



Woodside High School

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Policy on giving references

Drafted by: HR in consultation with Judicium

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This policy outlines how Woodside High School will manage reference requests and applies to all employee and may also apply to volunteers, casual staff, agency staff and contractors. This policy is not intended to have contractual effect and does not form part of any employee's terms and conditions of employment. This policy may be amended at any time to ensure that its operational needs are met.

This policy must be followed whenever a reference request is received and a failure to act in line with its provisions may result in disciplinary action being taken.

The aim of this policy is to protect the school's reputation by the giving the unauthorised reference and to prevent any claims of negligence or unlawful discrimination from staff..

Nothing in this policy is intended to limit or restrict our ability to comply with our regulatory obligations from time to time.

Responsibilities

It is the school policy that all requests for references in respect of an individual's employment with the school are dealt with by the Headteacher. All requests, without exception, should be referred to the Headteacher who will respond on behalf of the school within reasonable time period. No request will be unanswered.

All confidential employment references will be provided in writing. Any verbal references given will not be inconsistent with any written reference.

In the case of providing a professional reference for the Headteacher, this will be signed and sent by the Chair of Governors.

Governors are required to submit any professional references relating to current or former employees to the Chair of Governors, who will consult with the Headteacher.

Employees may provide personal references on request for colleagues or former colleagues. However, any such references given must include a statement to the effect that the reference provided is a character reference only and does not represent the views of the school. Character references must be provided on blank notepaper, or the employee's own stationery (not on school headed paper) or sent from personal email addresses and not the school's email address.

Content of references

All professional references will be provided on a reference pro forma, attached as Appendix 1. It is the school's policy that the reference will be limited to this format and content. The school will respond to any reference request in accordance with safer recruitment guidance in force from time to time. All professional references will be written in good faith and in confidence, without legal liability on behalf of the school.

References must be based on accurate factual information. Personal opinions which cannot be substantiated by evidence should be clearly marked as such so that these are easily identifiable to the reader. References should not offer a misleading view of an individual.

In no circumstances will information on an employee's absence record be disclosed and the referee should not comply with any requests for such information.

However, references may contain certain capability, disciplinary and/or safeguarding concerns.

Agreed References

Where an 'agreed reference' exists, this will usually be used in place of any other reference the school may usually provide, subject to any terms or conditions that apply in relation to the provision of that 'agreed reference'.

Duty of care

Unfounded comments about an employee's performance in their role expose the school to claims of negligence and discrimination.

No information will be provided in a reference which the employee concerned is not already aware of and cannot be objectively substantiated. No information will be given which could give rise to a claim of harassment or victimisation because of one or more of the protected characteristics under the Equality Act 2010 as follows:

- race
- sex
- age
- disability
- sexual orientation
- gender reassignment
- religion or belief
- pregnancy/maternity

- marriage/civil partnership.

Consent

The HR Manager and the School Business Manager / CFO are able to provide guidance on consent that is required from individuals before their data, as defined in data protection legislation, can be passed on. Clear and informed consent is required from all employees/ex-employees before any personal data may be included about them in a reference provided by the school.

Those responsible for writing references must satisfy themselves that the employee involved has given their consent to the provision of the reference.

Information relating to the following requires explicit consent due to its categorisation as special category data. Individuals about whom the following data is requested will be written to in order to obtain that consent:

- racial or ethnic origin
- political opinions
- religious beliefs or other beliefs of a similar nature
- trade union membership
- physical or mental health or condition
- sexual life
- criminal offences or prosecutions.

The information will not be provided to the requester if consent is not obtained.

Disclosure

The right to access personal data through a subject access request does not apply to confidential employment references provided by the school to the recipient organisation. This applies even where individuals make a subject access request directly to the school, regardless of whether the request is made during their employment or after their employment ends.

It is the school's stance that consent will not be provided to the requesting organisation to disclose a confidential employment reference.