

Guidance for Schools

Requesting, Receiving and Storing Employment References

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REQUESTING, RECEIVING AND STORING EMPLOYMENT REFERENCES

This guidance provides advice on requesting, receiving and storing employment references for prospective new employees. Separate guidance entitled 'Providing Employment References' is also available.

1. INTRODUCTION

- 1.1 References **must** be obtained for all prospective employees as part of the recruitment process, irrespective of whether or not they are currently employed in another Worcestershire school. This guidance provides advice on the procedure for requesting, receiving and storing references, and outlines the legal framework surrounding this activity. This guidance satisfies the Department for Education (DfE) Safeguarding Children recommendations (as a result of the Bichard Inquiry).

Why take references?

- References can provide supporting evidence from third parties and corroborate the evidence gathered so far during the selection process as to the applicant's suitability.
- Under the conditions of the Council's fidelity guarantee insurance, we are obliged to obtain two written references for all employees by the start of their employment. Our fidelity guarantee insurance protects the Council (and schools) against the theft of its money or assets by an employee through fraudulent means and is required by law.

2. PROCEDURE FOR REQUESTING REFERENCES

- A flow chart in Appendix 1 summarises the procedure for requesting references.
- 2.1 Safer recruitment practices require that references are taken up on shortlisted applicants immediately after the shortlisting decision is made. This enables any issues of concern to be raised with the referee, and taken up with the candidate at interview. It is advisable to provide referees with the date on which interviews will be held to encourage a response by that date.
- 2.2 References should be taken from two referees who are able to comment on the applicant's suitability for the job. One of these should be the applicant's current or most recent employer. Some applicants may not be able to provide this, for example those who apply to join us directly from the education system. In these cases, at least one of the references should be sought from a person in a position of responsibility who has knowledge of the applicant. This could be their tutor or lecturer.

- 2.3 Where an applicant who is not currently working with children has done so in the past it is important that a reference is also obtained from the most recent relevant employer (i.e. the employer by whom the person has been most recently employed by, working with children).
- 2.4 As they are invariably complimentary, personal or character references from family members, friends or associates are not acceptable.
- 2.5 Our standard application forms for support staff asks applicants if they wish to be consulted before each of their referees are approached. Applicants who have specified that they do not wish a referee to be contacted without their permission should be contacted to request permission before a referee is approached. If the named referee is unavailable (e.g. on holiday, left the organisation), you must refer back to the applicant to request another contact if possible.

Please note the process for teaching staff is slightly different: our standard teacher application form states 'unless you specify otherwise, we will not consult you prior to approaching these referees'.

It is up to the person leading the recruitment process to decide whether to agree to a candidate's request to approach his/her employer only if he/she is the preferred candidate after the interview. This is not recommended as good practice as it places the individual in a different position to other shortlisted candidates and concerns cannot be probed at interview. In these circumstances the candidate could be asked to provide some alternative evidence of employment history or performance, e.g. most recent performance management outcome, as an interim measure.

Where a reference has not been obtained on the preferred candidate before interview, the interviewer must ensure that it is received and scrutinised, and any concerns are resolved satisfactorily, before the person's appointment is confirmed.

- 2.6 In view of the time required to request references (writing, posting and evaluating) the inclusion in the applicant's information pack of a clear description of how references are obtained optimises the notice that can be given to prospective referees (for example, see Appendix F).
- 2.7 Once references have been received they should be reviewed by the recruitment panel in advance of the interview. This enables any areas of concern, which are revealed in the references to be probed further with the referee and taken up with the candidate at interview. This must be done with care to ensure:
- There is no risk of a breach of the confidential information provided by the referee.
 - Consistency is maintained between candidates, particularly if all references have not been received.

On a precautionary note, 'glowing' references received should not automatically go unchallenged.

2.8 If the reference has not been returned, within one week of the request, the referee should be contacted by telephone to chase it up (this can be done sooner if preferred). In cases where referees do not respond promptly, it is often also worth contacting the applicant to see if they can help to chase up the referee(s).

2.9 If a referee refuses to provide a reference, find out why and either seek an alternative referee or contact Human Resources for advice.

