



The Affable
PARTNERSHIP LTD

Recruitment Reference Guide

1. Ask Structured, Factual Questions (Not Open-Ended Opinions)

To reduce exaggeration or defensiveness, frame reference requests around **verifiable facts**, for example:

- Dates of employment and job title(s)
- Main duties and level of responsibility
- Line management responsibility (yes/no, how many)
- Reason for leaving (if company policy allows)

Structured questions help ensure consistency and fairness.

2. Include a Clear Purpose Statement

State why the reference is being requested, e.g.:

“This reference will be used solely to support a pre-employment check.”

This aligns with **UK GDPR transparency requirements** and reassures the referee.

3. Avoid Questions That Invite Subjective or Risky Statements

To stay legally safe, **avoid** asking:

- “Would you rehire them?” (can be contentious)
- Comparisons to other employees
- Speculation about character or health

Instead, ask about **performance against role expectations**.

4. Ask About Performance in Neutral, Evidence-Based Terms

Examples of compliant phrasing:

- “Did the employee meet the requirements of their role?”
- “Were there any formal disciplinary actions on record during their employment?”

This reduces the risk of defamation or misleading praise.

5. Confirm the Referee’s Relationship to the Candidate

Always ask:

- Job title of referee
- Nature of working relationship
- Dates they supervised/worked with the candidate

This helps you assess reliability and relevance.

6. Include a Fairness and Accuracy Disclaimer

A common UK practice is to include wording such as:

“Please provide information that is accurate, factual and based on your direct experience. This reference may be disclosed to the candidate upon request.”

This encourages honesty and reflects **UK case law** on references needing to be:

- True
 - Accurate
 - Fair
 - Not misleading (including by omission)
-

7. Be Consistent Across Candidates

Under **Equality Act 2010** principles:

- Ask the same reference questions for all candidates at the same stage
- Avoid role-irrelevant questions that could indirectly discriminate

Consistency reduces legal risk.

8. Limit Data to What Is Necessary (UK GDPR – Data Minimisation)

Do not request:

- Medical information
- Protected characteristics
- Unsubstantiated allegations

Only request information that is **relevant to the role**.

9. Accept That Some Employers Will Provide “Factual Only” References

In the UK, many organisations limit references to:

- Job title
- Dates
- Confirmation of employment

This is lawful and common. Design your process to **supplement references** with:

- Structured interviews
 - Skills assessments
 - Probation reviews
-

10. Document Your Reference Process

For compliance and audit purposes:

- Keep a standard reference template
- Record how reference information was used in decision-making
- Retain references only in line with your data retention policy

The documents and templates provided are for the exclusive use of the recipient and may not be reproduced, distributed, or shared with any third party without prior written permission. These materials are offered for general information purposes only and do not constitute legal, employment, or professional advice. Users should seek appropriate advice regarding their specific circumstances, as no liability is accepted for reliance on the content without such consultation.

