

# GIVING AND RECEIVING REFERENCES

## Global Policy

April 2022

APPROVED

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**HERIOT-WATT UNIVERSITY**  
**GIVING AND RECEIVING REFERENCES**

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POLICY

1.	<p><b>INTRODUCTION</b></p> <p>All offers of employment made at Heriot-Watt University are initially conditional, subject to receipt of satisfactory references (as well as demonstrating right to work and, in some cases, clear criminal record and/or check under the UK Protecting Vulnerable Groups legislation).</p> <p>This Global Policy outlines the Objectives, Key Principles, Roles and Responsibilities and types of reference acceptable to confirm a conditional offer of employment including where local practices and/or exceptional circumstances may require a different approach.</p> <p>The accompanying Procedures provide more detailed information and guidance about the process of obtaining and providing references, including samples and templates.</p>
2.	<p><b>OBJECTIVES</b></p> <p>The purpose of this Global Policy and its Procedure is to</p> <ul style="list-style-type: none"> <li>• Ensure consistency of application to the practice of obtaining references for employment</li> <li>• Clarify the roles and responsibilities when obtaining or providing references</li> <li>• Support the making of fair and transparent decisions based on references received</li> <li>• Provide accurate and factual references based on evidence</li> <li>• Provide instruction, advice and guidance when dealing with a request to provide a reference</li> <li>• Differentiate between employment, academic and personal references (see Definitions) and set out when each is appropriate</li> </ul>
3.	<p><b>SCOPE</b></p> <p>This Global Policy and its Procedures apply to all campuses and is in line with the relevant Ordinances on Recruitment of Staff.</p> <p>They should be followed whenever a Hiring Manager (see Definitions) requires a reference for a new hire; or a Line Manager or other employee of Heriot-Watt University is approached to provide a reference, whether on a personal basis or commenting on their academic or employment record.</p> <p>This Policy applies when we are giving or seeking references in relation to current, former or prospective employees and when providing them for such roles as Agency Temps, PhD Students and casual workers.</p> <p>This Policy also covers occasions when third parties who are not employers may request a reference about an employee or former employee for example in respect to appointments to external committees or Boards or character references as part of legal proceedings external to the University. Further information is set out in Section 5.4 below.</p> <p>Where an offer is made to an internal candidate, the reference process will differ from that of an external candidate. Section 5 of the Procedure covers this in more detail. The Policy is a Global Policy in its approach; however there may be occasions where local laws or practices require the procedure to be amended; this is set out below in the Policy and Procedure and further advice is available from the local HR Teams in the UK, Dubai and Malaysia.</p>
4.	<p><b>KEY PRINCIPLES</b></p> <ul style="list-style-type: none"> <li>• All external offers of employment are conditional on the receipt of satisfactory references</li> </ul>

	<ul style="list-style-type: none"> <li>• At least two employment references including one from the current<sup>1</sup> or most recent employer of the candidate (see Definitions) should be taken for all roles within the University.</li> <li>• References must be received and accepted as satisfactory before a new employee starts work</li> <li>• References sought must be in line with the University Ordinances in number and type (i.e. including academic references (see Definitions)) for certain posts</li> <li>• Employment references should only be taken up once the successful candidate has been conditionally offered the post</li> <li>• Academic references may be sought in advance of the interview provided the candidate has given their consent for you to do so.</li> <li>• References for newly recruited appointees are taken up by the HR Recruitment Team as part of the offer process</li> <li>• Employment references for current, leaving or former HWU employees or casual workers/adjuncts must always be provided by HR</li> <li>• Employment References should not be shared with other members of the interview panel; however academic references may be shared with the interview panel as part of the decision-making process. Any academic references received must be shared with panel members by a secure method</li> <li>• Personal references should make clear that it is the view of the individual providing the reference and not an official university opinion</li> <li>• The University does not typically provide references to the subject of the reference directly for them to give to an employer, but rather responds to the organisation requesting the reference.</li> </ul>
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5.	<p><b>ROLES AND RESPONSIBILITIES</b></p>
	<p><b>5.1 Seeking Employment References</b>  The <u>HR Recruitment Team in the relevant location</u> is responsible for the process of:</p> <ul style="list-style-type: none"> <li>• obtaining references for new employees;</li> <li>• following up non-receipt;</li> <li>• liaising with the Hiring Manager to confirm that references received are satisfactory</li> <li>• escalating if references are not received ahead of the planned start date or if there is disagreement regarding their suitability</li> <li>• checking that there is an original relevant external reference on file for any employee moving roles internally</li> </ul> <p>It is the <u>Hiring Manager's</u> responsibility to:</p> <ul style="list-style-type: none"> <li>• ensure a realistic start date is agreed with the applicant to allow time for the references to be sought, received and checked</li> <li>• confirm to the HR Recruitment Team that the reference is satisfactory (see Definitions)</li> <li>• seek advice from the HR Recruitment Team if they have any concerns or queries about a reference or its suitability</li> </ul> <p><b>5.2 Issuing Employment References</b>  The <u>local HR Operations team</u> is responsible for providing employment references for a leaving or former HWU employee. If appropriate, they will liaise with the Line Manager for specific details about the employee's achievements and competencies to undertake the role</p> <p><u>Line managers of current, leaving or former HWU employees</u> must always seek advice from HR before responding to any reference request including personal</p>