3. TELEPHONE AND EMAIL REFERENCES

3.1 References should only be sought in writing, in the first instance. Telephone references should only be taken in exceptional circumstances where there is no alternative due to time/other constraints. When a reference is taken over the telephone, all of the details should be written down, and the person taking it must sign and date this record. A copy should be sent to the referee for them to sign and return it. Both copies should be placed on the recruitment file or the applicant's Personal File.

Email references are acceptable provided they are followed up with a signed and dated hard copy.

4. CANDIDATES SUPPLYING REFERENCES AND 'TO WHOM IT MAY CONCERN' REFERENCES

4.1 Do not rely on references or testimonials provided by the candidate, or on open references or testimonials, i.e. 'To Whom It May Concern'. The reference may not answer the questions you want to know if it is a general reference. In addition, there have been instances of candidates forging references. Also open references/testimonials might be the result of a 'compromise agreement', where the reference has been agreed, and as such are unlikely to include any adverse comments.

5. CONTENT OF REFERENCE REQUESTS

5.1 A basic template (Appendix A) is available for your use that provides the minimum standards of factual information that must be gathered. Alternative designs or variations on this template are acceptable, as long as these minimum standards are met and the suggested presentation guidelines are followed. We would strongly recommend the use of a template, which asks specific questions pertinent to the post in question for both thoroughness and comparability. Human Resources have also developed two role-specific reference templates, namely, for Teachers and Teaching Assistants which incorporate the minimum standards required (see Appendices B and C).

5.2 Taking references provides an excellent opportunity to verify information gathered from the application form, such as levels of responsibility or experience. The basic template (word document) provides space to add such questions. It is important that all questions asked are clearly relevant to the role. For example, it would be inappropriate to ask about team-working if the role is to be carried out entirely alone. Care should be taken to ensure that questions are not asked that may be directly or indirectly discriminatory on any of the grounds given in the Councils' or Schools' Equality and Diversity Policy.

- 5.3 From 1st October 2010, with the advent of the Equality Act 2010, you are not able to ask any questions relating to health or attendance prior to offering the individual a job. There are very limited exceptions to this; one exception is the requirement to establish whether the applicant will be able to carry out a function that is intrinsic to the work concerned, e.g. heavy lifting.
- 5.4 As a result of an amendment under The School Staffing (Amendment) Regulations 2012 which took effect from 1st September 2012, you are able to ask maintained schools whether or not a teacher has been the subject of formal capability procedures within the preceding two years. The school must confirm whether this is the case and, if so, provide written details of the concerns which gave rise to the procedures; the duration of the proceedings and the outcome.¹
- 5.5 All reference requests should be accompanied by an up to date Job Description and Person Specification. Separate management guidance is available regarding 'Job Descriptions and Person Specifications' detailed in the HR Guidance on 'Fair and Effective Recruitment and Selection' document for schools.
- 5.6 Human Resources have also developed a cover letter to assist the process of requesting references (see Appendix D) by letter, fax or email.

6. CONTINUING WITH THE INTERVIEW PROCESS AND MAKING AND CONFIRMING AN OFFER OF EMPLOYMENT PRIOR TO THE RECEIPT OF REFERENCES

- 6.1 Under the DfE guidelines for Safeguarding Children it is never acceptable to allow an applicant to commence employment before references have been received which are of a satisfactory nature.
- 6.2 As stated in section 2.1, references should be taken up on shortlisted applicants immediately after the shortlisting decision is made, prior to interview. In extremely exceptional circumstances you may consider it necessary to embark upon the interview process prior to the receipt of references. If references are taken up after an offer is made, it would allow you to incorporate a question relating to health or attendance. In such cases it is essential that the references are received and scrutinised, and any concerns are resolved satisfactorily, before the person's appointment is confirmed.
- 6.3 Until references have been received, an offer of employment must be expressly conditional on 'the receipt of references that are satisfactory for our purposes'. This written offer would be confirming what the applicant had been advised verbally. The applicant should not be allowed to commence work until references are received. The applicant's start date would need to be delayed if the process of obtaining references is not carried out promptly.
- 6.4 If such an offer has been made and the references that are received are unsatisfactory, consideration should be given to withdrawing the offer. If this is the case please seek the advice of Human Resources immediately.

