

Reference Guidelines

1.0 Introduction

These guidelines provide further details to support the University's Reference Policy and cover the provision and request of:

- Employment references
- Other professional references such as academic or personal references.

2.0 Providing references

When providing references, it is important to distinguish between an employment, or corporate, reference and other types of professional reference as set out below.

a) Employment references

Employment references are provided by authorised personnel within the University for current or former employees of the University and usually contain key details about the individual's employment.

Only Heads of Units, or their designated nominees, or People Services can give employment references for and on behalf of the University.

All employment references must comply with the Reference Policy and these guidelines.

In accordance with the Anti-fraud, Bribery and Corruption Policy any references for individuals disciplined or prosecuted for fraud must be passed to the People Hub for completion.

Where an employment reference is requested about a former employee and there is nobody who has direct knowledge of the individual concerned, it may only be possible to confirm factual information about dates of employment and roles undertaken.

Employment references should normally be provided in writing on headed notepaper. Where questionnaires are provided these can be completed provided the information given complies with the University policy.

Where an oral reference is given, it must also comply with the Reference Policy and these guidelines. A file note of the reference given should be produced and placed on the personal file of the employee the reference was for.

b) Other types of professional reference

These include:

- Academic references – such as those provided by Heads of Unit for academic promotion purposes or by supervisors for post-graduate students.
- Personal references – such as those provided by individuals for a colleague they have worked with.

These types of reference can be provided on University headed paper and from University email accounts, but they must clearly state that the reference is provided in a professional academic or personal capacity in relation to the referee's professional experience of the individual.

It is important to distinguish between employment and other types of reference because an employer has a responsibility to provide information that an academic or personal referee may not know about. Prospective employers need to be clear about the type of reference they are receiving, so they can understand the scope of what it provides.

The following caveat is therefore to be added when providing professional academic or personal references:

“This is a professional academic [or personal] reference provided by me in a professional capacity. This reference does not constitute, nor should it be used as a substitute for, an employment reference which should be obtained from the individual’s employer”.

All references provided for promotion or appointment purposes should still ensure that the content is based on an evaluation of factual information obtained from experience, CVs and personal statements, and must clearly identify the difference between fact and opinion.

The OU is a signatory to the Declaration on Research Assessment ([DORA](#)) and commits to [using research performance metrics responsibly](#). The OU values a diversity of contributions to its research culture. This fact should be reflected in narratives pertaining to academic performance and references must be DORA-compliant. Further information above DORA can be found at www.sfdora.org

2.1 Confidentiality

Whilst references are normally supplied in strict confidence, staff providing references are advised not to assume references will remain confidential. References can be disclosed to the individual they are about as a result of court proceedings, data protection disclosures or if the recipient decides to share it.

It is recommended that references should not contain any information that the referee would not be willing to share with the individual they are writing about.

When providing a reference, it is recommended that a statement should be included about whether the reference can be disclosed to the person it is about.

2.2 Responsibility and liability

The basic principle when giving any reference is that there is a duty to take reasonable care that a reference is as true, accurate and as fair as possible and must not give a misleading impression.

Opinions expressed must be based on fact and there should be evidence on record to support the content of a reference. This is particularly important where critical comments are made, as such comments must be capable of being substantiated if challenged.

If a reference is given which is inaccurate or has significant omissions and results in financial loss, there could be a claim for damages. Liability may arise not only in relation to what is said in a reference, but also to what is not said. For example, a reference commenting on the excellent timekeeping of an otherwise thoroughly incompetent employee could be actionable as a reference containing misleading statements. Referees should note that disclaimers added to references such as “this reference is being supplied without legal liability on behalf of the University or the writer” may have limited or no legal standing.

In providing a reference, both the University and the referee accept certain responsibilities and liabilities. In addition to data protection subject access rights, documents may have to be disclosed in connection with litigation, and there are also specific legislative provisions relating to equality which are relevant.

2.3 Reference content that must be avoided

Care must be taken when writing references for individuals who have transitioned from one gender to another. References must use the appropriate pronoun and make no reference to the person’s former names or gender without the individual’s express consent.

Information on sickness absence should not be provided for a prospective employer. The following statement should be included in employment references to provide clarification: ***‘It is our policy not to provide details of absence records therefore you should not view the lack of absence details as either a positive or negative statement regarding the individual’.***

2.4 Internal references

The principles outlined above are generally also relevant when requesting or providing an internal employment or professional reference for a member of staff applying for another role within the University.

2.5 Rights of the subject of a reference

Under a specific exemption of the Data Protection Act 2018, an individual does not have the right to gain access to any confidential reference provided, or received, for the purposes of their education, training or employment.

Whilst the University retains absolute discretion about whether to release such confidential references, we will normally try to meet the request where possible.

When deciding whether to disclose a confidential reference, the University must take steps to protect the identity of third parties, such as the author of the reference, and consideration must be given to whether there is a duty of confidentiality to the third party, what steps have been taken to try and obtain consent, and whether the third party has expressly refused to give their permission for the information to be made available.

3.0 Requesting references

University policy is that employment references are normally only taken up for the successful candidate by the Resourcing Hub.

Further information about requesting references can be found in the Effective Recruitment and Selection Guide.

4.0 Failure to comply with the Reference Policy and Guidelines

Anyone found to have acted in breach of the Reference Policy, these Reference Guidelines or found to have provided an inaccurate or misleading reference may be subject to disciplinary action.

5.0 Useful references

Reference Policy
Anti-fraud, Bribery and Corruption Policy
Effective Recruitment and Selection Guide
[Colleague Privacy Notice](#)