<sup>1</sup> It is not common practice to take up a reference from current employer in Malaysia so the most recent employer should be approached (this may be HWU if the individual has not been employed since leaving HWU).

	<p>reference requests. They should not provide employment references for any current or former employee. If asked to provide a reference, it is a line or other manager's responsibility to:</p> <ul style="list-style-type: none"> <li>• forward requests to <a href="#">HR helpdesk</a> for provision of a formal employment reference</li> <li>• respond directly only to requests for personal (rather than employment) references</li> <li>• Provide factual evidence rather than personal opinions</li> <li>• Make it clear that you are responding in a personal capacity only, especially if using an HWU email or other address</li> <li>• Avoid providing a personal reference on HWU headed paper</li> </ul> <p><u>Supervisors of PhD students</u> may also be approached for references in relation to future employment. Whilst this is not an employment reference the supervisor should work on the same principles as stated above and seek advice from HR if they have any concerns.</p> <p><b>5.3 Seeking and Issuing Academic References</b></p> <ul style="list-style-type: none"> <li>• In line with the University Ordinances, Academic References may be sought in advance of the interview or selection process.</li> <li>• However, you should ensure you have the written consent of the candidate before taking up academic references to be considered as part of the selection process.</li> <li>• You should also make it clear when academic references will be shared with the interview panel ahead of interview. If all references have not been submitted by the time of the interview, you should delay making a decision until you have all relevant evidence for all candidates.</li> <li>• If you provide an academic reference for a candidate for a post outwith the university, you should provide evidence about their academic and research achievements and potential, including their ability to teach, collaborate and work in a team rather than purely personal opinions about their character.</li> </ul> <p><b>5.4 Reference Requests for external purposes</b></p> <p>Please seek advice from HR via the <a href="#">HR helpdesk</a> if you are approached for a reference request from an external body or by an employee/former employee in respect of external lay appointments such as to Committee or Board appointments, legal proceedings etc. In general, the Key Principles set out in this Policy should apply.</p>
<p><b>6.</b></p>	<p><b>DATA PROTECTION AND RETENTION</b></p> <p>References provided about potential, existing or former employees will be retained securely and confidentially on the employee's personal record in the HR System, in line with the University's <a href="#">Privacy Notices</a> and <a href="#">Records Retention</a> Policies.</p> <p>When providing a reference, only factual information that can be verified from records should be disclosed. Sensitive personal information, including but not restricted to salary, sickness absence dates or reasons, should not be disclosed without the explicit recorded agreement of the individual.</p> <p>The UK Data Protection Act 2018 provides that any reference provided in confidence is exempt from disclosure under a Data Subject Request (DSR). This means that if Heriot-Watt receives a DSR, confidential employment references about the individual making the request, whether created by Heriot-Watt or received from a third party, may be exempt from disclosure. Further information is in section 8 of our Procedures: Potential Disclosure of References.</p>

