Guidelines on Requesting and Obtaining References and Writing References for Employment
## Contents

### Section A

**Requesting and Obtaining References**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Data Protection – Permission to request references</td>
<td>3</td>
</tr>
<tr>
<td>Best practice summary</td>
<td>3</td>
</tr>
<tr>
<td>References required</td>
<td>4</td>
</tr>
<tr>
<td>Issues arising</td>
<td>4</td>
</tr>
<tr>
<td>Verbal References</td>
<td>4</td>
</tr>
<tr>
<td>Templates</td>
<td>5</td>
</tr>
</tbody>
</table>

**Appendix A** — Process Flow | 7
**Appendix B** — Reference request form | 8
**Appendix C** — Process for Attendance Issues on References | 10
**Appendix D** — Declaration of attendance | 11

### Section B

**Writing References**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obligation to respond to references</td>
<td>13</td>
</tr>
<tr>
<td>Liability to the prospective employer</td>
<td>13</td>
</tr>
<tr>
<td>Liability to the Subject of the reference</td>
<td>13</td>
</tr>
<tr>
<td>Discrimination</td>
<td>13</td>
</tr>
<tr>
<td>Liability to the Subject of the reference (continued)</td>
<td>13</td>
</tr>
<tr>
<td>Defamation and the defence of ‘qualified privilege’</td>
<td>14</td>
</tr>
<tr>
<td>Malicious falsehood</td>
<td>14</td>
</tr>
<tr>
<td>Data Protection</td>
<td>14</td>
</tr>
<tr>
<td>Personal Data</td>
<td>14</td>
</tr>
<tr>
<td>Sensitive Personal Data</td>
<td>14</td>
</tr>
<tr>
<td>Access to information</td>
<td>14</td>
</tr>
<tr>
<td>DSAR to referee</td>
<td>15</td>
</tr>
<tr>
<td>DSAR to recipient of reference</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Best Practice Summary</td>
<td>15</td>
</tr>
<tr>
<td>Template Reference Responses</td>
<td>16</td>
</tr>
</tbody>
</table>

**Appendix A** — Defined Reference Response (employee) | 18
**Appendix B** — Defined Reference Response (student) | 19
**Appendix C** — Open reference response | 20
**Appendix D** — No match | 21
Section A

Requesting and Obtaining References

1.0 Introduction

It is the University’s practice to request and obtain references to assist with the employment appointment process. The aim of this document is to provide an overview of any considerations and best practice guidance to ensure that we request appropriate references, and that the information provided adds value to the process. Finally, there is a recommended reference request template form and covering email to assist with this.

2.0 Data Protection – Permission to request references

A prospective employee may withhold their permission to contact one or more of their referee’s prior to an offer being made. Any reference should only be requested with the permission of the candidate. An offer can be made without the complete set of references but this should be made subject to receiving satisfactory references. Permission or otherwise, will be stated on their application form. A successful candidate should not commence employment at the University unless all required references have been received and reviewed as satisfactory.

3.0 Best Practice Summary

1. Only the official university reference request templates and covering email should be used.

2. A copy of the job summary form should be sent with any reference request so that the referee can make comment on their suitability for the post.

3. References should only be requested where the candidate has given permission.

4. Resist requesting verbal references, as references given over the phone may be misconstrued, mis-recorded or mis-reported. However, if a verbal reference is taken, the recruiting manager should complete the reference form template and note on the form the date, time and person who took the reference. The reference should then be scanned or emailed to the referee for confirmation and/or any changes.

5. Any request should be made by email, directly to the email address or person specified in the information provided by the candidate. In order to validate the email address used, try to ensure it is associated with the institution / company they work for.

6. If a referee is unable to provide a reference, contact the candidate to find an appropriate alternative.
4.0 References Required to Make an Offer

4.1 Professional Services (including Research and Teaching staff up to Grade 7)

If the candidate has had the same line manager spanning the past 3 years, only a single reference is required. Should there be more than one line manager then references requested and received should span a total of 3 years.

