

## Providing a job reference

### 1. When an employer has to give a reference

An employer does not have to give a reference by law unless it's:

- in writing that the employer will provide one
- for certain financial services jobs regulated by the Financial Conduct Authority (FCA) or Prudential Regulation Authority (PRA) – usually for jobs known as '[controlled functions](#)'

If an employer has a reference policy this can restrict:

- how much they include in a reference
- who can give a reference on the employer's behalf

### 2. What employers can say in a reference

If an employer gives a reference it must be accurate and fair. The employer giving the reference can decide how much they include.

References can be short or long – for example, a 'basic reference' or a 'detailed reference'.

#### What a basic reference says

A basic reference (or factual reference) is a short summary of your employment. For example, your job title and the dates you worked there.

#### What a detailed reference says

A detailed reference (or character reference) can include:

- answers to questions from the employer requesting the reference
- details about your skills, ability and experience
- details about your character, strengths and weaknesses relating to your suitability for the new role
- how often you were off work
- disciplinary details
- the reason you left the job

The amount of detail included in the reference is up to the person who

provides it, unless their employer has a specific policy on this.

## What a reference cannot say

References must not:

- be misleading
- include irrelevant personal information

All details about the person, their role or performance must be fair and accurate. If opinions are provided, there should be evidence to support the opinion.

For example, if someone's performance record shows they need to improve in a few areas, the reference should not say they excelled at the job.

## References and discrimination

It's usually against the law for information on any of the following – known as 'protected characteristics' – to be used, whether providing, requesting or checking references:

- age
- disability
- race
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- religion or belief
- sex
- sexual orientation

For example, if an employer decides to withdraw a job offer because you have a disability that was mentioned in your reference.

The only exception is when a protected characteristic is crucial to do a job. In law this is called an 'occupational requirement'. For example, if a Catholic church wants to employ a priest and it is necessary for them to be Catholic.

## 3. If you cannot get a reference

If you're having trouble getting a reference, you can ask the employer who's asked for the reference whether they will accept:

- a reference from someone else, for example a manager or colleague
- a reference from a different employer
- a reference from someone you have not worked with but knows

you well, sometimes called a personal or character reference

## If you cannot get a detailed reference

Some employers have a policy not to give detailed references. If this is the case, ask if they can provide a basic reference instead. For example, a brief written statement of your role and the dates you were employed.

## 4. If you get a bad reference

As long as it's fair and accurate, a reference can show that you are not suitable for a job.

For example, a reference can show you do not have enough experience for a job or say that you were dismissed.

### When a bad reference can be challenged

A reference cannot be misleading, inaccurate or discriminatory, no matter what's in the reference.

For example, if a reference said you were investigated for stealing at work, this could be misleading if the investigation found that you did not steal.

## How to challenge a reference

If you suspect a reference was not fair or accurate, or led to discrimination, you can try to challenge the reference.

### Speak to the new employer

If you feel a reference has been misleading or inaccurate, you can try to speak directly to the person hiring you.

It may help to:

- ask about their concerns with your reference
- address their concerns – for example, show evidence if your reference was misleading or inaccurate
- offer to supply additional references
- discuss having a probationary period to assess your suitability to the job

### Get a copy of a reference

If you want to check what was in your reference, you can try to request a copy of from either:

- the person who wrote the reference
- the person who received the reference

It is best to request a copy of your reference in writing.

### **Make a formal 'subject access request'**

If you are not able to get a copy of a reference, you can request it formally by making a 'subject access request' (SAR).

If you want to make a subject access request you will need to:

- make the request in writing – usually to the employer who received the reference
- state clearly what you want a copy of, for example, your employment reference or emails they received from the person giving the reference

See more details on [how to make a subject access request from ICO](#).

## **Options for taking legal action**

If you are not able to resolve an issue with a reference, it might be possible to:

- make a tribunal claim
- make a court claim

### **Make a tribunal claim**

If you think an employer has [discriminated against you](#) in a reference you can make an employment tribunal claim.

You need to [let Acas know you're going to make a claim](#). We will offer you the option of 'early conciliation' to try and resolve the issue without going to a tribunal.

You usually need to start a claim within 3 months of the date the discrimination happened.

### **Make a court claim**

You might be able to take your previous employer to court if:

- their reference was misleading or inaccurate
- you 'suffered a loss' – for example, your job offer was withdrawn

If you want to make a court claim you should seek legal advice first.