

If you get a bad reference

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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.