

Job references

This factsheet provides answers to the most commonly asked questions about job references.

Do I have a statutory right to a reference from my present or past employer?

No. A reference is given at the discretion of the employer.

Does a reference have to be given in writing?

No. References can be given verbally, eg by telephone. This allows the referee considerably more freedom to express his or her views candidly without being held to account.

How important is a reference?

A strong, supportive reference is crucial. Normally a job is offered subject to the provision of satisfactory references. A weak or bland reference could result in the job offer being withdrawn. With this in mind, think long term and try to keep relations between you and your potential referee on a positive footing.

Who will provide the reference?

Normally your headteacher (or line manager in a college) will provide the reference. In doing so he or she may ask the opinions of your line manager and colleagues to help inform the reference. Prospective employers may be suspicious if your current headteacher/line manager is not one of your referees.

What is an 'open' reference?

An open reference (sometimes referred to as a testimonial) is a pre-prepared written reference given to you by the referee. It may be marked 'To whom it may concern'. It is portable and gives you the opportunity to enclose a copy with your job applications.

Do I have the right to see my reference?

No. A reference is given in confidence. It is for the referee to decide whether or not you are allowed to see the reference. However, once the reference is in the possession of the third party (eg a prospective employer), then you may write to request a copy from the third party.

There is an entitlement under the Data Protection Act 1998 in accordance with the Information Commissioner's 2005 Good Practice Note, which states that you should be provided with a copy on request. However, the third party can refuse the request if there is a compelling reason to do so.

Is the referee obliged to give me a 'good' reference?

A reference should express the referee's honest, balanced view of your professional capabilities. It should detail both your strengths and any perceived areas for improvement. The employer may take the view that it is under an obligation to refer to any outstanding disciplinary warnings or issues relating to performance.

Occasionally, the referee may provide a short, factual reference, ie one that merely confirms your post and length of service. Whilst this does not say anything bad about you, it certainly does you no favours. If you disagree with some of the comments expressed in a reference then you could take this up with the referee and see if he or she is willing to make amendments. Proceed with caution and tact. Remember, there is no legal right to a reference and the referee could simply refuse to provide any further references.

What if I feel the reference is inaccurate?

You could take legal action against the referee. Case law has established that the writer of a reference has a duty of care towards the subject of the reference. To fulfil this duty the referee must take reasonable steps to ensure that the reference is not only accurate, but also that it is not misleading, ie that it is not demonstrably unfair. Members are advised to contact ATL before deciding whether to take legal action against a referee (see contact details below).



Need advice?

Your first point of contact is your ATL rep in your school or college. Your local ATL branch is also available to help with queries, or you can contact ATL's member advisers on **020 7930 6441**, email: **info@atl.org.uk** or write to 7 Northumberland Street, London WC2N 5RD. Don't forget you can also get lots of help and advice, as well as download copies of other ATL advice sheets, on our website at **www.atl.org.uk**

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