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# Guidelines on the Provision of References

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# Guidelines on the Provision of References

## 1. Introduction

Our University wishes to ensure that current and former employees are provided with accurate and fair employment references. References should not be misleading or inaccurate. These guidelines are designed to assist managers in providing references.

These guidelines are applicable to the provision of references for all current and former employees, volunteers and people who have undertaken work placements with our University. Where the term “employee” is used in the guidelines, this should be interpreted to include all of these groups of people.

## 2. Responsibility

References for a former or current employee should usually be written by the employee’s line manager, or in the line manager’s absence, a more senior manager. All references (except personal references) must be provided by a member of staff on grade 6 or above.

Reference requests from potential lenders such as banks and building societies should be sent to Human Resources for completion.

## 3. Considerations before providing a reference

There is no legal requirement to provide employment references. However, the practice of our University is that such references should be provided, within reason, and in accordance with these guidelines. Referees should contact Human Resources if asked to provide a reference but wish to receive further advice.

### Confidentiality and access to references

Care should be taken in the preparation of references because job offers are often provisional on the receipt of satisfactory references. References should be fair to both the employee and the recipient of the reference. Under data protection legislation, where references have been provided in confidence, an employer who has provided (or received) a reference on an employee (or former employee) does not have to provide a copy of the reference to the employee.

Before providing a reference referees must ensure that the employee has given consent for the reference to be provided. In cases of uncertainty, employees should be contacted to check that consent has been given.

## Employment and personal references

When responding to a reference request, referees should ensure that the relationship to the employee concerned is made clear. Generally, references will fall into four main categories:

- **Line manager employment reference**
- **Colleague/peer employment reference** - this is where the referee does not have line management responsibility for the employee, but works or has worked closely with the employee and is providing an employment reference. It should be made clear in the reference that the referee is not the line manager.
- **Peer reference for a colleague employed elsewhere** – this is where the referee has worked closely with someone from another institution or organisation and is providing an academic or professional reference. The working relationship should be made clear in the reference.
- **Personal reference** - it should be made clear to the prospective employer that a personal reference is being provided and the reference should not be provided on University headed paper.

### **4. When to seek advice/exercise caution**

If any formal action is being taken (or has been taken in the preceding 12 months) in relation to University policies and procedures (e.g. Disciplinary Procedure, Sickness Absence Management Policy and Procedure, Managing Performance Policy), advice must be sought from Human Resources before the reference is provided. If the reference is for a former employee, consideration should be given as to whether the employee was under any formal University policies/procedures in the 12 months prior to departure from our University, and advice sought from Human Resources as appropriate.

Some reference requests may ask for details of sickness absence (referees should note that under legislation it is unlawful for employers to ask such health related questions until after the job offer has been made). Referees may provide the total number of days' sickness absence. However, particularly where stating the number of days absent could give an overall unfair impression (e.g. if the absence was linked to a single period of hospitalisation), the referee may wish to discuss the response with the employee before providing the reference. The reason(s) for the absence can only be supplied with the employee's explicit written permission, as data that relates to health is a "special category" of data under the General Data Protection Regulations. In such circumstances, the employee must also be aware of exactly what information will be included and to whom it will be provided.

### **5. Provision of information requested**

References must not be provided over the telephone - all references must be provided in writing. Referees may choose to complete a reference template supplied by the prospective employer (where applicable), or write a reference letter. Factual information should be provided. Any opinions given should be clearly stated as opinions, should be based on fact and should fall within the referee's professional judgement. The following list provides details of the type of factual information which could form part of the reference. If referees are unsure of any details, such as dates, these should be checked through iTrent:

- Dates of employment with our University
- Employee's current or most recent job title and brief description of duties and level of responsibility
- Any previous posts held with our University and the duration

- Where the employee has left our University, the reason for the termination of employment (e.g. resignation, end of fixed term contract).

Referees should be careful not to create an unfair impression, for example by focusing on negative facts to the exclusion of positive information. If referees are asked to express an opinion about an issue about which they do not have full knowledge (e.g. honesty), it is appropriate to use a phrase such as 'I know of nothing that would lead me to question X's honesty'. If referees have concerns regarding conduct or performance, only factual information should be included which has been shared previously with the employee.

All references must be marked "Private and Confidential: for the addressee only" and, wherever possible, should be sent to a named person at the prospective employer.

All employment references should include the following disclaimer:

This reference is given in good faith and in confidence. Whilst the information provided is, to the best of my knowledge, accurate, I cannot accept any liability for errors or omissions in the content of the reference, or for decisions based on it.

## **6. Dealing with subsequent queries from the prospective employer**

Following receipt of a reference, the prospective employer may contact the referee for clarification in relation to the information provided. It is important not to enter into discussion or provide information verbally. The prospective employer should be informed that it is the policy of our University to provide references in writing only. This will avoid any subsequent confusion or misunderstanding.

## **7. Retaining a copy of the reference**

On provision of an employment reference for an employee, the referee should retain a copy in case of queries from the prospective employer.

*Reviewed September 2018*