

## Reference Request Policy

### 1. Introduction

As managers are aware, the purpose of employment references is to provide a potential employer with enough information (along with the selection process) to determine an individual's suitability for a particular post. As a result, line managers can expect to be asked to act as a referee for employees from time to time. To assist in this process, we have produced a policy which sets out what to do when presented with such a request.

### 2. Legal issues

Managers should be aware that there are various legal issues involved with the writing of references. For example, whilst the Data Protection Act 1998 stipulates that employees (or ex-employees) are not entitled to view references written on their behalf where they make their request for disclosure to the author, the employee may still be entitled to request to see a copy of the reference from its recipient and those who give them still owe a legal duty of care in writing them to both the employee and the reference recipient. In practice, this means that the referee must only provide content which is true, accurate and fair to the best of their knowledge and belief and which does not give a misleading overall impression. If this does not happen, the employee or ex-employee may bring a claim against both the Charity and the referee. This may be for negligence, or even for alleged discrimination, such as victimisation because of sex and race. The reference recipient may also bring a claim for negligence if they suffer financial loss or damage as a result of an inaccurate or misleading reference.

### 3. Writing references

As a result, this means that all referees should have recent and first-hand knowledge of an applicant, in order to be able to provide accurate information on their performance. It will also mean taking all reasonable steps to keep the content of the reference factual. In other words, to only provide information that can be independently verified, e.g. through appraisals or attendance records. For this reason, subjective opinion should be avoided. If referees are asked to comment on the honesty or integrity of the reference subject, they should state that they have no reason to doubt either. The exception will be if disciplinary action has been taken against the employee for this, or a similar matter. If this situation arises, the referee should make the employee aware that they have been asked to comment and would have no choice but to provide details of the outcome of any disciplinary process. It will then be the employee's decision as to whether they still wish to obtain the reference.

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**Registered Charity No: 1152664**  
Registered in England and Wales  
**Social Enterprise**  
and company limited by guarantee  
**Company No: 8402154**

DanceSyndrome reserves the right to consider some flexibility, allowing the referee to write an objective sentence which summarises a past employee's performance, in addition to the basic facts of dates of employment, job role and responsibility.

#### **4. Refusal to give a reference**

Managers should be aware that with few exceptions, e.g. the financial services industry, there is no legal obligation to provide a reference. However, it should be noted that any refusal to give one must not be discriminatory, for example because the employee or ex-employee has previously brought legal proceedings to enforce their rights under the Equality Act 2010 relating to discrimination or has made earlier allegations of unlawful discrimination.

#### **5. Personal references**

If a request is made to provide a personal reference for an employee (or ex-employee), it is the policy of DanceSyndrome to provide factual references for all current and former colleagues, personal/subjective comments are not given.

#### **6. Business networking websites**

Where employees (or ex-employees) have set up personal profiles on business networking websites such as LinkedIn, these websites may include the facility for the user to request their contacts or other users to provide them with open recommendations, endorsements or references which are then published on their personal profile web pages for other contacts or connections, or prospective contacts or connections, to read. As these could potentially be construed as open references given on behalf of the Charity, all managers and employees are prohibited from providing these types of recommendations, endorsements or references online to or for the benefit of other employees or ex-employees. All employment references to potential employers should comply with the rules set out above and should not be given online in an open format via websites such as LinkedIn.

If these types of recommendations, endorsements or references are requested online by clients, customers, contractors, suppliers or other Charity-related business connections, managers should first seek the permission of a Director before providing them and employees should refer such requests to their line managers.

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## **7. Reference Template**

A reference template is provided as an appendix to this policy and managers should only use this when providing references.

## **8. Review of Policy**

This policy will be reviewed annually and amended when necessary. It may also be reviewed should any new, relevant legislation require this.

Date of next review: November 2020

Signed:  .....

**Sue Blackwell, Acting Chair – DanceSyndrome – 01.11.2019**

An easy read version of this policy is available at <http://www.dancesyndrome.co.uk/policies>

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Date ..... *(insert date of letter)*

Dear ..... *(insert name of prospective employer)*

Re: ..... *(insert name of employee)*

I refer to your request for a reference in respect of the person named above. It is DanceSyndrome's policy to provide basic and factual references only for all current and former colleagues, personal / subjective comments are not given. Therefore I would comment as follows:

**Employment dates**

..... *(insert name of employee)* [has been] [was] employed by the Company [since] [from] .....  
*(insert date of commencement of employment)* [to] ..... *(insert date of termination of employment)*].

**Job title**

..... *(insert name of employee)* [is] [was] employed as a ..... *(insert job title)* and their job duties can be summarised as follows: ..... *(insert summary of job duties)*.

All references given for and on behalf of the Charity are given in confidence and in good faith. No responsibility, however, can be accepted for any errors, omissions or inaccuracies in the information provided, or for any loss or damage that may result from reliance being placed upon it. This reference is therefore given on the strict understanding that the Charity can in no circumstances be held liable in respect of its contents.

Yours sincerely

.....  
*(Insert signature and name of author)*

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