4.2 Academic (Grade 8, 9 and 10)

Three references should be sought, however a decision can be made, by the Chair, to make an offer, should the selection panel have a satisfactory reference from the current line manager spanning the last three years. Ideally, all three references should be obtained before an offer is made.

4.3 Internal Candidates

For internal candidates we would only request a reference from their current line manager as long as they have previous references on file for the preceding 3 years. If these references aren’t available we will request three years of referencing as in 4.1

5.0 Issues arising

5.1 Unsatisfactory References

If you receive a reference which you deem to be unsatisfactory, please refer your concerns to your Recruitment Advisor. Your Recruitment Advisor will then provide advice on what your next action should be.

5.2 Attendance

If you receive a reference where the section under attendance is completed as AVERAGE or POOR, please ensure that you speak to a Recruitment Advisor before proceeding. The Recruitment team will deal with this in conjunction with the Occupational Health Team by asking the candidate to complete the Declaration of Attendance Form (Appendix D) to ensure that a fair decision is made. Decision around attendance could be related to a protected characteristic under the Equality Act and therefore need to be dealt with properly to ensure fairness.

6.0 Verbal References
If a verbal reference is taken, the recruiting manager should complete the reference form template and note on the form the date, time and person who took the reference. The reference should then be scanned or emailed to the referee for confirmation and / or any changes.

7.0 Requesting References

The University will use a standard covering email to request references. The email templates for Professional Services (including Research and Teaching staff up to Grade 7) and Academic (Grade 8, 9 and 10) are as below. For Non-Academic and Internal applicants there is a standard reference request form attached to the request along with the Job Summary Form.

7.1 Template Reference Request

Below is a covering email template for:

7.1 Professional Services (including Research and Teaching staff up to Grade 7)

Dear TITLE NAME

TITLE NAME is being considered for the post of JOB TITLE at the University of Leicester, and has given your name as a referee.

We would be grateful for your candid opinion of this candidate’s suitability for appointment, particulars of which are attached. I have attached a reference form. Receipt of your completed reference form as soon as possible would be very much appreciated.

Please send your completed reference form by email to recruitment@le.ac.uk

May I take this opportunity to thank you, in advance, for your time and co-operation.

<Attach job summary and reference form (can be found here (LINK))>

Kind regards,

7.2 Academic Staff (Grade 8,9 and 10)

Dear TITLE NAME

TITLE NAME is being considered for the post of JOB TITLE (Job Summary attached) at the University of Leicester, and has given your name as a referee.
We would be grateful for your candid opinion of this candidate’s suitability for appointment in relation to their performance in:

- Research
- Teaching
- Attendance
- Teamwork and interpersonal skills
- Reliability

Receipt of your reference as soon as possible would be very much appreciated.

Please send your reference by email to recruitment@le.ac.uk

May I take this opportunity to thank you, in advance, for your time and co-operation.

Kind regards,
Appendix A

**Reference Request Process**

**Professional Services (Including teaching & research staff up to Grade 7)**

- 3 years of references required including current line manager / educator.
- Any concerns with reference - additional reference(s) can be obtained *e.g. this could include a review of previous references obtained by reviewing the HR file.*
- Recruiting manager to review reference against application form.

**Academic Grade (8-10)**

- 3 references requested
- If applicant has had one previous employer (for 3 years) immediately before their application to UoL, then only 1 reference is required from current line manager (though more can be requested)
- Recruiting manager to review reference against application form.

**If references are positive, confirm offer of employment by sending appointment form to the Recruitment Team.**

**If references are of concern, contact the Recruitment Team for further advice.**

For Research Fellows who are funded by an external body, references do not need to be requested.

- If applicant has had one previous employer (for 3 years) immediately before their application to UoL, then only 1 reference is required from current line manager (though more can be requested)
- Recruiting manager to review reference against application form.

