



Kent Catholic Schools' Partnership
Giving Employment References Policy –
October 2014

- 1. Background**
- 2. Authorisation**
- 3. Content of the employment reference**
- 4. Your prior consent**
- 5. Template reference**

BACKGROUND

- 1.1 There are a series of legal obligations on us when giving employment references: to the recipient of the reference we owe a duty to take reasonable care and skill to ensure that the reference is true accurate fair and not misleading; to the subject of the reference we owe a duty to take reasonable care when preparing the reference and to comply with our duties under the Data Protection Act to ensure that personal data and sensitive personal data are processed fairly and lawfully.
- 1.1 You should be aware that any reference supplied by us to a future prospective or active employer will be confidential and will not be shared with you either in advance or after it has been sent (unless where it forms part of a formal Settlement Agreement.)
- 1.2 Any reference will always be subject to our obligations under the Safeguarding Vulnerable Groups Act 2006 and the Education Act 2002 which would allow us to refer to any concern about safeguarding of children.

2. AUTHORISATION

Only the School's current Headteacher or the current CEO (the "Author") are permitted to give a reference for you to a prospective or actual employer in relation to your employment with us.

3. CONTENT OF THE EMPLOYMENT REFERENCE

- 3.1 Any reference from the Author must:
 - (a) be in writing and there must no oral references given in person or by telephone;
 - (b) be stated to be in strictest confidence;
 - (c) comply with the relevant provisions in the remainder of paragraph 3; and
 - (d) contain the disclaimer at set out in paragraph 5 below.

General Information

- 3.2 For all staff regardless of the sector in which they are applying to work, the reference:
 - (a) shall contain the following information about you:
 - (i) full name;
 - (ii) former names;
 - (iii) date of birth;
 - (iv) most recent job title;

- (v) most recent annual salary;
 - (vi) the date you started your employment with us and with any predecessor if your employment transferred to us by reason of TUPE;
 - (vii) the last date of employment if you have left employment; and
 - (viii) the details of any unexpired disciplinary or capability sanctions (including dismissal) including details of whether there is any outstanding appeal against such sanctions.
- (b) may contain an opinion as to your suitability for the proposed role.

Information about safeguarding of children

- 3.3 Additionally for references where the new role will involve contact with children the reference must offer a view of whether we have any information suggesting you are not suitable to work with children or whether there have been any safeguarding concerns relating to the current or former employee. This will include any information in relation to disciplinary investigation or proceedings about safeguarding which have not been completed at the time of your departure, whether or not it is requested by your prospective or actual employer.

Information about formal consideration of teacher capability

- 3.4 For references relating to teachers proposing to join maintained schools or academies there is a legal obligation on us under our Funding Agreement with the DfE to provide written details of any concerns which have given rise to any formal consideration of your capability in the last 2 years, its duration and the outcome if that information is requested in writing by the prospective or actual employer. To avoid delays in handling reference requests we will provide that information voluntarily in the reference.

Information about your health and sickness absence

- 3.5 Actual and prospective School employers have an obligation either under the Education (Independent School Standards) (England) Regulations 2010 or the Education (Health Standards)(England) Regulations 2003 to be satisfied that a prospective employee is medically fit for work in a school setting. As the current or former employer we have a duty to ensure compliance with fair and lawful processing of the sensitive personal data relating to information about your health.
- 3.6 As a matter of policy we will not include sickness absence data unless specifically requested to do so by you.

Information about uncompleted disciplinary investigations or proceedings unrelated to safeguarding or child protection

- 3.7 If at the time your employment ended (or the time the reference is requested if you remain in employment) there were disciplinary investigations or proceedings uncompleted (which

do not relate to safeguarding or child protection) the Author will provide information as set out in the template reference in paragraph 5 below.

4. YOUR PRIOR CONSENT

Before the Author will supply a reference to your prospective or actual employer, you must send the following wording in writing to us either by email from an email account already known to us as belonging to you or in printed form signed by you. This consent must be supplied for each prospective or actual employer.

“Authorisation to supply reference

*I authorise Kent Catholic Schools’ Partnership to supply a confidential employment reference to **[INSERT NAME OF YOUR PROSPECTIVE OR ACTUAL EMPLOYER]** in accordance with your current policy on Giving Employment References and I consent to the disclosure of personal data as set out in that policy.”*

5. TEMPLATE REFERENCE

Dear

Strictly Private and Confidential Employment Reference

Full Name of Employee: INSERT **Date of Birth:** INSERT

Former Names of Employee: INSERT

Thank you for your recent reference request for EMPLOYEE'S NAME. We do not give oral references in person or by telephone and we do not complete pro forma questionnaires or answer written questions. We do not analyse the job description for the proposed role or comment on the content of the candidate's job application.

Version 1

I am writing this reference as Headteacher at the time EMPLOYEE'S NAME left us.

Version 2

I am writing this reference but I was not in post at the time EMPLOYEE'S NAME left us. This reference is supplied on the basis of information left on EMPLOYEE'S NAME's personnel file by NAME who was Headteacher at the time EMPLOYEE'S NAME left.

Disclaimer

The information provided in this reference is given to the addressee in confidence and in good faith solely for the purposes for which it was requested and on the understanding that neither its author nor Kent Catholic Schools' Partnership accepts any responsibility for any errors omission or inaccuracy in the information or for any loss or damage that may result from reliance being placed on it.

Employment history

NAME joined us on DATE. At the time of NAME's departure on DATE, NAME's job title was INSERT and NAME's salary was £XX,XXX [insert details of spine points and TLRs].

[INSERT OTHER DETAILS]

Sickness Absence Records

We do not provide information about any employee's sickness absence records in references, in order to comply with the provisions of the Equality Act 2010.

Unexpired disciplinary or capability warnings

At the time of NAME's departure EITHER there are no unexpired disciplinary or capability warnings. OR there were the following unexpired disciplinary or capability warnings:

[INSERT DETAILS]

Uncompleted disciplinary investigations or proceedings

At the time of **NAME**'s departure **EITHER:** there were no uncompleted disciplinary investigations or proceedings **OR:** there was an uncompleted disciplinary process considering the following allegations: **INSERT DETAILS**. It is important to note that this process was not completed and that no formal decision had been reached by us about the truth of the disciplinary allegations or on any mitigating factors. Had the allegations been proven the severest sanction available would have been a **[first] [final]** written warning.

FOR TEACHERS ONLY: EITHER Those disciplinary allegations have been referred to the National College of Teaching and Leadership. **OR** We have decided not to refer those disciplinary allegations to the National College of Teaching and Leadership.

ONLY FOR REFERENCES FOR TEACHER FOR SCHOOLS: Formal Capability

We are required to give information to schools about any formal consideration of the employee's capability in the last two years of employment. I can confirm there was no such consideration in relation to **NAME**.

FOR JOBS INVOLVING WORK WITH CHILDREN: Suitability to work with children

EITHER: **There are no safeguarding or child protection concerns.**

OR: There are safeguarding or child protection concerns which we have referred to the Disclosure and Barring Service.

Yours sincerely

NAME

Headteacher