

# EASTHAMPSTEAD PARK COMMUNITY SCHOOL PROVISION OF REFERENCES POLICY



## 1. Introduction

- (a) The Headteacher and other senior staff in the school are frequently approached to supply references to outside employers and to other Headteachers. There is no obligation in law to provide a reference. However since the school would benefit from receiving references it is reasonable to expect the school to provide references.
- (b) This Provision of References Policy applies to the provision of references associated with an individual's employment at the school. Any other request for a reference is entirely the responsibility of the person providing the reference and school stationery must not be used for such a reference.

## 2. Legal implications

- (a) If a reference is given, the law expects it to be an honest one. Therefore care needs to be exercised to:
  - ensure justice is done to the employee and the prospective employer.
  - protect the school and the Bracknell Forest Council (BFC) against liability for mis-statement.
- (b) If a reference is provided which is false, the school or BFC may be liable for an action for:
  - *Defamation* – if a false statement is made and it damages the reputation of the subject of the reference.
  - *Malicious falsehood* – if a false statement is made knowingly with the intention that the recipient of the reference will act upon it.
  - *Negligent mis-statement* – if the person giving the reference has failed to exercise reasonable care not to injure the subject of the reference.
- (c) Failure to give a reference that is reasonable and fair (even if it is strictly accurate) may breach the implied term of trust and respect, and could lead to a claim for constructive dismissal.

## 3. Principles

- (a) The giving of references should conform to the Rehabilitation of Offenders Act 1974, Data Protection Act 1998 and Human Rights Act 1998 and Equality Act 2010.
- (b) Reasonable care should be taken in preparing a reference and verifying the information on which it is based.
- (c) The reference, to the best knowledge and belief of the person preparing the reference, should not contain information that is misleading, incomplete or inaccurate.
- (d) Where appropriate, comments and recommendations should be sought from relevant members of staff before a reference is prepared.
- (e) The provision of references should be consistent with the principles described in section 4.

## 4. Implementation

- (a) References are only given by the Headteacher or other members of staff who have been given authority by the Headteacher to provide references.
- (b) References prepared by other members of staff should be seen by the Headteacher before they are issued. The Headteacher has the right to withhold the reference if he/she believes that the information provided is inaccurate, incomplete or fails to portray a balanced overview of the subject.

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Reviewed and Revised:

**January 2017**

Responsibility for Implementation and Review:

Deputy **Headteacher & Personnel Committee**

Date of Next Review:

**Spring 2020**