**If references are positive, confirm offer of employment by sending appointment form to the Recruitment Team.**

**If references are of concern, contact the Recruitment Team for further advice.**

For Research Fellows who are funded by an external body, references do not need to be requested.

- Recruiting manager to review reference against application form.

**If references are positive, confirm offer of employment by sending appointment form to the Recruitment Team.**

**If references are of concern, contact the Recruitment Team for further advice.**
Appendix B

Reference Request Form

<table>
<thead>
<tr>
<th>Referee details:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Email address:</td>
<td></td>
</tr>
<tr>
<td>Telephone number:</td>
<td></td>
</tr>
<tr>
<td>Your position:</td>
<td></td>
</tr>
<tr>
<td>Organisation:</td>
<td></td>
</tr>
<tr>
<td>Relationship to candidate:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Candidate details:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Job title:</td>
<td></td>
</tr>
<tr>
<td>Dates of employment: from DD/MM/YY to DD/MM/YY</td>
<td></td>
</tr>
<tr>
<td>Reason for leaving:</td>
<td></td>
</tr>
<tr>
<td>Leaving salary:</td>
<td></td>
</tr>
</tbody>
</table>

Please complete the following questionnaire so that we may assess the applicant’s suitability for this post. Please put an X in the appropriate box and add your comments in the space provided, continuing on a separate sheet if necessary.

1. Please comment on the candidate’s level of performance.
   - Very Good [ ]
   - Good [ ]
   - Average [ ]
   - Poor [ ]

   Comments:

2. Please indicate their abilities in relation to teamwork and interpersonal skills.
   - Very Good [ ]
   - Good [ ]
   - Average [ ]
   - Poor [ ]

   Comments:

3. Please indicate this person’s overall abilities to perform the duties of this role as described in the attached job summary.
   - Very Good [ ]
   - Good [ ]
   - Average [ ]
   - Poor [ ]

   Comments:

4. Please indicate the person’s level of reliability and punctuality.
   - Very Good [ ]
   - Good [ ]
   - Average [ ]
   - Poor [ ]

   Comments:
5. Please indicate the person’s level of attendance.
   Very Good [ ]           Good [ ]          Average [ ]        Poor [ ]
   Comments:

6. Are there any outstanding disciplinary warnings/unresolved issues against this person?
   Yes [ ]  No [ ]
   Comments:

7. Would you re-employ this person at the same or higher grade?
   Same   Yes [ ]  No [ ]
   Higher Yes [ ]  No [ ]
   Comments:

8. Do you have any additional comments (please continue on a separate sheet if necessary)?

References are non-confidential and may be disclosed to the applicant upon request. Please tick if you wish this statement to apply:

☐ I do not wish the reference to be disclosed without prior notification
☐ The reference can be disclosed without prior notification

Thank you for taking the time to complete this form. Please email your completed form back to recruitment@le.ac.uk.
Appendix C

Process for Attendance Issues on References

Reference returned with attendance as ‘Poor’

Recruitment ask candidate to complete the ‘Declaration of Attendance Form’ asking them to declare if they have an underlying health issue or disability impacting their attendance.

Is a health issue/disability declared?

No

The recruitment team and hiring manager will make a decision relating to the Candidate’s employability.

Yes

If an underlying health issue/disability is declared the candidate will be referred to Occupational Health to make an assessment.

Occupational Health confirm any underlying health conditions and make recommendations about any reasonable adjustments that need to be made.

Assessment to be made by HR and hiring manager as to whether reasonable adjustments can be made in line with the role.
Appendix D

University of Leicester

DECLARATION OF ATTENDANCE

The University has legal obligations to protect the welfare of its staff and as far as possible that staff are able to undertake the tasks required of them and attend work on a regular basis. The University has similar obligations to protect the health and safety of staff at work, so far as is reasonably practicable.

If at this stage you have any concerns about your ability, in relation to the post for which you have applied the Occupational Health Department will be happy to discuss this with you.