<b>7.</b>	<b>RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE</b>	
	<b>Policies</b> <a href="https://www.hw.ac.uk/uk/services/human-resources/human-resources-policies.htm">https://www.hw.ac.uk/uk/services/human-resources/human-resources-policies.htm</a> <ul style="list-style-type: none"> <li>• Recruitment Policy and Procedures</li> <li>• Disclosing and Protecting Vulnerable Groups Policy (UK only)</li> <li>• Conflict of Interest Policy</li> </ul>	
	<b>Procedures</b> <a href="https://heriotwatt.sharepoint.com/sites/hr-recruitment">https://heriotwatt.sharepoint.com/sites/hr-recruitment</a>	
	<b>Further reference</b> <ul style="list-style-type: none"> <li>• University Statutes and Ordinances  <a href="https://www.hw.ac.uk/uk/about/profile/governance/ordinances-regulations.htm">https://www.hw.ac.uk/uk/about/profile/governance/ordinances-regulations.htm</a></li> <li>• Privacy Notice  <a href="https://www.hw.ac.uk/uk/services/information-governance/protect/privacy-and-your-data-rights.htm">https://www.hw.ac.uk/uk/services/information-governance/protect/privacy-and-your-data-rights.htm</a></li> <li>• Data Management  <a href="https://www.hw.ac.uk/uk/services/information-governance/records-management.htm">https://www.hw.ac.uk/uk/services/information-governance/records-management.htm</a></li> </ul>	
<b>8.</b>	<b>DEFINITIONS</b>	
	<b>Candidate</b>	Individual applying for a new/vacant post or promotion
	<b>Hiring Manager</b>	The manager within the School or Directorate into whose team or research grant the post will be recruited
	<b>Line Manager</b>	The manager of a former HWU employee who may be approached for a reference once the individual has left or is leaving the organisation
	<b>HR Recruitment Team</b>	The HR Recruitment Team member supporting the exercise and who takes up references for new starts
	<b>HR Local Team</b>	The local HR Team in UK, Dubai or Malaysia who support the onboarding and leaving process and who provide references for leaving or former HWU employees
	<b>Employment Reference</b>	A reference relating to the candidates work record, setting out employment history, roles and responsibilities, and, where this can be objectively and factually confirmed, achievements and competencies to undertake the role
	<b>Personal Reference</b>	A reference written in a personal capacity which usually refers to the candidate's personal qualities and behaviours. It is not provided as a formal employment reference but may be requested by someone who has worked in your team or with you in a project, for example.
	<b>Academic Reference</b>	A reference written to confirm or comment on the candidate's academic and/or research track record, including citations, publications, successful grant applications etc. This may also include demonstration of a particular range of technical skills and abilities
	<b>Satisfactory Reference</b>	Where the information provided contains factual information matching what the individual has declared (e.g. start and finish dates, reason for termination) and gives no reason to withdraw the offer

	<b>Accurate and Factual</b>	The information provided is not based on hearsay or anecdote; and can be verified		
<b>9.</b>	<b>FURTHER HELP AND ADVICE</b>			
	Please contact the <a href="#">HR helpdesk</a> for all queries relating to staff recruitment across all our campuses.			
<b>10.</b>	<b>POLICY VERSION AND HISTORY</b>			
	<b>Version No</b>	<b>Date of Approval</b>	<b>Approving Authority</b>	<b>Brief Description of Amendment</b>
	V. 2.0	05 April 2022	UE	Former Guidance converted to Global Policy and aligned with Ordinance Review

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# GLOBAL Procedures

Giving and Receiving References

April 2022

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PROCEDURES



## HERIOT-WATT UNIVERSITY

### PROCEDURES TO SUPPORT GLOBAL GIVING AND RECEIVING REFERECES POLICY

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1.	<p><b>INTRODUCTION</b></p> <p>These Global Procedures must be followed whenever a Hiring Manager requires a reference for a new hire, or an employee of Heriot-Watt University is approached to provide a reference, whether on a personal basis or commenting on their employment record.</p> <p>All offers of employment made at Heriot-Watt University are initially conditional, subject to receipt of satisfactory references (as well as demonstrating right to work and, in some cases, clear criminal record).</p> <p>All candidates offered a position to join the University are required to have two satisfactory employment references before the successful candidate may start work. Additional academic references are also required for academic and research posts; see Section 2 below.</p> <p>It is the Recruitment Team's responsibility to manage the process of:</p> <ul style="list-style-type: none"> <li>• obtaining references;</li> <li>• following up non-receipt;</li> <li>• liaising with the Hiring Manager to confirm that references received are satisfactory (see Receiving and Dealing with References below).</li> </ul> <p>In order to comply with the Procedures, it is important that a realistic start date is agreed with the applicant to allow time for the references to be sought and checked.</p>
2.	<p><b>REFERENCES AND ORDINANCES</b></p> <p>There are specific and particular requirements set out in the University Ordinances for the appointment of and obtaining references for the following Academic and Research Staff;</p> <p>a) <u>Professor (including Professorial Fellow)</u> Before approving an appointment or a promotion, at least <b>four written academic references</b> from referees external to the University and the Heriot-Watt Group, nominated by the candidate.</p> <p>b) <u>Senior Research Fellow or Associate Professor/ Assistant Professor and Research Fellow</u> Before approving an appointment or a promotion, at least <b>two written academic references</b> from referees external to the University.</p> <p>In addition, where an offer of employment is to be made then at least <b>two employment references</b> will always be taken up by the HR Recruitment Team, including one from the current or most recent employer of the candidate (see Note below). Hiring Managers should refer to the relevant Ordinance both in the composition of the appointment panels and in the obtaining of references:</p> <p><a href="https://www.hw.ac.uk/documents/ordinances.pdf">https://www.hw.ac.uk/documents/ordinances.pdf</a></p> <p>Hiring Managers for staff based at Dubai or Malaysia Campuses should seek advice from their local Recruitment Team as their local law and practice differs. Any decision made will be in agreement between the Chair of the Interview Panel, the Hiring Manager (or Dubai/Malaysia HR Manager) and the Global Director of HR.</p> <p><b>Note</b> It is not recognised practice in Malaysia to seek references from a current employer; and in the UK or Dubai there may not be a current employer. Where this is the case, your local HR Team will agree an appropriate alternative(s) that enables a fair</p>

