

Bishop Vaughan Catholic School

Employment References Policy

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Bishop Vaughan Catholic School follows the LA's policy on Employment References. It is reproduced here in full.

Copies of this policy are available on our website, in policy folders on the school network and can be made available on request.

EMPLOYMENT REFERENCES POLICY

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1.0 Policy Statement

- 1.1. Swansea Council/Schools acknowledges the significance of references in the recruitment and selection process. References serve as a means to verify an applicant's employment history, performance, qualifications, and other relevant details. While there is no legal obligation to provide references for employees the council understands the value of this practice and recognises that exchanging references encourages collaborative engagement with other organisations.
- 1.2. The purpose of a reference is to obtain information about a candidate's suitability for the post in question. Where sickness details are requested or provided by a previous employer it is essential that careful consideration is given to the Equality Act 2010 and an employer's duty to eliminate discrimination and make reasonable adjustments where necessary. Please refer to the Equality Policy Statement.
- 1.3. This policy is designed to assist managers when obtaining references, making decisions on actions to take on receipt of references, and how best to prepare a reference for an employee.

2.0 Scope

- 2.1. This policy applies to all prospective employees applying for employment with the Council/School and any existing employees applying for employment elsewhere. This policy does not apply to internal appointments.

3.0 Requesting references

- 3.1. The Council/School will always request references as part of its recruitment process and any job offer will always be provisional and subject to satisfactory references being received.
- 3.2. As stated above, the Council/School will always seek a reference for prospective employees. The Council/School may approach nominated referees when a candidate has been shortlisted. This is unless the candidate (non-school based only) has indicated on the application form that they do not wish their referees to be approached unless and until they have been offered employment.
- 3.3. Where references are received prior to interview/selection process they should not be consulted until after the appointment panel has reached a decision on the successful candidate. Only the successful candidate's references should be consulted.
- 3.4. The Council/School will request a minimum of two references. At least one of these references must be from the candidate's current (or most recent) employer. Where the individual has not previously been in employment, this reference should be provided by their Headteacher, college tutor etc.
- 3.5. References will be requested on the Councils/Schools standard form.

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- 3.6. Managers/Headteachers should not accept references brought to interview by candidates – references should always be independently obtained directly from the referee.
- 3.7. Employers are expected to make very careful enquiries of previous employers in numerous situations, but especially if they are recruiting people to work in 'regulated activities'.
- 3.8. New employees should **not** commence employment until all references have been received and they have been determined as being satisfactory.
- 3.9. Appointing managers should therefore be realistic about informing candidates about a commencement date to allow time to obtain any missing references.
- 3.10. It can be helpful for the appointing manager/Headteacher to contact successful candidates and explain that their commencement date cannot be confirmed if there are references outstanding. The candidate can be asked to contact their referees directly to see if their personal contact can speed up their referees response to the Council's/School's request for information.
- 3.11. When Managers/Headteachers receive references they should determine whether each reference is satisfactory or not. A job offer may be withdrawn if a reference(s) are not satisfactory. There is no obligation on the Council/School to elaborate on why it considers a reference to be unsatisfactory.
- 3.12. Managers/Headteachers should be wary of any subjective information which has been included within the references and questions its value and contribution to the selection process. Only factual and/or verifiable data should be relied upon.
- 3.13. If a reference is received which calls into question information provided by the successful candidate or that the reference is deemed not satisfactory. Managers/Headteachers are advised to contact Human Resources before withdrawing any offer of employment.