+44 (0) 116 252 3263

Please answer the following questions and return this form to the Recruitment Team. The information provided will not necessarily prevent an applicant from being appointed to any post. The information is indeed to assist both yourself and the University to consult and resolve any issues which may affect the suitability of a particular appointment and ensure reasonable adjustments, as appropriate, can be made.

1. How much time have you lost from work or education during the past two years? Please tick one box.

   - None
   - 1 to 5 days
   - 6 to 10 days
   - 11 to 15 days
   - More than 16 days

2. How much of this time was lost in the last 12 months? Please tick one box.

   - None
   - 1 to 5 days
   - 6 to 10 days
   - 11 to 15 days
   - More than 16 days

3. How many episodes of absence have you had in the past two years? Please tick a box.

   - None
   - 1 to 2 episodes
   - 3 to 4 episodes
   - 5 to 6 episodes
   - More than 6 episodes
4. Of these how many occurred in the last 12 months? Please tick one box.

<table>
<thead>
<tr>
<th>None</th>
<th>1 to 2 episodes</th>
<th>3 to 4 episodes</th>
<th>5 to 6 episodes</th>
<th>More than 6 episodes</th>
</tr>
</thead>
</table>

5. Were the absences in the last 12 months related or unrelated? Please tick one box.

<table>
<thead>
<tr>
<th>Related</th>
<th>Unrelated</th>
</tr>
</thead>
</table>

6. How many of the absences/episodes were as a result of the below: Please state in the grid.

<table>
<thead>
<tr>
<th>Episodes</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sickness</td>
<td></td>
</tr>
<tr>
<td>Bereavement Leave</td>
<td></td>
</tr>
<tr>
<td>Special Leave</td>
<td></td>
</tr>
</tbody>
</table>

7. Please tick and indicate below the statement which applies to you:

I am not aware of any health conditions or disability which might impair my ability to undertake effectively the duties of the position which I have been offered.

I do have a health condition or disability which might affect my work and which might require adjustments to my work or at my place of work.

As a result of the information that you provide on this non-confidential questionnaire, the University may require you to attend an Occupational Health Appointment

I certify that the above information is, to the best of my knowledge, correct. I understand that deliberately providing false information on this form may lead to any offer being withdrawn.

<table>
<thead>
<tr>
<th>Post Applied For</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division / Department</td>
</tr>
<tr>
<td>Surname</td>
</tr>
<tr>
<td>Forename</td>
</tr>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>Date</td>
</tr>
</tbody>
</table>
Section B

Reference Writing Guidelines

1.0 Introduction

The University is committed to providing references to promote student employability and to assist with the career decisions of current and past employees. When writing references, the same principles apply for both students and employees. The aim of this document is to provide an overview of key considerations and guidance on best practice to minimise the risk of any liability. Finally there are three recommended reference templates to assist with this.

Appendix A – Defined Reference Response (employee)
Appendix B – Defined Reference Response (student)
Appendix C – Open Reference Response
Appendix D – No Match to Requested Information

2.0 Obligation to Respond to Reference Requests

A consistent approach in supplying references is required to reduce the threat of a claim of discrimination (including victimisation) under the Equality Act 2010. An organisation that usually provides employment or educational references but fails to do so on a particular occasion is at risk. The Act includes students and ex-employees not just those with a current relationship with the University.

2.1 Liability to the Prospective Employer

References containing false information pose a significant risk to the University, especially when this information is relied upon by the recipient. Whether supplied knowingly or recklessly, this constitutes deceit. The referee, as such, may be liable for any damages incurred by the recipient as a result. For example, if a job offer is withdrawn on the basis of a reference containing false information and consequently a business opportunity is lost, the referee may be liable for the financial loss.

2.2 Liability to the Subject of the Reference

Discrimination

References must not be discriminatory. In particular, information about an individual’s performance, attendance record or sickness absence should be carefully worded to reduce the risk of claims of discrimination.
Defamation and the Defence of ‘Qualified Privilege’
Defamation is an untrue statement (whether written or verbal) that damages an individual’s reputation in the estimation of right-minded people. Employees and ex-employees cannot successfully sue an employer for defamation in a reference (even if its contents are untrue) provided that:

- the employer genuinely believed that the information in the reference was correct; and
- the reference was provided without malice.