¹ 5.4 paragraph inserted 01/09/2012

7. ASSESSING THE SATISFACTORY NATURE OF REFERENCES

- 7.1 Legal precedent states that the 'satisfactory' nature of an employment reference is a subjective measure. The recruiting manager must exercise their judgement as to the definition of 'satisfactory'.
- 7.2 If a reference is received that raises concerns, the options available for further investigation should be discussed with Human Resources. For example, the referee may be contacted to investigate further. If this is done by telephone, the guidelines given above should be followed (see paragraph 3.1).
- 7.3 Where an offer has been made subject to references or medical check and concern about fitness to work is raised, it may be necessary to seek further medical advice.
- 7.4 In the event that one reference is considered unsatisfactory, but one is satisfactory, consideration should be given to the contents of both. One option is to consider asking the applicant for a third referee. In making a final decision on whether to employ the applicant, another option is to organise a meeting with the applicant to discuss the concerns (see section 8). The outcome of this meeting may also be considered as part of the basis of the decision.
- 7.5 If an offer of employment has been made, subject to satisfactory references, we advise the school writes to confirm their receipt to the successful candidate (and confirm starting details. e.g. proposed start date).

8. RIGHTS OF SUBJECT ACCESS

- 8.1 In considering whether to allow an applicant access to a reference about them which was provided by a third party, we must balance our obligations to the provider of the information and the applicant. This applies if the applicant requests access, or if we wish to discuss the reference or elements of it with the applicant.
- 8.2 Care should be taken if you wish to discuss the contents of a reference with an applicant, e.g. if there are concerns regarding a particular issue. Usually a reference is provided in confidence and by discussing the contents you may be breaching data protection by releasing information provided to us by the referee without their permission. In many cases careful questioning at interview can clarify issues however, if this is not appropriate or successful we would recommend that you contact the Data Protection Officer, at the Modern Records Unit, on (01905) 728544, for advice.
- 8.3 Ultimately applicants do have the right under the Data Protection Act to gain access to the content of references at their request. If any such requests are received please contact the Data Protection Officer (as detailed in paragraph 8.2) for advice.

9. STORAGE OF REFERENCES

- 9.1 References include personal data and so they are subject to the Data Protection Act 1998. They must be kept securely to avoid their loss or any unauthorised access and they should never be passed on to any third party. They should be kept on the successful applicant's Personal File to avoid loss or unauthorised access. References for unsuccessful applicants should be retained in a recruitment file for six months and then destroyed.