4.0 Providing references

- 4.1. If Managers/Headteachers are asked to provide a reference for a current or former employee, it must be ensured that it contains only factual, accurate, true and fair information. The information you provide about an individual should be balanced and able to be substantiated by evidence e.g. performance review, attendance records, capability or disciplinary warnings.
- 4.2. It is important that copies of all written references given on behalf of the Council/School are retained by managers/headteachers and copies are placed on the employee's personal file.
- 4.3. It is good practice that employers establish controls regarding the provision and approval of references. The Council/School will only provide a standard reference in line with appendix 1.
- 4.4. Managers/Headteachers should not make subjective comments on

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performance, conduct, suitability to do a job, ability to do a job they have not knowledge of, or capability to perform well in the job unless managers/Headteachers have factual evidence to substantiate such opinions

- 4.5. Managers/Headteachers are advised that if a reference is provided to a prospective employer which is inaccurate, there is potential for both the employee and the prospective employer to take civil action against the referee and the Council/School if a detriment has been suffered e.g. the prospective employer withdrew a job based on the reference submitted.
- 4.6. It is essential that Managers/Headteachers ensure that care is taken when providing references. Negative feedback on an employee can only be provided if it is based on information that the employee is already aware of and has had the opportunity to respond to through the relevant process e.g. performance management/capability/disciplinary.

5.0 Personal/Character References

- 5.1. Any person is permitted to provide a personal reference, however NO personal references will be provided using the Councils/Schools logo on any of the documentation used and the referee is required to make it clear to the recipient that they are providing the reference in their personal capacity.

6.0 Verbal References

- 6.1. Managers will note that it is the Council's/Schools policy to only provide written references. If there are exceptional circumstances which deem a verbal reference necessary, managers should contact Human Resources prior to giving any verbal comment. Any verbal references should be followed up in writing.

7.0 Refusing to provide a reference

- 7.1. The usual practice is to supply references unless there are legal and / or other reasons for refusing to do so. The Council/School cannot refuse to provide a reference for a regulatory body e.g. financial institution, safeguarding.

8.0 An Agreed Reference

- 8.1. An agreed reference may be used as part of a compromise / severance arrangement. The referee still owes a duty of care to the prospective employer as well as to the employee in these circumstances. Great care must be taken to provide only the agreed reference.
- 8.2. However, there is always a possibility that a prospective employer may ask a question that goes outside the terms of the agreed reference. Alternatively, circumstances may have come to light after the compromise / severance agreement that change the basis of the reference – e.g. if dishonesty has been

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discovered after the employee has left.

- 8.3. It will be normal practice for the Council/School to insist upon a term in any severance / compromise agreement that any specific questions not covered within the agreed reference will be answered honestly and accurately.

9.0 Capability/Disciplinary Warnings

- 9.1. Information regarding poor performance or conduct should only be referred to in a reference if the employee has been made aware of it through Council's/School's employment policies. If the employee is not aware of concerns and has not had the opportunity to respond to them, it would be unfair to inform a prospective employer of these concerns.
- 9.2. Only **live** sanctions issued for poor performance or conduct should be disclosed and the employee should be informed that this information will be included in the reference. Warnings which have expired should not be referred to.
- 9.3. If a reference is requested for an employee who is suspended or who opted to resign whilst under disciplinary investigation, Managers/Headteachers are advised to state that the employee is currently suspended from work pending a disciplinary investigation/hearing, or that the employee resigned from their post whilst under a disciplinary investigation.

10.0. REVIEW and MONITORING

- 10.1. The Council will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.
- 10.2. Responsibility for the implementation, monitoring and development of this policy lies with the Head of Human Resources and Service Centre. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to.

Version Number	Details of Change	Date
2	Policy re-drafted	Nov 2023

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APPENDICES

APPENDIX 1

[TO BE ISSUED ON COUNCIL / SCHOOLS LETTERHEAD PAPER]

Dear [INSERT NAME]

Thank you for your reference request which is given without responsibility on the part of the [Council or the School]. Furthermore, it is the Policy of Swansea Council [and the School] to provide a reference in strictest confidence and to limit its content to the information provided below.

Employee Information	Comments
Employee's Name:	
Job Title and Location:	
Brief Description of Current Duties:	
Date of Commencement:	
End Date (if appropriate):	
Reason for Leaving	
Please state whether there were any ongoing disciplinary procedures following the employee leaving employment.	
If so, were any warnings issued as a result of the disciplinary process:	
Please state whether this employee had any live disciplinary warnings at the date of leaving. If so, please give details:	
If the reason for leaving was dismissal, please state reason for dismissal:	
Name:	
Position:	
Signature:	
Date:	