This defence arises because the employer and the prospective employer have a common interest in the statement about the employee and the statement is protected by ‘qualified privilege’. However, this defence will be lost if the statement is not merely passed between the parties having mutuality of interest in the subject matter (i.e. the Subject of the reference) but falls into the hands of a third party. Employers not only should be able to justify comments made in references and show that they honestly believe the contents are true, but should also mark a reference as Strictly confidential.

Malicious Falsehood
If false information is supplied in a reference, knowingly or recklessly, the referee would potentially be liable to the Subject for any economic loss incurred as a result of a consequent withdrawal of the job offer.

3.0 Data Protection - Personal and Sensitive Personal Data

Personal Data
References, by their nature, contain ‘Personal Information’ as defined by the Data Protection Act of 1998. This includes basic identity information such as name, address, and national insurance number for example. The Subject individual’s consent is required to process this information but this is generally assumed to have been granted when they provide referee contact details to their prospective employer or educational institution.

Sensitive Personal Data
The Data Protection Act of 1998 also defines ‘Sensitive Personal Data’ as data relating to the racial or ethnic origin; political opinion; religious belief; trade union membership; physical or mental health; sexual life; criminal record (alleged or actual) of an identifiable, living individual. This also includes information about sickness, attendance and reasons for absence. Explicit permission must be obtained from the subject individual before this information can be disclosed. For employment references it is now common practice to avoid commenting on information of this nature.

3.1 Data Protection - Access to information

An employee or student may ask to view a copy of a reference under a ‘Data Subject Access Request’ or DSAR. The Data Protection Act applies differently to references according to whether the request is made to the supplier or the receiver of the reference.
Data Subject Access Requests to the Referee (author)
When a DSAR is made to the University to see a reference that it has written, there is no obligation to agree to this request. Referees are exempt from the normal rules of data access. The University may choose to do so however as it would seem reasonable to provide a copy if the reference is wholly factual in nature, or if the Subject individual is already aware of the likely content. Where there has been an open appraisal of the subject individual’s work and where Personal Data is supplied the reference is unlikely to be controversial.

Data Subject Access Requests to the Reference Recipient
When a DSAR is made to the organisation that has requested and received the reference the information is not excluded from the Act. This means that the subject individual can have access to the reference even if it was provided in confidence.


4.0 Best Practice Summary
When responding to reference requests the University can avoid incurring some or all of the liabilities described above by ensuring that:

1. Only official university references are written on university headed note paper. Under no circumstances should university letter-headed paper, or university titles, be used where a reference is provided in a personal capacity, i.e. as with a character reference.

2. Departments implement a clear procedure for students, whereby students ask in advance for permission to quote members of staff as references. This provides an opportunity to get explicit permission from the student to disclose ‘sensitive personal data’ such as attendance. It also maximises the preparation time so that accurate information can be collated from the department and the division of student and academic services.

3. All references are true and accurate and fair to both the subject individual and the recipient of the reference.

4. References are factual, and avoid statements that can be construed as libellous. If opinions are expressed it should be made clear that this is what they are and they must always be fair and reasonable.

5. References are provided in writing only, with a copy retained and readily available within the university.

6. The reference clearly states who it is about. It should be marked ‘Strictly Confidential’ and emails should be marked ‘Confidential’ and envelopes should be marked ‘Strictly
Confidential – for attention of addressee only’. This will allow a defence of qualified privilege.

7. The temptation to provide a verbal reference is resisted, as information may be misconstrued, mis-recorded or mis-reported. In the exceptional circumstances where an oral reference is given, check the validity of the enquiry, call back, give facts only and make a contemporaneous written record of the information recorded.