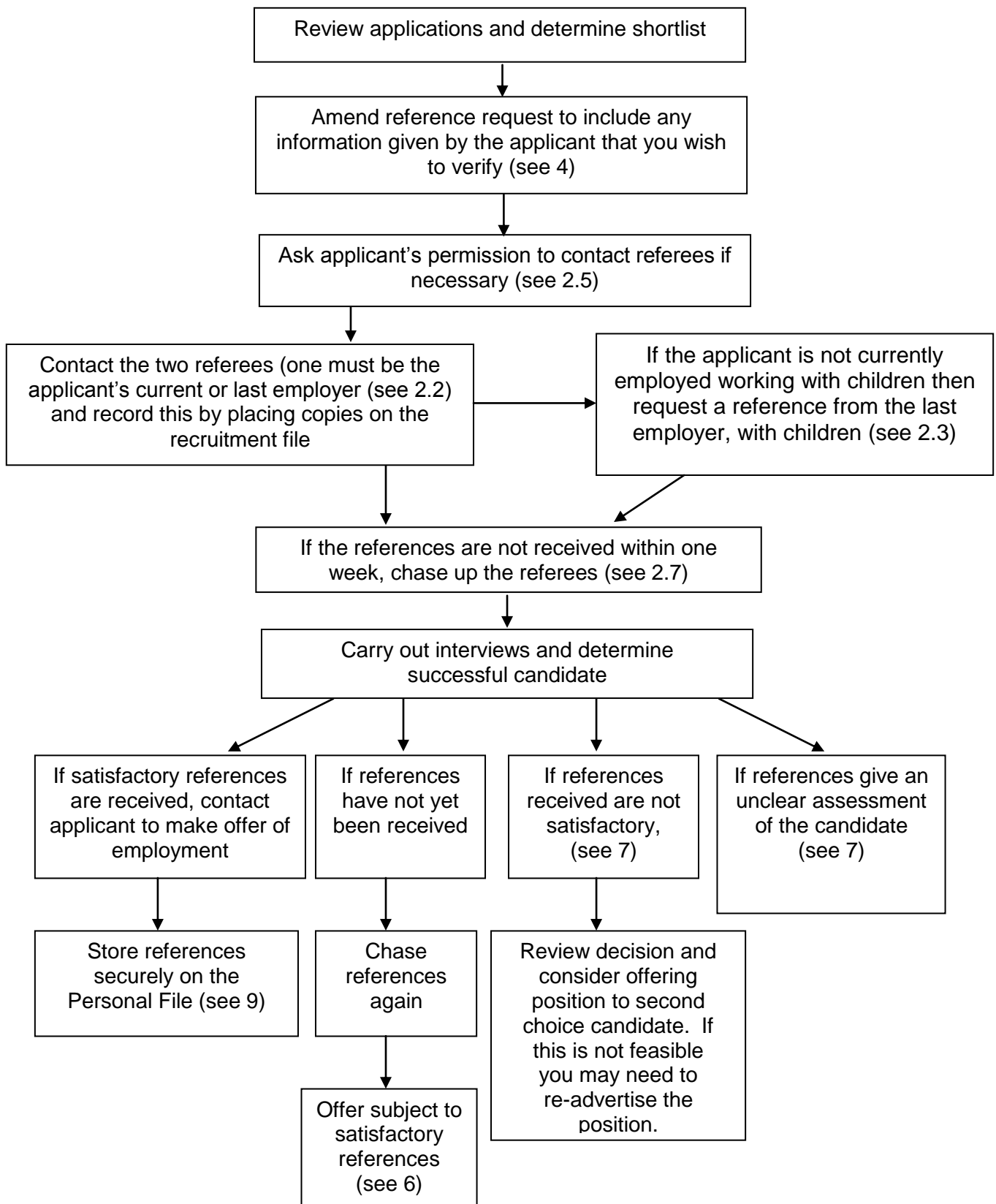
10. FURTHER ADVICE

- 10.1 For further advice, contact Human Resources.

HR180/DJC/HH
October 2010 (updated 08/2012)

Flow Chart: The Procedure for Requesting, Receiving and Storing References

References should usually be sought in writing. However, if you decide to take a telephone reference, see paragraph 3.1.



CONFIDENTIAL
WORCESTERSHIRE COUNTY COUNCIL
CHILDREN'S SERVICES' DIRECTORATE
REFERENCE REQUEST – BASIC TEMPLATE (SCHOOLS)

| | | | |
|---------------------------|--|-------------|--|
| POST APPLIED FOR: | | REF: | |
| SCHOOL: | | | |
| DATE OF INTERVIEW: | | | |
| NAME OF APPLICANT: | | | |
| NAME OF REFEREE: | | | |

Please note under the Data Protection Act the content of this reference may be shown to the applicant at the applicant's request.

PERSONAL DETAILS:

DATES EMPLOYED AT YOUR SCHOOL/ESTABLISHMENT:

JOINED: (DD/MM/YY) / / **LEFT:** (DD/MM/YY) / / **OR** present

POST HELD:

(including details of any positions of responsibility, e.g. curriculum responsibilities, management responsibilities, cash/budget management responsibilities)

Current Salary:

CAPACITY IN WHICH YOU ARE GIVING THIS REFERENCE:

e.g. line manager, colleague, Headteacher

LENGTH OF TIME THE APPLICANT HAS BEEN KNOWN TO YOU:

FURTHER EMPLOYMENT DETAILS:

Please provide details of any current disciplinary sanction against the applicant, including details of any investigations or unresolved matters, and the nature of the alleged offences:

(please continue on additional sheet(s) if necessary)

Please provide details of any expired disciplinary sanctions, allegations or concerns raised, against the applicant, involving issues relating to the safety and welfare of children or young persons:

(please continue on additional sheet(s) if necessary)

What was the applicant's reason for leaving the organisation (e.g. resignation, dismissal)

If they were dismissed, what were the grounds?

(please continue on additional sheet(s) if necessary)

DO YOU KNOW OF ANY REASON WHY THIS APPLICANT SHOULD NOT WORK WITH CHILDREN?

