

If you get a bad reference

As long as it's fair and accurate, a reference can show that you're not suitable for a job.

For example, a reference can show you do not have enough experience for a job.

When a bad reference can be challenged

No matter what's in the reference, it cannot be:

- misleading
- inaccurate
- discriminatory

For example, a reference says you were investigated for stealing at work. But the investigation found you did not steal, so this could be misleading.

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

You can try to speak directly with 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 get other references
- discuss having a probationary period

See a copy of your reference

If you want to check what was in your reference, you can ask either:

- the person who gave the reference – sometimes called a 'referee' or 'reference giver'
- the person who received the reference

It's a good idea to make the request in writing, for example in a letter or email.

However, the employer might have provided the reference with the agreement that it would stay confidential. Under General Data Protection Regulation (UK GDPR), this means you might not be able to see it.

Find out more about:

- [your right of access to personal information – Information Commissioner's Office \(ICO\) website](#)
- [rejected job applications](#)
- [checking if you were discriminated against](#)

If a job offer is subject to references

Sometimes a job offer depends on references or other checks. This means the employer checks your references before offering you the job.

If the recruiting employer is unsure about anything in the reference, they should discuss it with you before withdrawing a job offer.

If the job offer is withdrawn, you should ask the reference giver to check that the reference is fair and accurate. For example, they might have made a simple mistake which they can correct.

You can consider [making a complaint](#) if both:

- an employer refuses a request to see a copy of a reference
- there's no other legitimate reason for the job offer being withdrawn

Example of when a job applicant might make a complaint

Sam was offered a job but a few days later they were told that the offer was being withdrawn. Sam asked to see the reference but both employers refused the request.

Sam thinks the reference was negative because they witnessed discrimination by the employer who provided the reference. They think this is the reason they did not get the job and decide to raise the issue with their employer.

If a job offer is withdrawn after starting work

Some employers might be happy for you to start work before getting references. For example, where the job involves an initial training or a probationary period.

If a reference comes back and is considered unsatisfactory, the job offer might be withdrawn and lead to your [dismissal](#).

If you think the reference was misleading, inaccurate or discriminatory, you might be able to take legal action.

Options for taking legal action

If you are not able to resolve an issue with a reference, it might be possible to either:

- make a claim to an employment tribunal
- make a county court or sheriff court claim

You cannot make a claim to both an employment tribunal and a county or sheriff court about the same issue.

Making an employment tribunal claim

If you think an employer has [discriminated against you](#) in a reference, you have the option to make a claim to an employment tribunal.

There are strict time limits for making a claim to an employment tribunal. In most cases, you have 3 months minus 1 day from the date the discrimination happened.

Find out more about:

- making a claim to an [employment tribunal](#)
- [employment tribunal time limits](#)

Making a court claim

You might be able to take an employer to a county court in England and Wales, or a sheriff court in Scotland. This is if their reference was misleading or inaccurate and led to you 'suffering a loss'. For example, if your job offer was withdrawn as a result of the reference.

If you want to make a county or sheriff court claim, you should [get legal advice](#) on your situation to understand what will be involved.

Contact the Acas helpline

If you have any questions about getting a bad reference, you can [contact the Acas helpline](#).