Pathway Trust

Reference Policy

Policy effective from	1 September 2026
Policy owner	Director of People
Policy applies to	Berrow Church Primary School Burnham-on-Sea Infant School Castle Batch Primary School Charfield Primary School Cherry Garden Primary School Downend School East Huntspill Primary School Lyde Green Primary School Mangotsfield School Marlwood School Pawlett Primary School Priory Community School Severn Beach Primary School St Andrew's Church Junior School St Anne's Church Primary School The Castle School The King Alfred School Tortworth Primary School West Huntspill Primary School Worle Community School Pathway Partnership Teams
Policy changes since last version	New policy

1. Background

1.1. The purpose of providing an employment reference is to provide a prospective employer with enough information (as part of the recruitment/selection process) to determine an individual's suitability for a particular post. As a result, line managers can expect to be asked to act as a referee for current or former employees (described in this policy as "applicants") from time to time.

1.2. As a result, we have produced a policy which sets out what to do when presented with such a request. This policy should be read in conjunction with the Recruitment and Selection Policy.

1.3. Any reference given should be fair and accurate. Some employers may choose to only give a factual reference stating dates of employment, job title and salary, but its position and application of this policy must be consistent.

1.4. Employers must give a reference if there was a written agreement to do, or if they are under some other obligation to do so, such as providing certain information under the terms of the funding agreement.

2. Our position

2.1. Only the Chief Executive, Directors and Headteachers (described in this policy as referees) are authorised to provide employment related references on behalf of the trust. All other employees and workers are prohibited from providing employment related references on behalf of the trust.

2.2. Requests for telephone or verbal references are infrequently received but should be avoided to minimise the risk of misinterpretation. Any verbal requests for references should be referred to the referees, all other employees and workers are prohibited from giving verbal references on behalf of the trust.

2.3. If a referee having considered the circumstances and taken advice concludes that a telephone/verbal reference must be given, a full, contemporaneous note of the conversation should be made. Any such reference should be made in line with this policy.

2.4. It is our policy to provide a reference in accordance with the requirements of Keeping Children Safe in Education, rather than a reference that merely confirms details of employment.

3. Legal issues

3.1. Referees should be aware that there are various legal issues involved with the writing of references. The provision of a reference will generally involve the processing of data and so be subject to the **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) and the relevant Information Commissioner's Employment Practices Code. Our Data Protection Policy sets out how we will

comply with Data Protection Legislation. Records will be kept in accordance with our Workforce Privacy Notice, our Retention Schedule and in line with the requirements of Data Protection Legislation. In accordance with the Data Protection Act 2018, applicants are not entitled to view references written or received in respect of them where such references are provided in confidence. Those who give references owe a legal duty of care in their preparation to both the applicant and the prospective employer.

3.2. What this means for referees:

- You must only provide content which is true, accurate, factual and fair to the best of your knowledge and belief and which does not give a misleading overall impression.
- If this does not happen, the applicant may bring a claim against both the trust and the referee alleging, for example, deceit, negligence, negligent misstatement, defamation, malicious falsehood or alleged discrimination, such as victimisation because of a protected characteristic.
- The prospective employer may also bring a claim for negligence if they suffer financial loss or damage as a result of an inaccurate or misleading reference (e.g. following the withdrawal of a job offer).

4. Obtaining Consent to Provide a Reference

4.1. Personal data in an employment context is information held on record by an employer about an individual. Providing personal data to a prospective employer about an employee or former employee will amount to processing and sharing for the purposes of the Data Protection legislation.

4.2. All personal data must be processed lawfully, fairly and in a transparent manner. The referee must obtain consent from the employee/former employee in order for a reference to be provided. Where the employee is applying for a role in an education setting, the prospective employer will have a statutory obligation under Keeping Children Safe in Education to obtain references.

4.3. If the person dealing with the request has any doubts about whether or not the individual has given their consent, they must contact the individual to check whether or not they authorise a reference to be provided.