NO **YES** If **YES**, please give details:

DO YOU KNOW OF ANY REASON WHY THIS APPLICANT SHOULD NOT BE EMPLOYED IN THIS POST?

NO **YES** If **YES**, please give details:

CONFIDENTIAL

This post is exempt under the Rehabilitation of Offenders Act. Are you aware of any criminal convictions that the applicant has, including those which would ordinarily be spent?:

(please continue on additional sheet(s) if necessary)

FURTHER DETAILS:

PLEASE COMMENT ON THE APPLICANT'S ABILITY TO PERFORM THE DUTIES OUTLINED BY COMMENTING ON THE FOLLOWING AREAS (PLEASE REFER TO THE ATTACHED JOB DESCRIPTION AND PERSON SPECIFICATION):

AREAS OF ASSESSMENT – add your own areas of assessment relevant to the advertised position, e.g. punctuality, organisational skills, reliability, honesty:

AREAS OF STRENGTH:

AREAS OF WEAKNESS OR WHERE DEVELOPMENT IS REQUIRED:

RELATIONSHIPS – Please comment on this applicant's ability to build effective working relationships under the following categories:

Senior Staff:

Pupils:

Colleagues/Peers:

External Contacts: (e.g. Parents/Governors)

OTHER COMMENTS WHICH YOU FEEL WOULD BE HELPFUL OR RELEVANT:

SIGNED:

DATE:

NAME:

POSITION:

Thank you for taking the time to complete these details.
If you would like to make any other comments, please attach a separate sheet.

CONFIDENTIAL

**WORCESTERSHIRE COUNTY COUNCIL
CHILDREN'S SERVICES' DIRECTORATE
REFERENCE REQUEST – TEACHERS**

| | | | |
|---------------------------|--|-------------|--|
| POST APPLIED FOR: | | REF: | |
| SCHOOL: | | | |
| DATE OF INTERVIEW: | | | |
| NAME OF APPLICANT: | | | |
| NAME OF REFEREE: | | | |

Please note under the Data Protection Act the content of this reference may be shown to the applicant at the applicant's request.

PERSONAL DETAILS:

DATES EMPLOYED AT YOUR SCHOOL/ESTABLISHMENT:

JOINED: (DD/MM/YY) / / **LEFT:** (DD/MM/YY) / / **OR** present

POST HELD:

(including details of any positions of responsibility, e.g. curriculum responsibilities, management responsibilities, cash/budget management responsibilities)

Current Salary:

CAPACITY IN WHICH YOU ARE GIVING THIS REFERENCE:

e.g. line manager, colleague, Headteacher

LENGTH OF TIME THE APPLICANT HAS BEEN KNOWN TO YOU:

FURTHER EMPLOYMENT DETAILS:

Please provide details of any current disciplinary sanction against the applicant, including details of any investigations or unresolved matters, and the nature of the alleged offences:

(please continue on additional sheet(s) if necessary)

Please provide details of any expired disciplinary sanction, allegations or concerns raised, against the applicant, involving issues relating to the safety and welfare of children or young persons:

(please continue on additional sheet(s) if necessary)

What was the applicant's reason for leaving the organisation (e.g. resignation, dismissal)?

If they were dismissed, what were the grounds?

(please continue on additional sheet(s) if necessary)

CONFIDENTIAL

This post is exempt under the Rehabilitation of Offenders Act. Are you aware of any criminal convictions that the applicant has, including those which would ordinarily be spent?:

(please continue on additional sheet(s) if necessary)

DO YOU KNOW OF ANY REASON WHY THIS APPLICANT SHOULD NOT WORK WITH CHILDREN?

NO **YES** If **YES**, please give details:

DO YOU KNOW OF ANY REASON WHY THIS APPLICANT SHOULD NOT BE EMPLOYED IN THIS POST?

