



EMPLOYMENT REFERENCE POLICY

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1. Policy statement

- 1.1 Reach South Academy Trust is committed to providing employment references for current and former staff members as part of their career progression and future employment.

2. Principles

- 2.1 This policy is in place to minimise the risks to the Trust through use of issuing employment references to current or past members of staff and volunteers.
- 2.2 This policy deals with the issuing of professional references. If provided using the Trust's letterhead, or via a Reach South Academy Trust or school email account, it is likely to be treated as a business reference if there is a dispute.
- 2.3 This policy covers all employees working at all levels and grades. It also applies to consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).
- 2.4 This policy does not form part of any staff member's contract of employment and we may amend it at any time in consultation with recognised Trade Unions.

3. Personnel responsible for implementing the policy

- 3.1 The Board has overall responsibility for the effective operation of this policy, but has delegated day-to-day responsibility for its operation to the Chief Executive Officer and the Director of Human Resources.
- 3.2 Responsibility for monitoring and reviewing the operation of this policy and making recommendations for change to minimise risks also lies with the CEO and Director of Human Resources.
- 3.3 All managers have a specific responsibility for operating within the boundaries of this policy, ensuring that all staff understand the standards of behaviour expected of them and taking action when behaviour falls below its requirements.
- 3.4 All staff are responsible for the success of this policy and should ensure that they take the time to read and understand it.
- 3.5 Questions regarding the content or application of this policy should be directed, in the first instance to line managers.

4. Legislation governing references

- 4.1 There is no detailed legislation dealing with the provision of references, however, the following legislative Acts are relevant relating to the issuing of employment references:
- i) The Unfair Contract Terms Act 1977;
 - ii) The Financial Services and Markets Act 2000 relating to those working in the financial services;

- iii) The General Data Protection Act 2018 regarding the processing of information in providing references;
- iv) Employment Rights Act 1996 concerning discrimination relating to acts committed by any employer after termination of an employee's contract of employment.

4.2 Refusing to provide a reference could be seen as discriminatory by former employees, as a refusal could mean adverse inferences being drawn about the employee concerned by the future employer.

4.3 Reach South Academy Trust, as an employer, is under a duty of care to provide a reference which is true, accurate and fair, and does not present facts so as to give a misleading impression overall, including by omission.

5. Providing employment references

5.1 To ensure consistency, the Trust will provide factual references for former employees and volunteers; what we expect from former and current employers will be equal to the information we provide. Exception to this will be when an agreement has been reached, in written form, between the Trust and former employees.

5.2 As soon as a reference request is received, line managers should make contact with the Trust's HR team and then forward the reference request to them for completion and submission. No references are to be submitted by line managers in a professional capacity.

5.3 Should any employee be approached for a reference, any response needs to make clear that they are providing the reference in a personal capacity. Such a reference should not be on the Trust's headed paper, nor from a Trust/School email. The relationship of the referee with the individual concerned should also be made clear.

5.4 A copy of all references provided on behalf of the Trust will be placed on the individual's personnel file.

6. Factual reference

6.1 Factual information to be disclosed in the reference:-

6.1.1 the dates of the employee's employment with the Trust;

6.1.2 the employee's job title;

6.1.3 any jobs that the employee held within the Trust prior to the job held at the date of termination (or the current job), and for how long they performed these jobs;

6.1.4 whether or not any disciplinary warnings have been issued to the employee during the last 12 months or, if the reference is for a former employee, in the 12 months prior to their leaving the organisation;

6.1.5 whether any formal capability procedures took place during their employment;

6.1.5 whether there were any safeguarding concerns during the employee's employment with the Trust;

6.1.6 where the employee has left the organisation, the reason for termination of employment, for example resignation, redundancy, or the expiry of a fixed-term contract.

6.2 Please see Appendix 1 for factual reference template letter.

7. Liability and disclaimers

7.1 There is no guarantee that a disclaimer will not be successfully challenged in Court. However, the Trust will ensure the following disclaimer is included in the final paragraph of all references given:

7.1.1 In accordance with Reach South Academy 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.

8. Confidentiality and disclosure of references

8.1 All references are given in confidence, but the Trust or the recipient, may be required to disclose a reference under certain circumstances, such as a request for disclosure by an Employment Tribunal or a Court dealing with a negligence or defamation case.

8.2 Under the General Data Protection Act 2018, individuals will have a right to request sight of references written about them by their current or past employer, and those providing references should take this into account.

9. Telephone or verbal references

9.1 Any telephone or verbal reference request should be declined.

10. Breach of this policy

10.1 Breach of this policy may result in disciplinary action. Please refer to the Trust's Disciplinary Policy for further details.

11. Review of policy

11.1 This policy is reviewed as required by the Trust in consultation with the recognised trade unions.

11.2 We will monitor the application and outcomes of this policy to ensure it is working effectively.

POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
September	Trade Union consultation	All Recognised Trade Unions	N/A	N/A
October 2020	New policy implemented	HR	October 2020	September 2023

Reference Template Letter

Private and confidential - for the addressee only

Dear []

[Name of employee] [was/has been] employed by Reach South Academy Trust [from [date] to [date]/since [date]] as [job].

[Name of employee] [was/has been] also employed by Reach South Academy Trust [from [date] to [date]/since [date]] as [job]. (if they have had different roles within the Trust during their employment)

[Name of employee] left the organisation [insert reason for termination of employment eg resignation, redundancy, or the expiry of a fixed-term contract].

There were no disciplinary warnings issued to [Name of employee] during the last 12 months or/12 months prior to their leaving the Trust.

or There were the following disciplinary warnings issued to [Name of employee] during the last 12 months or 12 months prior to leaving the Trust.

There were no safeguarding issues raised with [Name of employee] during their employment.

or There were the following safeguarding issues with [Name of employee] during their employment.

While the information provided is, to the best of Reach South Academy Trust's knowledge, completely accurate, Reach South Academy Trust cannot accept any liability for decisions based on it.

It is the Trusts policy to provide factual references only for all staff.

Yours sincerely