



## **ASPIRE Federation Statement on Providing References**

There is no legal requirement to provide a reference.

There is no statutory requirement to have a policy on the writing of references.

If provided, all references for school employees will be provided by the Executive Head/Head of School. All references received by an employee of the school will be shared with the Executive Headteacher/Head of School.

The below is guidance issued by KCC to managers issuing references. ASPIRE will follow this guidance.

### **Giving a reference**

There is no statutory or contractual obligation for us to provide references for either current or ex-employees, however, we normally provide them when requested.

### **Who gives references and how are they given?**

Managers usually give the reference in writing, as they are likely to have the most direct experience of an employee's abilities, skills and work. A 'professional' reference may also be sought from someone other than the most immediate manager if an employee is requesting confirmation of a particular area of specialism. You may receive enquiries via the phone for clarification purposes, make sure you note the points raised and respond to them in writing. Under no circumstances should an oral reference be given as there is no record of the information received and the risk of misinformation or misinterpretation is great.

### **What information is required?**

The format of references varies to some extent. Some employers will ask for comments on specific issues such as the key competency areas relating to the job, the number of days absent from work in a particular period, whether or not there are any outstanding management issues relating to the individual. Some employers may only ask for a general reference requesting the dates of employment, position held, reason for leaving and may not be any more specific in terms of their requirements.

These key points will help you with the content:

- Make sure its factual

It is essential that the contents of references are based in fact, is accurate and could be supported if challenged. Ensure that you have a genuine belief, based on your experience, of any key skills, experience or knowledge you describe in a reference. It is acceptable to indicate if you feel an employee needs development in a particular area provided you have shared that view with the employee.

- Time off work

Employers often request an indication of the number of days an employee has been absent from work through ill health. Whilst you can comment on the number of days, you should not comment on the reasons for absence or offer any description of ill health or disability issues unless the employee has given you express permission to do so. Details relating to individuals' health or disability are categorised 'sensitive personal data' under the Data Protection Act 2018 and cannot be disclosed without express, written consent.

- Complaints, grievances, harassment or disciplinary proceedings

You may refer to complaints made against the employee, investigations or formal warnings in a reference provided the employee is aware of the issues. For example, if an employee leaves during an investigation into a complaint about them or misconduct on their part, you can refer to the fact that when they resigned they were under investigation following a complaint or an allegation of misconduct. In these circumstances you should not offer an opinion or view regarding what the outcome might have been if the process had been completed. Equally, if an employee has an outstanding formal warning on their record when a request is made you can mention this in a reference.

### **Do I need to share the content with the employee?**

It is good practice to share the contents of references with employees before you send them as nothing within it should be unexpected to the employee. When they start at the new job, they can then seek access to the reference under the Data Protection Act 1998.

Reviewed and approved by EHT November 2020  
Noted by Federation GB November 2020