	judgement to be made within the Principles of this Policy; e.g. former employer, manager etc.
<b>3.</b>	<b>ASKING FOR A REFERENCE</b>
	<p>The applicant must give explicit consent for their referees to be contacted before a reference request is made. Therefore, written references should not be obtained in advance of interviews, except:</p> <ul style="list-style-type: none"> <li>• where the applicant has explicitly expressed their agreement for the University to do so</li> <li>• where academic references are required as part of the Ordinance requirements.</li> <li>• In certain cases in HWUM. Please consult the Malaysia HR Team for advice.</li> </ul> <p>This principle applies to references sought in both external recruitment and internal promotion processes.</p> <p>Managers should not put pressure on a candidate to agree to allowing an employment or an academic reference to be taken up pre-interview and should not approach a referee whose details have been provided early in the recruitment exercise; to do either is a breach of conduct and confidentiality and may lead to investigation and further action under the University Disciplinary Policy.</p> <p>The HR Recruitment Team will send out reference requests, using the template in Appendix 1, on acceptance of the offer and having checked the candidate has given their consent. The HR Recruitment Team will ask the referee to state whether they wish to provide the reference <i>in confidence</i> or whether they are content for the University to disclose the reference to the candidate on request. A question in the reference check template asks the referee to make a positive affirmation by writing “YES” in response to the question or “NO” if they do not consent for the reference to be shared with the candidate.</p> <p>The HR Recruitment Team will chase up non-receipt. Remember that the offer is subject to receipt of satisfactory references (amongst other conditions such as demonstrating right to work) and that other employers may not treat the request as a priority, so Hiring Managers should allow time for the references to be returned when agreeing a start date for the candidate. <b>Candidates will not normally be allowed to start until satisfactory references have been received.</b></p>
<b>4.</b>	<b>WHEN REFERENCES ARE NOT PROVIDED OR RECEIVED</b>
	<p>No new employee should commence employment prior to the receipt of satisfactory references.</p> <p>If chasing up of non-receipt proves unsuccessful, the HR Recruitment Team will consult with the Chair of the Interview Panel and/or the Hiring Manager (if they are not one and the same) and the Head of Recruitment (HR Manager in Dubai or Malaysia) as to whether it is appropriate to enable a candidate to start without references.</p> <p>Any proposed exceptions must be agreed by the Director or Head of School and endorsed by the Global Director of HR<sup>2</sup>.</p> <p>References for the successful candidate will be retained confidentially on a new employee’s personal file in ERP. If the last employer was Heriot-Watt and the</p>

<sup>2</sup> The HR Manager in Dubai or Malaysia may also consult with the Vice-Principal & Provost and/or CEO for their location

