



Merchant Taylors' School

Ambition | Character | Excellence

Reference Policy

Reference Policy

Author: HR Advisor

Last Amended: April 2022

Review: April 2023

1. Introduction

- 1.1 This policy relates to employment references provided on behalf of the School which represent an official statement of the current or former employee's employment.
- 1.2 Employment references requested by the School for prospective employees are covered under the School's Safer Recruitment Policy.

2. Purpose

- 2.1 The purpose of this policy is to outline the procedure that the School will follow when asked to provide a reference for a current or former employee.
- 2.2 This policy aims to ensure that the School responds to reference requests in a consistent and fair manner.

3. Roles and Responsibilities

- 3.1 Head Teachers are responsible for providing employment references for current or former teaching staff.
- 3.2 The HR department is responsible for providing references for current or former professional services staff (non-teaching staff).
- 3.3 The Chair of Governors is responsible for providing references for members of the Executive Team.

4. Content of employment references

4.1 Teaching staff

- 4.1.1 The Head Teacher will provide employment references for current or former teaching staff. On those occasions when the Head delegates not complete the reference to another member of the SMT, it will always be counter-signed by the Head.
- 4.1.2 The reference proforma provided by the employer may be completed. The Head may also choose to include a separate letter of endorsement to accompany the pro-forma reference.
- 4.1.3 References for teaching staff may include the following:
 - Details about skills and experience
 - Suitability for the prospective role
 - Suitability to work with children
 - Number of occasions and/or days of absence (reasons for absence will not be divulged; see

- 4.1.6)
- Live disciplinary sanctions or other relevant information (please see note below with reference to safeguarding concerns)
 - Reason for leaving (if applicable) and whether they would re-employ (where this is 'no' reasons should be provided).
- 4.1.4 Safeguarding concerns: in line with the School's obligation to keep children safe, factual details of expired disciplinary sanctions relating to the safety and welfare of children or young people will be disclosed.
- 4.1.5 Low-level concerns: In line with KCSIE, low-level concerns relating exclusively to safeguarding (and not to misconduct or poor performance) will not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will be referred to in a reference.
- 4.1.6 Absence information: Information about health is special category personal data under GDPR/DPA and there is a general prohibition on the processing of special category personal data such as this. However, there is a difference between 'absence records' (which may give the reason for absence as 'sickness' but does not include any reference to specific medical conditions) and 'sickness records' (which contain details of the illness or condition causing the absence). Therefore, the number of days' absence may be provided but the reasons for absence will not be provided. Extra care should be taken if an absence relates to an employee's disability or is pregnancy-related. HR advice should be obtained and employee consent received before reasons for absence are shared.
- 4.1.7 All employment references should contain a statement to the effect that the information provided is given in good faith and without legal liability on the part Merchant Taylors' School, its Governors or the writer.
- 4.1.8 A copy of the employment reference should be forwarded to HR to be retained on file.
- 4.2 Professional Services staff (non-teaching staff)
- 4.2.1 The HR department will provide employment references for current or former professional services staff.
- 4.2.2 References for professional services staff will confirm the start and end dates of employment and the role undertaken. The reference will also include a statement to confirm whether there are any outstanding allegations or disciplinary procedures involving the employee relating to the safety and welfare of children or young people. (See Appendix A for reference template). Pro-forma documents will not be completed for professional services staff.
- 4.2.3 Safeguarding concerns: in line with the School's obligation to keep children safe, factual details of expired disciplinary sanctions relating to the safety and welfare of children or young people

will be disclosed.

- 4.2.4 Low-level concerns: In line with KCSIE, low-level concerns relating exclusively to safeguarding (and not to misconduct or poor performance) will not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will be referred to in a reference.
- 4.2.5 References for professional services staff will state that it is the School's policy to provide standard information in response to reference requests for non-teaching staff.
- 4.2.6 All employment references should contain a statement to the effect that the information provided is given in good faith and without legal liability on the part Merchant Taylors' School, its Governors or the writer.
- 4.2.7 A copy of the employment reference provided will be kept on the staff file.

5. Agreed references

- 5.1 Where an agreed reference exists, for both teaching and non-teaching roles, this will be used in place of the formats described elsewhere in this policy.

6. Open references

- 6.1 The School will not supply open references to current or former staff for safeguarding reasons. An open reference is one which is not addressed to a specific individual or organisation. References will only be provided directly to the recruiting organisation.

7. Character references

- 7.1 The School does not supply character references. Any employee providing a character reference for another employee does so entirely on a personal basis, and not in their capacity as an employee of the School.
- 7.2 Character references must not:
 - Refer to work undertaken at the School
 - Be written on School letterhead
 - Be sent from a School email address or contain the School stamp.
- 7.3 Any personal reference provided must state that it is a personal reference and does not represent the views of Merchant Taylors' School.

8. Financial references

- 8.1 On occasion, staff may require a financial reference which confirms their salary details, such as

for the purposes of obtaining a mortgage or renting accommodation. The HR department will respond to any such requests on the School's behalf and will obtain consent from the individual concerned before providing this information.

9. Confidentiality

- 9.1 All references provided by the School must be marked as 'Private and confidential'.
- 9.2 Employment references provided and received in confidence are exempt from the subject access provisions under GDPR (General Data Protection Regulation). Nevertheless, a court may order references to be disclosed for use in litigation. Consequently, it is vital that all references provided contain only factual and fair information.

10. Equal opportunities

- 10.1 In accordance with the School's Equal Opportunities Policy and Equality Legislation, any staff who provide an employment reference must be careful not to discriminate on the grounds of race, gender, disability, sexual orientation, religion or belief, age or other grounds covered by statute.

11. Associated policies

- 11.1 This policy should be read alongside the following associated policies:
- Safer Recruitment Policy
 - Safeguarding Policy
 - Equal Opportunities Policy.

This policy and procedure is non-contractual and will be reviewed annually.

Appendix A: Reference Template – Professional Services

DATE

NAME

ADDRESS

PRIVATE AND CONFIDENTIAL

Dear Sir/Madam

Re: Reference request

In accordance with company policy, it is normal practice to provide standard information in response to reference requests for non-teaching staff. The provision of such information does not imply any comment about the individual or their work performance.

Candidate Name:

Job Title(s):

Dates Worked:

We are not aware of any outstanding allegations or disciplinary procedures involving the above candidate relating to the safety and welfare of children or young people.

This reference is given in good faith and without legal liability on the part of Merchant Taylors' School, its Governors or the writer.

Yours faithfully