Date:	
Position	CEO, Principal or Executive