

Reference Policy Statement/Guidelines

# Introduction

The Royal Veterinary College (RVC) receives a variety of reference requests, including, but not limited to:

1. Employment References
2. Mortgage/Rental/Loan/Financial\* References
3. Reference/Information required to verify employment on forms/applications such as immigration visas, travel documentation
4. Promotion-Related References
5. References to support the award of professional accreditation, prizes and grants

Typically, most reference requests (1-3) come straight to Human Resources (HR) for completion and return. \*Provision of financial information is highly sensitive, will always require the employee’s written consent and must always be handled by the HR Team. Open references *“to who it may concern”* should be avoided. Reference responses should always be addressed to an individual/organisation with the full address/contact details. If there is any suspicion about the reference requestor, checks should be made on authenticity to avoid the provision of information to unauthorised parties which may be used in security scams.

Some reference requests may be sent directly to line managers or colleagues. As the liability of references will largely sit with the RVC if the reference is answered in an employer capacity, we would recommend that references are passed to the HR team to respond. However, personal character references can be completed by line managers or colleagues (see later guidance and a template). Academic Heads of Department should ensure that any member of their department who responds to an Academic reference request is aware of liability issues and this guidance. If a manager has any doubt or concerns about the application of this guidance, advice should be sought from the HR Advisors before taking any action.

Employment References are intended to provide factual information and an objective assessment of the performance/abilities of an individual. Whilst generally there is no legal obligation on the RVC to provide any kind of reference, we recognise that the RVC does have a responsibility to treat staff and students fairly.

This guidance refers to the **provision** of responding to reference requests. The **requesting** of reference requests for employment or promotion to third parties by the RVC should be undertaken by the HR team.

# General

## Legal Obligations

Referees owe a duty of care in respect of the content of the reference, both to the recipient of the reference and to the person about whom the reference is written. This duty involves providing a fair and accurate reference in respect of the individual to the recipient.

Both the RVC and the individual author of a reference may be liable in damages if it is deemed that they have been negligent in writing the reference and either the recipient or the subject of the reference suffers loss as a result. Referees therefore have a responsibility to take care about what they say in references to ensure that they are factually accurate, fair and reasonable, and that they do not give a misleading impression overall.

## Confidentiality

Every employer will have their own policy on whether or not they will disclose the reference provided as part of a subject access request under the Data Protection Act (DPA) 2018, even though a reference *provided in confidence* is actually considered exempt under the Act.

Notwithstanding this, a reference may need to be disclosed as part of any litigation involving the employee regardless of whether the information contained in it might be exempt and because of this, whilst references should never state any negative/sensitive or defamatory information, anyone that provides a reference should never provide any information they do not wish the reference person to read, or that could give raise to a liability claim.

For the avoidance of doubt, all employee references that the RVC seek to obtain and receive from third parties, will be exempt from Subject Access Requests under the DPA.

## Disclaimers

It is the RVC’s practice to include a disclaimer in all references to protect both the RVC and the author from potential liability. The following wording is recommended:

*“This information is provided in strict confidence. Whilst this information is given in good faith and all reasonable efforts have been made to ensure the truth and accuracy of its contents, in accordance with the Royal Veterinary College’s normal practice, neither the person giving this information nor the RVC will be held responsible in any way for any errors, omissions or misstatements which it may contain or for any loss or damage that may result from your reliance upon it. This information is provided in confidence and is exempt from disclosure under a Subject Access Request under the Data Protection Action 2018”.*

There is no guarantee that this or any other disclaimer will not be challenged. Whilst it is prudent to include it, it cannot be relied upon and therefore all other guidelines contained within this document should be complied with.

## Telephone References

Although some employers may seek references by telephone, verbal references should **not** be provided as the information provided may be amended or distorted according to what the requester of the reference understood has been said or implied. Instead you should ask the recipient to submit their request in writing to hrqueries@rvc.ac.uk so the identity and contact details can be verified and a reference provided.

Similarly references provided to the RVC should be in writing. In the exceptional case where the RVC is seeking a verbal reference from a third party and has instigated the contact with the recipient, the RVC caller should verify the identity of the person providing the reference, take full contact details, file notes, sign and date the notes which summarise the nature and content of a verbal reference. The notes should then be placed on the individual’s Employee file.

## Record Keeping

All documents relating to both reference requests and provision will normally comprise of personal data and must be kept securely.

Any references which have been provided by a third party during the recruitment process should not be kept any longer than necessary and should be securely destroyed once they are no longer needed. References for the successful candidate will be stored by HR in the individual’s Employee file.

## General Guidance for the Provision of Employment References

* 1. **Official Employment Reference**

If you are asked to provide an official reference for an ex-employee you should pass the reference to HR to complete and you should advise the sender that that is what you have done. You can provide the HR email address (hrqueries@rvc.ac.uk) for them to contact in the event of any query.

It is normal employment practice to provide factual references only, confirming key employment information only. Due to possible litigation and liability, most employers will not comment on an employee’s ability or suitability for a role. Some employers may ask about absence data, non- expired disciplinary warnings, and the reason for termination etc. which is highly sensitive information and should not be provided by managers or departmental employees. HR will provide a factual reference – to include, post title, start and end dates (and if requested, and with the approval of the individual, their current salary) on RVC headed paper with the normal disclaimer.

