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# **The Futures Trust**

## **Reference Policy**

**(Providing and requesting)**

**Date of last review: December 2020 (no changes made)**

**Approval: Trust Finance, Resources, Audit and Risk Committee**

**Date of next review: December 2021 or earlier in response to statutory changes**

## Reference Policy

### 1. Policy purpose

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

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

### 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.
- Staff and volunteers should be aware that only people authorised by this Policy may use their job title, the name of the Trust, the name of a Trust school, an email account provided for work purposes and Trust or school 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. 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 Trust will never authorise the provision of an open reference addressed to 'whom it may concern'. All references must be dated and addressed to a named person at the organisation requesting the reference.
- The Trust will only provide one reference to a prospective employer. Where two references are requested, for example one from a Headteacher and one from a Line Manager, the school will explain the Policy of the Trust 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 the Trust to comment further regarding their suitability for a role.
- The Trust will not provide references 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 Trust does not authorise 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.

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

## **2.2 Employment references**

Employment references are references provided by the Trust in response to requests from prospective employers. Prospective employers may send a request accompanied by a pro-forma to be completed, may request that a letter is provided or may seek an oral reference.

The request may relate to an individual who currently works at or previously worked at a school, and may relate to work undertaken before a school joined the Trust. The Trust does not require consent to be obtained from a current or former member of staff or volunteer before it provides an employment reference relating to them.

### **Who is authorised to provide employment references?**

Only a school's Headteacher, Associate or Acting Headteacher may authorise and sign an employment reference or provide an oral reference on behalf of the Trust.

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 HR or to the school's Headteacher.

In the event that a reference request relates to a Headteacher, or in the event that a Headteacher is unavailable to provide a reference, the Trust's CEO or HR Director may authorise and sign employment references, may provide oral references or may provide written authorisation for another Senior Leader to do so.

No other member of staff or volunteer is permitted to provide an employment reference on behalf of the Trust. 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 people authorised by this Policy to provide employment references must adhere to the guidance provided by the Trust, a copy of which is available for authorised persons from the Trust's HR Director.

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

An authorised person may request that another of the Trust's employees 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.

## **2.3 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 behalf of the Trust must obtain consent from the employee concerned, unless the Trust is required by statute to respond.

A school's Headteacher, Associate 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 of Trust may authorise such a reference. No other person is permitted to provide or authorise such a reference on behalf of the Trust. In the absence of a CEO any such reference would require authorisation from the Board of Trustees.

### **References for volunteers**

The Trust may solely at its discretion provide references in respect of volunteers. 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 school, an email account provided for work purposes and Trust 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, they must explicitly state that the reference is not being provided on behalf of the Trust 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.**

### 3. Requesting employment references

#### 3.1 Fundamentals

- All offers of employment are subject to receipt of two written references deemed to be satisfactory by the Trust. If this condition is not met the associated offer of employment will be withdrawn.
- References are a crucial part of the Trust's safer recruitment practices. Only the reference pro-forma provided by the Trust must be used for the purpose of obtaining employment references. The pro-forma are available from HR.
- References will be obtained, scrutinised and managed in accordance with the statutory guidance in Keeping Children Safe in Education 2020 (as amended)
- The Trust will never accept an open reference addressed to 'whom it may concern'. All references must be dated and addressed to a named person at the Trust.
- Only a school's Headteacher, Associate or Acting Headteacher, the Trust's CEO and HR Director are authorised to sign the Trust's safer recruitment checklist to confirm that references received are satisfactory. The Trust's CEO and HR Director may also provide written authorisation for another Senior Leader to do so.
- In assessing whether references are satisfactory, the authorised person must have due regard to the guidance provided by the Trust, to Keeping Children Safe in Education 2020 (as amended) and to any advice and guidance from HR professionals engaged by the Trust.
- 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 Headteacher/ Principal, or where they are not working in a school or academy the equivalent person.

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 pro-forma in Appendix C of 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**

Further advice and guidance in relation to providing and requesting references on behalf of the Trust is available from school HR Offices and the Trust's HR Director.

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