

## Introduction

There are two principal reasons why an employer normally requests a reference on a prospective employee:

1. to confirm the accuracy of statements made in their application, and;
2. to obtain opinions as to the candidate's suitability for the post in question and their potential for the future.

Employment references provide important information to school leaders, assisting them in determining whether a job applicant is suitable.

## The legal obligations

Schools are not legally obliged to provide a reference to existing or former employees, as this only applies to industries regulated by the Financial Services Authority. Nonetheless, it is custom and practice in education to provide references for employees, and refusal to give a reference could inaccurately suggest that an employee is unsuitable and give rise to several issues, including:

- *Discrimination*: failure to provide a reference because of one of the protected characteristics will entitle an employee or ex-employee to bring a claim for discrimination.
- *A claim for breach of contract*: for example, where it is custom and practice to provide a reference, it may become an implied contractual term that one will be provided for employees.
- *A breach of the implied term of trust and confidence*: if an employer refuses to provide a reference for an employee.
- *Victimisation*: where the subject has previously brought discrimination proceedings against the employer, given evidence in connection with such proceedings, made an allegation of unlawful discrimination or done anything else under, or by reference, to the discrimination legislation.

References should be accurate, fair, and avoid making subject comments that are not supported by facts; they should not be misleading or contain inaccurate information. However, references might show that a job applicant is not suitable for the applied role provided there is supporting evidence e.g. the reason given for leaving or description of current role/duties are not accurate.

## Providing a reference for an employee

Staff members receiving a request to provide a reference for a colleague who is or was an employee of the school must inform the headteacher before providing a reference to take account of any confidential information that may have a bearing on the reference. In accordance with the Data Protection Bill 2018 and the General Data Protection Regulations (GDPR), it is best practice to have consent from a data subject before providing a reference about them.

Bigland Green will only respond to reference requests received for current employees in the format in which they are requested. The headteacher and the team leader must be informed in advance by the staff member wanting the reference so that they can respond to any such requests on time. Reference request received for past employees will normally be responded with the letter in appendix A which only provides historical and factual data about the past employee. Past employees are expected to contact the school before providing the school's details to a prospective employer.

Date	Signature	Review
6 December 2021		

[school headed paper]

Date:

Name  
Address

Dear \_\_\_\_\_

**Re: [name of employee]**

This is in connection with your recent request for a reference for the above named and Bigland Green is pleased to confirm the following details:

Dates of employment:	Start to Finish
Employed as:	Job title
Disciplinary actions:	?
Safeguarding concerns:	?
Additional Info:	?

It is the school's policy to provide only basic historical and factual data in response to enquiries regarding previous employees. The school will not provide opinions or subjective comments and request that you contact the current employer.

In accordance with Bigland Green's normal practice this reference is given in good faith and in confidence, without prejudice or legal liability to Bigland Green Primary School or its employees.

Yours faithfully / sincerely

Office Manager  
Bigland Green Primary School