Some employers send reference forms for completion, which **should not** be completed as they often ask for comments on the individual’s ability and performance, both of which are subjective. HR will respond as above, with factual information only using a letter format and a disclaimer.

## Academic References

You may be asked to provide an academic reference for employment or promotion or students, the aim of which is to confirm facts and to provide relevant opinion on the candidate's aptitude and ability. Before you do, please note the following:-

* + - **Think carefully about saying “Yes”** - Are you the best person to provide the reference and can you write a positive recommendation?

## Ask to see a copy of the job description and up to date CV if you do not already have it

* + - **Be fair** - There is a duty of care to both the individual, and the person to whom you are sending the reference.
		- **Ensure that the reference is factually accurate and complete** - where possible use specific examples.

## Avoid ambiguous or coded language.

* + - **Separate what is a fact from what is your opinion** – for example**,** expected exam results against an actual exam results.
		- **Remain positive but only express opinions that are relevant, and that you are competent to give** - When expressing opinions, draw upon experiences of working with the employee, so that you feel confident in justifying your opinions on reasonable grounds. For example, by making comparison with other employees (please ensure that no reference is made to other colleagues in a way which would identify individuals). Do not feel pressured - for example, by pro forma questions - into giving information you are not qualified or do not have the necessary information to provide.
		- **Do not make statements that you cannot justify** - Do not claim unequivocal success in a certain role, but rather focus on the skills and abilities that, in your opinion, will ensure the candidate will be successful in this position.
		- **Include your contact information** (email/telephone number etc.).
		- **Always retain a hard copy of the reference and follow submission guidelines –** email or by post or portal upload. Where a reference has been provided on behalf of the RVC for an employee, you must send a copy to HR to retain on the individual’s Employee file.

## Include the RVC disclaimer at the bottom of your reference.

*“This information is provided in strict confidence. Whilst this information is given in good faith and all reasonable efforts have been made to ensure the truth and accuracy of its contents, in accordance with the Royal Veterinary College’s normal practice, neither the person giving this information nor the RVC will be held responsible in any way for any errors, omissions or misstatements which it may contain or for any loss or damage that may result from your reliance upon it. This information is provided in confidence and is exempt from disclosure under a Subject Access Request under the Data Protection Action 2018”.*

## Request for Academic References via Telephone

As covered previously, in point 2.4 ***Telephone References,*** you are advised **not** to give references over the phone as they can easily be misheard, mis-recorded or mis-interpreted and it cannot be proven what information was provided in the event of any issues arising. Where absolutely unavoidable, having checked the authenticity of the caller by asking them to email you with their full contact details, managers should initiate a call back to provide a statement of fact **only.** This should be immediately followed up in writing – (i.e.) email/letter with a copy sent to hrqueries@rvc.ac.uk to retain on the individual’s Employee file.

## Personal/Character Reference

If you are asked to provide a personal reference for an ex-member of staff, or a colleague you should note the following:-

* + - This request is **personal to you** and should not be presented as a RVC reference in any way. Therefore, under **no circumstances** should RVC headed paper or a RVC telephone or email address be used in these circumstances. As it is personal, you should respond from your home address, using only your personal contact details (telephone/email). See example template in Appendix One.
		- Be clear in your reply that this is a personal, not an official, reference.
		- Do not feel pressured into giving information you are not qualified to provide, or do not have the necessary information to give, for example, if you were not the line manager, you should not comment on the work performance of a colleague.
		- Be factual and accurate.
		- Always add a disclaimer. Suggested wording would be:-

*“I am providing this information in strict confidence and in good faith and I take no responsibility for any errors, omissions, or inaccuracies in the information provided or for any loss or damage that may result from your reliance upon it.”*

## Document Control

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| **Initial Implementation** |
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| **Re-authorised By:** |  |
| **Re-authorisation Date:** |  |

**Appendix One: Personal/Character Reference Template**

Your Name Your Address

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Your Telephone Your Email

Date:

Contact Name Organisation Address

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Dear Sir/Madam (or their name if you have it),

**Re: Name (of person you are writing the reference for)**

I am pleased to provide this personal/character reference for **[NAME],** in connection with their < reason

e.g. application/promotion> to the role of < >. I am providing this reference in a strictly personal capacity and not in any formal or official capacity pertaining to their <employment/student> status at the Royal Veterinary College (RVC).

I have known **[NAME]** for < x years > from < date to date> in the capacity of <their Manager/ Colleague/ Tutor >.

**Provide best qualities/favourable statements: for example**

*In that time I was able to watch* ***[HIM/HER]*** *grow into a confident, polite, and outgoing individual.*

***[HE’S/SHE’S]*** *demonstrated a high level of dedication and enthusiasm on various occasions, both in terms of their academic studies and in their extra-curricular activities, such as drama and dance.*

***[NAME]*** *is also an extremely goal-driven person, who has always shown an ability to meet deadlines promptly, submitting work that frequently exceeds expectations.*

*Therefore, I am confident that* ***[HE/SHE]*** *will be able to show the same level of commitment and professionalism in* ***[HIS/HER]*** *their work.*

I am providing this information in strict confidence and in good faith and I take no responsibility for any errors, omissions, or inaccuracies in the information provided or for any loss or damage that may result from your reliance upon it.

Please feel free to get in touch with me using the above contact details if you have any further questions.

Yours faithfully (or sincerely if you know their name),

Signature

**[YOUR NAME]**

*Professional Qualifications (if applicable)*