NO **YES** If **YES**, please give details:

FURTHER DETAILS:

PLEASE COMMENT ON THE APPLICANT'S ABILITY TO PERFORM THE DUTIES OUTLINED BY COMMENTING ON THE FOLLOWING AREAS (PLEASE REFER TO THE ATTACHED JOB DESCRIPTION AND PERSON SPECIFICATION):

AREAS OF ASSESSMENT – Please comment on this applicant under the following categories:

Teaching Ability:

Organisation:

Preparation of Lessons:

Marking of Work:

Ability to Meet Objectives/Deadlines:

Reliability and Trustworthiness:

Punctuality:

Management Responsibilities:

Motivation/Use of Initiative:

Communication:

Professional Development:

| | |
|--|------------------|
| AREAS OF STRENGTH: | |
| | |
| AREAS OF WEAKNESS OR WHERE DEVELOPMENT IS REQUIRED: | |
| | |
| HAS THE TEACHER BEEN THE SUBJECT OF FORMAL CAPABILITY PROCEDURES WITHIN THE LAST TWO YEARS? If so, please provide details of the concerns which gave rise to this, the duration of the proceedings and the outcome. | |
| | |
| RELATIONSHIPS – <i>Please comment on this applicant's ability to build effective working relationships under the following categories:</i> | |
| Senior Staff: | |
| | |
| Pupils: | |
| | |
| Colleagues/Peers: | |
| | |
| External Contacts: (e.g. Parents/Governors) | |
| | |
| OTHER COMMENTS WHICH YOU FEEL WOULD BE HELPFUL OR RELEVANT: | |
| | |
| SIGNED: | DATE: |
| NAME: | POSITION: |
| <p>Thank you for taking the time to complete these details. If you would like to make any other comments, please attach a separate sheet.</p> | |

| CONFIDENTIAL WORCESTERSHIRE COUNTY COUNCIL CHILDREN'S SERVICES' DIRECTORATE REFERENCE REQUEST – TEACHING ASSISTANTS | | | |
|--|--|--|------------------------|
| POST APPLIED FOR: | | REF: | |
| SCHOOL: | | | |
| DATE OF INTERVIEW: | | | |
| NAME OF APPLICANT: | | | |
| NAME OF REFEREE: | | | |
| <i>Please note under the Data Protection Act the content of this reference may be shown to the applicant at the applicant's request.</i> | | | |
| PERSONAL DETAILS: | | | |
| DATES EMPLOYED AT YOUR SCHOOL/ESTABLISHMENT: | | | |
| JOINED: (DD/MM/YY) / / LEFT: (DD/MM/YY) / / OR present | | | |
| POST HELD: | | | |
| <i>(including details of any positions of responsibility, e.g. curriculum responsibilities, management responsibilities, cash/budget management responsibilities)</i> | | | |
| | | | Current Salary: |
| CAPACITY IN WHICH YOU ARE GIVING THIS REFERENCE: | | LENGTH OF TIME THE APPLICANT HAS BEEN KNOWN TO YOU: | |
| <i>e.g. line manager, colleague, Headteacher</i> | | | |
| FURTHER EMPLOYMENT DETAILS: | | | |
| Please provide details of any current disciplinary sanction against the applicant, including details of any investigations or unresolved matters, and the nature of the alleged offences: | | | |
| <i>(please continue on additional sheet(s) if necessary)</i> | | | |
| Please provide details of any <u>expired</u> disciplinary sanctions, allegations or concerns raised, against the applicant, involving issues relating to the safety and welfare of children or young persons: | | | |
| <i>(please continue on additional sheet(s) if necessary)</i> | | | |
| What was the applicant's reason for leaving the organisation (e.g. resignation, dismissal, completion of contract)? | | | |
| If they were dismissed, what were the grounds? | | | |
| <i>(please continue on additional sheet(s) if necessary)</i> | | | |

CONFIDENTIAL

This post is exempt under the Rehabilitation of Offenders Act. Are you aware of any criminal convictions that the applicant has, including those which would ordinarily be spent?:

(please continue on additional sheet(s) if necessary)

DO YOU KNOW OF ANY REASON WHY THIS APPLICANT SHOULD NOT WORK WITH CHILDREN?

NO **YES** If **YES**, please give details:

DO YOU KNOW OF ANY REASON WHY THIS APPLICANT SHOULD NOT BE EMPLOYED IN THIS POST?