	<p>employee is not currently employed at HWU, a reference should be obtained from both HR and their last line manager.</p> <p>When seeking written references, the University will also request the opportunity to have a follow up verbal discussion to validate the details that have been provided in writing. The need for this follow-up may also be triggered where key information appears to be missing. This conversation will be held between the Head of Recruitment or a senior HR colleague in Dubai or Malaysia and a note will be added to the personal file.</p> <p>Hiring Managers must destroy any copies of academic references that they may have for the successful and unsuccessful candidates as soon as the appointment is confirmed. HR will delete the academic references for unsuccessful candidates 6 months after the completion of the recruitment process.</p>
<b>5.</b>	<b>INTERNAL REFERENCES</b>
	<p>The University remains committed to encouraging career development and progression and welcomes applications for internal moves within and across our Campuses, Schools and Directorates. It is not University Policy to obtain internal references for people moving to new roles within the University in the same way as for external candidates; and in Malaysia it is not the practice to obtain references from the current employer.</p> <p>However, when being considered for an internal position, consideration will be given to any current sanctions or warnings under the University's disciplinary or capability procedures. This will not automatically preclude an individual from applying for or taking up a new position as a change in role may be beneficial for both the individual and the University. HR will provide guidance to Hiring Managers where relevant.</p> <p>Where an internal candidate applies for a new role HR will check that there are external references on file. If the initial offer of employment was made before this Policy came into effect and there are no external references on file, consideration will be given to seeking external references for such an internal move. This would most commonly occur where the employee's new role is very different and their work experience prior to joining the University is relevant to their new position.</p> <p>Where the new position is one which requires a Protection of Vulnerable Groups (PVG) check to be carried out the Disclosure and Protecting Vulnerable Groups Policy will also apply<sup>3</sup>. HR will carry out the check.</p> <p>When an offer is being made to an internal candidate it is expected that the hiring manager will contact the current line manager prior to the transfer being finalised. Managers should work together to agree a suitable transfer date in line with the individual's notice period being mindful of the impact on the current manager's need to consider a replacement and the incoming manager to set objectives and manage induction. As part of that handover, it would be appropriate for current manager to discuss strengths and areas for development as recorded in the individual's PDR with the new manager; and the new manager should also discuss this with their new employee at an early stage. The expectation is that contractual notice would be respected in relation to internal moves but that managers will agree a date that is in the best interests of both units and the applicant.</p> <p>If the incoming manager has any concerns following discussion with the current manager, they must seek immediate advice via their Recruitment lead who will liaise</p>

<sup>3</sup> UK only

	<p>accordingly with HR Operations. The potential impact of withdrawing an offer of employment to an internal candidate based on information from the outgoing manager is significant and would only happen in exceptional circumstances.</p> <p>Where new contractual documentation is issued this needs to be coordinated with the HR Team via <b><u>HR helpdesk</u></b>.</p>
<b>6.</b>	<b>RECEIVING AND DEALING WITH REFERENCES</b>
	<p>The HR Recruitment Team are responsible for requesting employment references and will do so on receipt of an accepted offer or, where the candidate has given express permission, after the conditional offer. The HR Recruiter will forward the references to the Hiring Manager by a secure method including a strong password and seek written confirmation from Hiring Managers whether the references are satisfactory. This confirmation will be kept on record.</p> <p>Employment References should not be shared with other members of the interview panel; however academic references may be shared with the interview panel as part of the decision-making process. Any academic references received must be shared with panel members by a secure method including a strong password.</p> <p>If a reference is received that the HR team or Hiring Manager have concerns or queries about, or do not feel is “satisfactory”, they should discuss and seek advice from the Head of Recruitment or a senior HR colleague in Dubai or Malaysia and refer to the Functional Director or Head of School and the Global Director of HR. It is important not to act to withdraw an offer based on a potentially “unsatisfactory” reference until this has been discussed and HR advice regarding an appropriate course of action has been taken and risk assessed; and the Global Director of HR has endorsed the action.</p> <p><b><u>Secure methods of sharing references</u></b></p> <p>Wherever possible, and as the first resort, references should be uploaded into ERP for the Hiring Manager to access. Where it is not possible to give Hiring Managers or external interview panel members access to references via ERP, they must be protected with a strong password as a pdf document and sent either through the Helpdesk or via email as a One Drive Document with restricted access only to the addressee/s.</p> <p><b><u>Information obtained or known about outwith a formal reference</u></b></p> <p>It may be the case that you are aware of someone joining Heriot Watt and have some additional information to share in relation to their application that is confidential in nature. Should this be the case please contact the Head of Recruitment via <a href="mailto:recruitmentuk@hw.ac.uk">recruitmentuk@hw.ac.uk</a> who will then discuss the information with the Global Director of Human Resources; or in Dubai, the HR Recruitment Manager via <a href="mailto:HRDubai@hw.ac.uk">HRDubai@hw.ac.uk</a> who will then discuss the information with the Head of Recruitment and Global Director of HR.</p> <p>Similarly, if you receive informal, or “off the record” information about a potential candidate that gives you cause for concern, you should seek advice from the Head of Recruitment and do not discuss with other members of the selection panel unless you are advised it is appropriate to do so.</p> <p>Any decision to withdraw an offer of employment must be endorsed by the Global Director of HR before action is taken.</p> <p>Any information obtained and subsequently used to inform a decision will be recorded on the employee record in ERP.</p>