8. Infelicitous remarks in the body of the email, where a reference is sent as an attachment should be avoided.

9. References are written as if they will be seen by the Subject individual. Some employers have ‘open reference policies’ or there would be circumstances where disclosure is sought under data access legislation or as part of a legal action. N.B. If you as referee are asked to give access to a reference, you are not obliged to.

10. References should state that the information is given in strict confidence, without legal liability on the part of the University of Leicester or its representatives and should not be revealed to any third party.

11. If a referee is unable to give a reference for practical reasons, then this should be communicated in confidence both to the person who would be the subject of any reference and to the person who requested the reference. It is preferable that this inability should not be communicated in writing, but done so orally, and that reasons should not be given. Such instances may be kept to a minimum by having a known departmental policy regarding the provision of references for students and staff.

12. The University insurance policy covers the legal liability of the institution and an individual member of staff, as an employee of the University, against claims arising from a reference, in accordance with these guidelines, written in good faith by a member of staff in the context of his or her employment in the University. It covers references written on behalf of students, fellow academics and other members of staff etc. It does not cover personal references written in a private capacity.

13. Sometimes forms are supplied by the requester, often these are designed to capture as much information as possible, some of which the University is not obliged to give. The standard template responses below are recommended:

5.0 Template Reference Responses

Below are four templates which incorporate the above guidelines and will negate the risk of claims if used. **It is the decision of the referee whether a defined or open reference should be sent.**

Please use as appropriate.
Appendix A - Defined reference response (employee)
Appendix B - Defined reference response (student)
Appendix B - Open reference response
Appendix C - No match to requested information

* If using this template when providing a personal reference (rather than one supplied in a professional capacity) please copy this template, removing the University of Leicester Logo from the header.

Remember to mark the sensitivity of emails as ‘Confidential’ or mark envelopes ‘Strictly Confidential – for attention of addressee only’.
Appendix A - Defined Reference Response (employee)

Strictly Confidential

[First Name] [Surname]
[Address 1]
[Address 2]
[Address 3]
[Postcode]

[Date]

Dear

Reference: [name]

In response to your reference request, factual details given below. Please note that this information is given in strict confidence, without legal liability on the part of the University of Leicester or its representatives and should not be revealed to any third party.

Date joined: [Start Date]

Date left: [Leave Date]

Job title: [Job Title]

Reason for leaving: [Reason for Leaving]

Please do not hesitate to contact me on [Telephone Number] if you require further information

Yours sincerely,

[Name]
[Job Title]
Appendix B - Defined Reference Response (student)

Strictly Confidential

[First Name] [Surname]
[Address 1]
[Address 2]
[Address 3]
[Postcode]

[Date]

Dear

Reference: [name]

In response to your reference request, factual details given below. Please note that this information is given in strict confidence, without legal liability on the part of the University of Leicester or its representatives and should not be revealed to any third party.

Date joined: [Start Date]

Date left: [Leave Date]

Course: [Course]

Please do not hesitate to contact me on [Telephone Number] if you require further information.

Yours sincerely,

[Name]
[Job Title]
Appendix C - Open Reference Response*

Strictly Confidential

[First Name] [Surname]
[Address 1]
[Address 2]
[Address 3]
[Postcode]

[Date]

Dear

Reference: [name]

I would be delighted to provide a reference for [name]...

<insert information>

Please note that this information is given in strict confidence, without legal liability on the part of the University of Leicester or its representatives and should not be revealed to any third party.

Please do not hesitate to contact me on [Telephone Number] if you require further information.

Yours sincerely,

[Name]
[Job Title]
Appendix D – No Match

Strictly Confidential

[First Name] [Surname]
[Address 1]
[Address 2]
[Address 3]
[Postcode]

[Date]

Dear

Reference: [name]

Thank you for your recent enquiry concerning the above named employee.

Unfortunately we do not have any records for the above named employee on our files. Please provide us with dates of employment, date of birth or a national insurance number and we may be able search in our archive files.

Yours sincerely,

[Name]
[Job Title]