



Diocese of Norwich
St Benet's
Multi Academy Trust

Reference Policy

(providing and requesting)

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Our Christian Ethos and Values

Our academies are open to all and accepting of all regardless of faith. Our passion and ambition are to see children and young people in all our academies achieve excellent educational outcomes alongside developing and growing into their potential as individuals made in the image of God.

Our culture is one of high aspiration for all. This is rooted in our Christian values as demonstrated in the life and teachings of Jesus Christ. We have a desire to see our academies acknowledged as places of aspiration, high quality learning, achievement and hope making a significant contribution to the communities they serve.

All policies within St Benet's Multi Academy Trust (hereafter referred to as "the Trust"), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

Overall accountabilities and roles

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation it sets out the responsibilities of the Trust, its Executive Officers, the Local Governance Committee and the Headteacher. The Headteacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust's policies.

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1. Policy purpose

This Policy sets out the requirements that must be adhered to when providing or obtaining references on behalf of the Trust for the purposes described.

The policy is integral to the safer recruitment and safeguarding practices operated by the Trust, and reflects their commitment to equality of opportunity, and to a fair and consistent approach when appointing and providing references for staff and volunteers.

The following policies, procedures and guidance documents should be read alongside this policy to ensure a consistent and compliant approach to the provision of employment references across the Trust:

- Safer Recruitment Policy
- Data Protection/GDPR Policy
- Disciplinary Policy
- Staff Code of Conduct

2. Providing references

2.1 Fundamentals

- This policy applies to references provided orally and in writing. Staff and volunteers should also be aware that social media postings may be considered to constitute a reference. Comments posted through social media or professional networking platforms which could reasonably be interpreted as commenting on an individual's suitability for employment may be treated as a reference for the purpose of this policy.
- Staff and volunteers should be aware that only people authorised by this policy may use their job title, the name of the Trust or Trust academy, an email account provided for work purposes, letterheads or logos, when communicating views regarding the suitability or otherwise of an individual.
- Unauthorised use of any of the above in connection with a reference of any kind for any purpose may result in disciplinary action up to and including dismissal under the Trust Disciplinary Procedure. This includes their use in references which are stated as being made in a 'personal' capacity or which are stated to be 'character' references. This list is not exhaustive.
- The provision of an open reference addressed to 'whom it may concern' is not authorised. All references must be dated and addressed to a named person at the organisation requesting the reference.
- One reference to a prospective employer will only be provided, except where safeguarding requirements or statutory guidance require further information. Where two references are requested, for example one from a Headteacher and one from a Line Manager, the Trust will explain the policy when providing one reference; however both parties may contribute to the reference. (See below)
- At its discretion the Trust may decline to provide a reference, other than to confirm role, salary and dates of employment, particularly in circumstances where a person has not

attended work for a sufficient period to enable them to comment further regarding their suitability for a role.

- References will not be provided for individuals engaged to work via employment businesses or external agencies, as the employment business / external agency will be responsible for providing an employment reference.
- The disclosure of information pertaining to absence records in references, with the exception of parental leave for the purpose of enabling employers to calculate future entitlements is not authorised.

All staff and volunteers must adhere to these fundamentals at all times.

2.2 Employment references

Employment references are references provided in response to requests from prospective employers. Prospective employers may send a request accompanied by a pro-forma to be completed or may request that a letter is provided. The Trust will only provide written references except in exceptional circumstances, e.g. an oral reference. A written record of any oral reference provided must be retained by the Trust and placed on the relevant personnel file.

The request may relate to an individual who currently works at or previously worked at the Trust and may relate to work undertaken before a school joined the Trust. The Trust will provide employment references where it has a legitimate business interest or legal basis to do so in accordance with UK GDPR and Data Protection legislation.

Who is authorised to provide employment references?

Trust authorised persons are:

- CEO
- Deputy CEO
- Executive Headteachers
- Headteachers and Acting Headteachers
- HR Director

Where a member of staff or volunteer who is not an authorised person receives a request to provide a reference, they must forward the request to the most appropriate authorised person listed above.

No other member of staff or volunteer is permitted to provide an employment reference. If a member of staff who is not authorised to provide an employment reference does so, this may result in disciplinary action up to and including dismissal.

Staff and volunteers should be mindful that only the people authorised by this policy to provide references will be in a position to state whether or not an individual is suitable to work with children and young people, and to know the full circumstances regarding the conduct and performance of a person in their role.

The Trust has a duty to ensure that references support safer recruitment practices. References must not withhold, omit or misrepresent relevant safeguarding information.

Where applicable, references should include substantiated safeguarding concerns, disciplinary findings relating to the safety of children, allegations that meet the relevant disclosure threshold, and any other information that is relevant to assessing an individual's suitability to work with children and young people. Information provided must be accurate, factual, fair and compliant with data protection requirements.

The people authorised by this policy to provide employment references must adhere to the guidance, a copy of which is provided to the authorised person by the Trust.

Can other staff be asked to contribute to the content of a reference?