5. Writing references

5.1. Reference requests may be made in the form of providing the prospective employer with a letter or completion of a proforma. Either can be provided by the referees. Whenever a reference is being prepared, the following guidance should be observed:

- Before dealing with a reference request, a check of the applicant's personnel file should always be made to establish:
    - whether the applicant and the trust have agreed the wording of a reference (e.g. via a settlement agreement) and/or any other agreements about the manner in which a reference is given

    - whether references have been given recently concerning this applicant (to ensure consistency)
    - whether there are any other circumstances which should be taken into account, such as safeguarding concerns (in accordance with the requirements of Keeping Children Safe in Education), ongoing disciplinary matters, or any other sensitivities. If so, further advice should be taken from the trust HR team.

- Accurate information on an applicant's performance must be given; to do this the Referee should have recent and first-hand knowledge of an applicant.
- The content of the reference must be factual.
- Once an offer of conditional employment is made, if requested a reference can include details as to the number of days' absence from work an applicant has had during the past year. However, personal information about an applicant's health is special category data and cannot be disclosed without the consent from the applicant. If a Referee is asked to provide information regarding the reasons for an applicant's absence, it should exercise caution and seek consent from the employee before responding.
- Special category data of any type should not be included in a reference without consent from the applicant. Special category data includes, but is not limited to, the individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life.
- Information provided must be capable of being independently verified, e.g. through appraisals or attendance records.
- Subjective opinion should be avoided. The reference must provide an overall balanced view of the applicant, although it does not need to be full and comprehensive.
- Comments on suitability for a new job must be given with caution as they are difficult to justify objectively. They should not be made where an applicant is applying for a role different from the role they undertook. However, references should confirm whether you are satisfied with the applicant's suitability to work with children. Advice should be sought from the trust HR team before proceeding if there are any concerns about this.
- Caution is required if there are outstanding issues, such as an ongoing disciplinary process at the time of the request, including how to respond to questions including "would you re-employ?". Advice should be sought from the trust HR team before proceeding.
- Low level safeguarding concerns should not be included in references except where they met the threshold for referral to the LADO and were found to be substantiated. References should only provide the facts (not opinions) of any substantiated safeguarding allegations.

- Mark the reference as “Private and Confidential for the addressee only” and a copy should be retained on the applicant’s personnel file.
- A disclaimer should be included in the reference making it clear that, while the information provided is, to the best of the organisation's knowledge, completely accurate, the organisation cannot accept any liability for decisions based on it.

6. Refusal to give a reference

6.1. References are given as a matter of course, so if you consider refusing a request for a reference for any reason, advice must be sought from the trust HR team.

6.2. Where a member of teaching staff applies for a teaching post at another academy, a maintained school, or a further education institution, the trust must at the request of the board of governors or academy trust of that other educational institution:

- advise in writing whether or not, in the previous two years, there have been any formal capability considerations or proceedings for that teacher at the school
- give written details of the concerns which gave rise to any such consideration of that teacher’s capability, the duration of the proceedings and their outcome

In these circumstances a refusal to give a reference would be a breach of the trust’s funding agreement.

7. Personal references

If a request is made to provide a personal reference for an applicant, this may be given but school/trust headed paper must not be used, nor should the reference be sent from a trust email address. The response must also clearly state that the reference is being given entirely in a personal capacity and not on behalf of the school/trust and the content is not to be taken as a reflection of the employer’s views.

8. Business networking websites

8.1. Where employees (or ex-employees) have set up personal profiles on business networking websites such as LinkedIn, these websites may include the facility for the user to request their contacts or other users to provide them with open recommendations, endorsements or references which are then published on their personal profile web pages for other contacts or connections, or prospective contacts or connections, to read. As these could potentially be construed as open references given on behalf of the trust, all managers and employees are prohibited from providing these types of recommendations, endorsements or references online to or for the benefit of other employees or ex-employees, unless express permission is obtained from the Headteacher or Chief Executive. All employment references to prospective employers should comply with this policy set out above and should not be given online in an open format via websites such as LinkedIn.

8.2. If these types of recommendations, endorsements or references are requested online by clients, customers, contractors, suppliers or other school-related business connections, managers should, in the first instance, refer such requests to their line

manager and seek the permission of the Headteacher or Chief Executive before responding.

9. Requests from Authorised Officers of Jobcentre Plus

Where a request is received from an Authorised Officer of Jobcentre Plus, it is a legal requirement to respond in the form that has been requested and within the time period stated. Legal advice should be sought before responding to any requests from an Authorised Officer of Job Centre Plus. Only referees are authorised to respond to these requests.

10. Review

This policy is reviewed every year by the trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.