

## Job references

### 1 . When an employer must give a reference

An employer does not have to give a reference by law unless it's:

- in writing that the employer will provide one – for example, in an employment contract
- for certain financial services jobs regulated by the Financial Conduct Authority (FCA) or Prudential Regulation Authority (PRA) – usually for jobs known as 'controlled functions' (you can find out more about [controlled functions on the FCA website](#))
- agreed in some other circumstances – for example, as part of a settlement agreement

If an employer has a reference policy this can restrict:

- how much they include in a reference
- who can give a reference on the employer's behalf

### When to ask for a reference

It's best to ask for a reference at the final stage of the recruitment process when making a job offer. Employers might do this at the same time as other checks, for example Disclosure and Barring Service (DBS) or health checks.

Before approaching a job applicant's current employer for a reference, the recruiting employer should have:

- made a conditional job offer to the applicant
- permission from the applicant to request references
- made it clear at the job application stage whether they need a work or character reference

If an employer asks for a reference before making a job offer, it can make things difficult for the applicant.

For example, the applicant's current employer might find out they're applying for other jobs. The applicant might then be overlooked for promotion or lose their job as a result.

### 2. What employers can say in a reference

If an employer gives a reference it must be accurate and fair. The employer giving the reference can decide how much information they include.

Employment references can be either:

- a work reference
- a character reference

## What a work reference says

A work reference is usually from a current or previous employer.

Work references can be basic or detailed.

A basic work reference is a short summary of employment. For example, the employee's job title and the dates they worked there. This is sometimes called a factual reference.

A detailed work reference can include:

- the employee's job title
- dates of employment
- details about their skills, ability and experience
- any current, relevant [disciplinary](#) records
- the reasons for leaving the job

A detailed reference can also include someone's sickness or absence record. However, an employer must follow discrimination law. The reference should not include any absences related to:

- disability
- parental rights – for example, maternity or paternity leave

Employers should only ask for the information they need.

The amount of detail included in the reference is up to the person who provides it, unless their employer has a specific policy on this. For example, some employers only give basic references.

A reference is not a substitute for making other checks. For example, [checking if someone has the right to work in the UK on GOV.UK](#).

[Use our reference request letter template to ask for a work reference](#)

## What a character reference says

A character reference is usually from someone who knows the applicant well. For example, their manager, a mentor or someone they've volunteered for. It is sometimes called a personal reference.

A character reference can include:

- how the person writing the reference knows the applicant
- how long they've known them
- details about the applicant's character and personal strengths – for example communication or leadership skills
- the applicant's suitability for the new role

[Use our reference request letter template to ask for a character reference](#)

## What a reference cannot say

References must not:

- be misleading
- include irrelevant personal information

All details about the person, their role or performance must be fair and accurate. If opinions are provided, there should be evidence to support the opinion.

For example, if someone's performance record shows they need to improve in a few areas, the reference should not say they excelled at the job.

References should not include details of:

- any adjustments – for example [reasonable adjustments](#) for a disability
- absence records – in relation to disability, adoption, maternity or paternity leave
- disciplinary records or any investigations – unless this is recent and relevant

## References and discrimination

An employer must follow the law on discrimination when providing, requesting or checking references.

This means they must not disadvantage an applicant because of any of the following 'protected characteristics':

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The employer giving the reference should not include any information that could be used in a discriminatory way. This includes not disclosing any protected characteristics.

### Example of disclosing protected characteristics in a reference

For example, Ari's employer discloses their disability in a reference. The recruiting employer is influenced by this information because of their own bias about disabled people. Without checking Ari's ability to do the job, they decide not to offer them the role.

The employer who provided the reference should not have disclosed Ari's disability. The recruiting employer should not have used this information to disadvantage Ari.

[Find out more about following discrimination law when recruiting](#)

Related content

[/discipline-and-grievance](#)

## 3. If you cannot get a reference

Sometimes it can be difficult to get a reference. For example, if an organisation has gone out of business or the employer has died.

As a job applicant, if you're having trouble getting a reference, you can ask the employer who needs the reference if they'll accept:

- a reference from someone else, for example a manager or someone you worked with

- a reference from a different employer
- a reference from someone you have not worked with but knows you well, sometimes called a personal or character reference

As an alternative to a reference, an employer might employ you on a 'probationary period' (or trial). This gives the employer time to assess if you're able to do the job.

## If you cannot get a detailed reference

Some employers have a policy not to give detailed work references. If this is the case, ask if they can provide a basic work reference instead.

For example, a brief written statement of your role and the dates you were employed.

[Use our reference request letter template to ask for a basic work reference](#)

## 4. 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](#).