An authorised person may request that another employee provides information for the purposes of providing a reference where it is appropriate for them to do so. However the authorised person will remain responsible for the provision and content of the reference.

2.2.1 Agreed references

In certain circumstances, the Trust may enter into a settlement agreement with an employee which includes provisions relating to the content and format of a reference. Where a reference has been agreed as part of a legally binding settlement agreement, the Trust will provide the agreed reference in accordance with the terms of that agreement.

Nothing in a settlement agreement will prevent the Trust from complying with its statutory safeguarding obligations or providing information that it is legally required to disclose.

2.3 Other types of reference

References in relation to financial matters

Employees may require proof of their employment and income for the purposes of:

- loans, including mortgages;
- rental agreements;
- seeking to become a financial guarantor;
- matters relating to immigration.

Before responding to any request from a third party, the person authorised to respond on must obtain consent from the employee concerned, unless required by statute to respond.

The Trust's CEO, Deputy CEO, Headteacher, or Acting Headteacher may authorise and sign a reference for this purpose, or in their absence a colleague in HR may do so. The reference provided must contain the Trust's standard disclaimer applicable to references for this purpose.

References in relation to legal processes

The Trust may solely at its discretion provide references in respect of employees in relation to legal proceedings. Only the CEO may authorise such a reference. No other person is permitted to provide or authorise such a reference. In the absence of a CEO any such reference would require authorisation from the Board of Trustees.

References for volunteers

References in respect of volunteers will be provided solely at the discretion of the Trust. The persons authorised to provide references for volunteers are the same as those authorised to provide employment references.

'Character' or 'Personal' references

Staff and volunteers are not authorised to provide 'character' or 'personal' references that may implicate the Trust in any way. This means that staff and volunteers must never use their job title, the name of the Trust, the name of a Trust Academy, an email account provided for work purposes and Employer or school letterheads or logos, when communicating views regarding the suitability or otherwise of an individual.

Where a member of staff or a volunteer provides a 'character' or 'personal' reference for any purpose, in addition to the above, if it is known that they are associated with the Trust or Trust Academy, they must explicitly state that the reference is not being provided on behalf of them or in any associated capacity.

If a member of staff or volunteer who is not authorised to provide any of the above references does so this may result in disciplinary action up to and including dismissal.

2.4 Retention of references

The Trust will retain copies of all references provided on their behalf, together with any supporting documentation and records of oral references, in accordance with the Trust's Data Retention Schedule and Data Protection Policy.

Records will be retained securely and only accessed by authorised personnel where there is a legitimate business need to do so.

3. Requesting employment references

3.1 Fundamentals

- All offers of employment are subject to receipt of two written references deemed to be satisfactory. If this condition is not met the associated offer of employment will be withdrawn.
- References are a crucial part of safer recruitment practices. Only the reference pro-forma provided by the Trust must be used for the purpose of obtaining employment references.
- References will be obtained, scrutinised and managed in accordance with the statutory guidance in Keeping Children Safe in Education 2023 (as amended)
- An open reference addressed to 'whom it may concern' will never be accepted. All references must be dated and addressed to the named person of the Trust.
- In assessing whether references are satisfactory, the employing manager must have due regard to the guidance provided by the Trust, to Keeping Children Safe in Education (current version) and any subsequent amendments and to any advice and guidance from HR professionals engaged by the Employer.

- Referees will be asked about disciplinary offences relating to children, including those in respect of which a sanction is time expired, whether applicants have been the subject of any relevant child protection concerns and if so the outcome.
- References will not be accepted from relatives or from people writing solely in the capacity of friends.

Who will the Trust accept employment references from?

The first reference will normally be obtained from an applicant's most recent employer.

If an applicant is not working with children or young people at the time of their application, they must provide a referee from their most recent employment with children or young people.

Referees must be provided from two different employers/organisations, unless the applicant has not worked for or volunteered with more than one organisation.

The Trust reserves the right to request further or alternative referees from applicants in order to verify their suitability for employment.

4. Requesting references for volunteers

The Trust's Volunteer Policy describes the vetting processes applicable to people who wish to work as volunteers and the circumstances in which the Trust will request references. The reference pro-forma within the Volunteer Policy is to be used for this purpose.

Failure by an authorised person to adhere to this policy and the additional guidance provided by the Trust in relation to requesting references may result in disciplinary action up to and including dismissal.

5. Further advice and guidance

Personal data relating to references will be processed in accordance with UK GDPR, the Data Protection Act 2018, and the Trust's Data Protection Policy. Requests for access to personal data contained within references, including Subject Access Requests, will be managed in accordance with applicable data protection legislation and guidance.

Further advice and guidance in relation to providing and requesting references on behalf of the Trust is available from the HR team.

This policy is not contractual and may be subject to amendment.

6. Equality and Diversity

The organisation is committed to ensuring that employment references are provided fairly, consistently, and without unlawful discrimination. All references will be prepared in accordance with the Equality Act 2010 and, where applicable, the Public Sector Equality Duty. Information included in references will be relevant, accurate, supported by evidence, and will not contain comments that may unlawfully discriminate against an individual on the basis of a protected characteristic.