NO **YES** If **YES**, please give details:

FURTHER DETAILS:

PLEASE COMMENT ON THE APPLICANT'S ABILITY TO PERFORM THE DUTIES OUTLINED BY COMMENTING ON THE FOLLOWING AREAS (PLEASE REFER TO THE ATTACHED JOB DESCRIPTION AND PERSON SPECIFICATION):

AREAS OF ASSESSMENT – Please comment on this applicant under the following categories:

Organisation:

Assistance in the Preparation of Lessons:

Ability to Meet Objectives/Deadlines:

Reliability/Trustworthiness:

Punctuality:

Specific Responsibilities e.g. SEN, Literacy, Numeracy:

Motivation/Use of Initiative:

Communication:

Professional Development:

AREAS OF STRENGTH:

| |
|--|
| |
|--|

AREAS OF WEAKNESS OR WHERE DEVELOPMENT IS REQUIRED:

| |
|--|
| |
|--|

RELATIONSHIPS – *Please comment on this applicant's ability to build effective working relationships under the following categories:*

Senior Staff:

| |
|--|
| |
|--|

Pupils:

| |
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Colleagues/Peers:

| |
|--|
| |
|--|

External Contacts: (e.g. Parents/Governors)

| |
|--|
| |
|--|

OTHER COMMENTS WHICH YOU FEEL WOULD BE HELPFUL OR RELEVANT:

| |
|--|
| |
|--|

SIGNED:

DATE:

NAME:

POSITION:

Thank you for taking the time to complete these details.
If you would like to make any other comments, please attach a separate sheet.

[Address of recruiting school]

[Name and address of referee]

[Date]

Dear *[Name of referee]*,

[Name of applicant] has provided us with your contact details and permission for us to contact you for an employment reference in relation to the post of *[add job title]*. I have enclosed a copy of the Job Description and Person Specification for your information.

I would be grateful if you could complete the form that is attached to this letter and return it to the address above, or by email to *[email address]* or by fax to *[fax number of school, if appropriate]*.

[Insert for those emailing the reference request - Please note if you are intending to complete and return the document electronically there are further instructions at the end of this email].

[Name of applicant] has been invited to attend an interview for this position on *[date]* and I would therefore be very grateful if you could reply before this date.

As the post of *[add job title]* is working with children / has contact with children* (*delete as applicable*) it is important that you disclose any information that you feel the school should be made aware of. It is important that the reference provided is accurate and does not contain any misstatement or omissions. Please note that the content of the reference may be discussed with the applicant.

If you have any questions or are not able to provide a work-related reference for any reason, please contact me on *[telephone number]*.

Thank you in advance for your assistance.

Yours sincerely,

[Headteacher of recruiting school]

***Further instructions if you are intending to complete
and return the document electronically:***

[delete this entire section if not required]

1. *Launch Document:*

- Launch the document by double-clicking on the attachment in the usual way

2. *Complete Document:*

- Press tab to go from one insert to the next
- Note that the document will grow as you type
- When you get to the section "Do you know of any reason why this applicant should not be employed in this post" simply click on the relevant box to respond
- Signature

3. *Save the Document:*

- Save the completed form to your system

N.B. If you wish to Password Protect the document:

- Go to the File menu (of your toolbar)
- Select "Save As"
- Select Options
- Provide password to open
- Click in "Read-only recommended"
- Click OK
- Telephone recruiting school and inform them of the password to enable them to open the document

4. *Send by email:*

- Send as an attached document to an email in the usual way

5. *Please follow this up by posting a signed hard copy to the recruiting school*

REQUIREMENT FOR REFERENCES

Please see below guidance and information relating to the requirement for references.

- All candidates should provide details of two referees who are able to comment on your suitability for employment. Relatives or friends should not be provided as a referee.
- At least one of the referees should be your current employer. If you are unable to provide this, e.g. if you are joining us directly from the education system, at least one referee from a person in a position of responsibility, who has knowledge of you, should be provided. This could be your tutor or lecturer.
- If you are not currently working with children you should also provide details of a contact from your last post working with children.
(**N.B.** The interview will include a section where suitability for working with children will be explored, regardless of whether or not you have previously worked with Children).
- References will be requested from referees for those applicants that have been shortlisted for interview. These will be requested prior to the interview.

If you are unclear as to who should be provided as your two referees, please do not hesitate to contact [*school contact name and telephone number*] for further guidance.