

References Policy



BATH SPA
UNIVERSITY

1. References Policy

- 1.1 This policy covers both obtaining references for future employees and providing references for existing or former staff in order to understand the risks to avoid and process to follow.

2. Introduction

- 2.1 References are intended to provide factual information and an objective assessment of the performance and abilities of an individual. The aim of this document is to provide guidance to members of staff who may be asked to provide references for, or obtain references from, a third party.

3. Obtaining references for applicants

- 3.1 References in respect of applicants applying for roles at the University are only requested by Human Resources.
- 3.2 Two references are required from previous employers, ideally from the HR department of these organisations. One reference is required from the current employer (if currently employed) or most recent employer (if currently unemployed). A second reference from the next most recent employer.
- 3.3 Applicants who are school leavers or graduates may nominate head teachers, lecturers or tutors and any temporary or work experience employer as appropriate. It may be appropriate for applicants who have not been in paid employment to nominate referees from relevant unpaid employment such as voluntary or community work.
- 3.4 Character references from friends and relatives or open references or testimonials are not acceptable.

4. Taking up a reference

- 4.1 Applicants will be asked to provide the details for their references and their consent, before contacting a referee.
- 4.2 Referees will be asked to provide information on the candidate's employment including their dates of employment, their reason for leaving, details of any live disciplinary warnings on file and if they would re-employ.

- 4.3 Questions that relate to sickness absence will be addressed as part of the health assessment process and only in relation to the successful candidate once the job offer has been made.
- 4.4 References must normally be provided in writing.
- 4.5 Successful candidates should not be allowed to take up post without any references. In exceptional circumstances, an individual may be allowed to take up post without all the references being received, but only after the line manager has reviewed the reference that has been received and is happy to proceed with the employee starting in post.

5. Unsatisfactory references

- 5.1 If references are received which are unsatisfactory in some way after a provisional offer of employment has been made, the recruiting manager will need to consider the most appropriate course of action in consultation with Human Resources.
- 5.2 As long as the post has been offered subject to the receipt of satisfactory references, a decision to withdraw the offer or terminate the contract with due notice (or payment in lieu of notice), in circumstances where the references received reveal information which justifies this course of action, is unlikely to be successfully challenged.
- 5.3 If there is a discrepancy between the information provided by the candidate and that provided by the referee, the manager should give the candidate the opportunity to provide an explanation before a decision is made.

6. Providing references for existing or former employees

- 6.1 The University will normally be liable for any consequences of references given by members of staff, other than references given in a personal capacity. Consequently, anyone providing references should ensure that they are familiar with and comply with this policy.
- 6.2 Line managers are advised to contact the relevant HR Business Partner for their school or department if they are in any doubt about the application of the policy or the information they are providing in a reference.
- 6.3 References are normally provided for employment purposes. However, references may also be provided for purposes other than employment, such as in support of further study and academic promotion and financial information for mortgage purposes or when renting accommodation.

- 6.4 Referees owe a duty of care in respect of the content of the reference, both to the recipient of the reference and to the person about whom the reference is written. This duty involves providing a fair and accurate reference in respect of the individual and an accurate response to the recipient.
- 6.5 Referees therefore have a responsibility to take care about what they say in references to ensure that they are factually accurate, fair and reasonable, and that they do not give a misleading impression overall.
- 6.6 Usually, employment references for existing or former members of staff are provided by the HR Department. A line manager of the individual who is the subject of the reference may provide a personal character reference, but it should be made clear that this is given in a personal capacity, and not on behalf of the University.
- 6.7 Line managers may be asked to provide a reference in support of further study or academic promotion. In these circumstances, the guidance within this policy must be followed.
- 6.8 Any decision not to provide a reference for a member of staff should be discussed first with a Human Resources Business Partner.

7. Providing the information requested

- 7.1 The referee needs to ensure where possible, that the individual to whom the request for the reference relates has given his or her consent to the reference being provided.
- 7.2 The referee should only disclose information which is relevant to the post for which the existing or former employee has applied.
- 7.3 The two principle aims of a reference are:
- to confirm facts (for example, to confirm the accuracy of statements made in an application)
 - to provide an opinion as to the suitability based on an assessment of performance in post
- 7.4 When giving references, the referee should only include information that is known to them or which they have verified. All factual information should be able to be substantiated if queried.
- 7.5 Telephone or oral references should not be given. The requester of the reference should be asked to put their request in writing. However if a reference is given over the phone, the referee should verify the authenticity of the request by telephoning the third party. They should also ensure that they never say anything that they would not be prepared to state in writing and that a note is made of the conversation.

8. Confidentiality of references

8.1 References can be marked 'private and confidential' and 'for the attention of the addressee and relevant interviewing panel only'.

8.2 However the author of the reference should be aware that the subject of the reference may submit a request to see the reference under the Data Protection Act 2018 and confidentiality can never be guaranteed. Therefore whenever a reference is written it should be assumed that it will be disclosed to the data subject upon request.

9. Disclosure of references

9.1 Under the Data Protection Act 2018, individuals also have a right to request sight of references which the University has provided or written about them. Any requests by an individual to access a reference must be made through the University's Data Protection Subject Access request procedure.

10. Record keeping

10.1 All documents relating to references will normally comprise personal data and must be kept securely.

10.2 References which have been provided by another third party during the recruitment process should not be kept any longer than necessary and should be securely destroyed once they are no longer needed. References for the successful candidate will be stored in the individual's personal file.

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