	<p>The University Social Media Policy on <a href="https://www.hw.ac.uk/uk/services/information-governance/records-management.htm">https://www.hw.ac.uk/uk/services/information-governance/records-management.htm</a> has further guidance on using social media such as Google to inform recruitment, although the overriding principle is that any search made should ideally be confined only to information relevant to the role and not to personal or private information.</p>
7.	<p><b>PROVIDING REFERENCES FOR LEAVING OR EX-EMPLOYEES</b></p>
	<p><b>Employment or Personal References</b></p> <p>You may be asked to provide a reference for a leaving or former employee, or for someone who is moving internally or within the Heriot-Watt Group. It is standard practice for requests for employment references to be issued by the HR Directorate. You must therefore always forward requests for references to HR via <a href="mailto:HRhelpdesk@hw.ac.uk">HR helpdesk</a> or <a href="mailto:HRDubai@hw.ac.uk">HRDubai@hw.ac.uk</a></p> <p>You may receive a request for a personal reference rather than a formal work or employment reference; that is, a reference written in a personal capacity which usually refers to the candidate's personal qualities and behaviours. It may be requested from someone who has worked in your team or with you in a project, for example as an addition to a more formal employment reference. If this is the case you need to ensure that any response clearly states that it is a personal reference; you should not use a work email address or any Heriot Watt headed paper.</p> <p>Please state whether you agree for the candidate to see your reference or you wish it to be received <i>in confidence</i> and not disclosed to the candidate. In either case, you should take care only to give factual information that can be verified from records. Sickness absence dates or reasons should not be disclosed.</p> <p>It is sensible to seek advice from HR before giving a personal reference for a current or former employee.</p> <p>You should also include the following disclaimer.</p> <p><i>This is a personal reference for xxxxxxxx. For an official employment reference please contact Heriot Watt's Human Resources team by contacting <a href="mailto:HR@hw.ac.uk">HR@hw.ac.uk</a></i></p> <p>Managers should not agree to giving a verbal reference for a current or former employee without first seeking advice from HR. Any concerns in this regard must be escalated to the Global Director of HR.</p> <p>When providing a reference, only factual information that can be verified from records should be disclosed. Personal or sensitive information, including but not restricted to, sickness absence dates or reasons, or information that indicates a protected characteristic in the UK should not be disclosed, neither should information obtained outside employment, or which is purely anecdotal.</p> <p><b>Providing Academic References</b></p> <p>You may be asked to provide an academic reference for someone you currently or previously worked with, especially where other universities require this as part of their own Ordinances. In responding to such requests it is appropriate to use HWU headed paper or HWU email when the references you provide are directly related to the university, for example, if you were the PI on a research grant that the candidate worked on. Otherwise, you should make it clear that you are responding in a personal capacity.</p> <p>If you provide an academic reference for a candidate for a post outwith the University, you should provide evidence about their academic and research achievements and</p>

	potential, including their ability to teach, collaborate and work in a team rather than purely personal opinions about their character.						
<b>8.</b>	<b>POTENTIAL DISCLOSURE OF REFERENCES</b>						
	<p>The UK Data Protection Act 2018 provides that any reference provided in confidence is exempt from disclosure under a Data Subject Request (DSR). This means that if Heriot-Watt receives a DSR, confidential employment references about the individual (data subject) making the request, whether created by Heriot Watt or received from a third party, may be exempt from disclosure. This does not mean that the University must not disclose a reference to the data subject. It means that the University can withhold a reference requested by the data subject if the referee does not agree that it can be disclosed. The Pre- employment reference check request form issued by the HR Recruitment team to referees asks referees to answer YES to this question if they consent to their reference being disclosed to the candidate or “NO” if they do not consent for the reference to be shared with the candidate.</p> <p>A reference given in confidence may still be discoverable (i.e. have to be disclosed to a court or tribunal) in the context of legal action.</p> <p>If you receive a DSR or a request by a candidate for a copy of their reference please refer it straight away to <a href="mailto:dataprotection@hw.ac.uk">dataprotection@hw.ac.uk</a>. The Information Governance Division will consult you and the Human Resources Directorate, and where necessary the referee, before any disclosure of information.</p> <p><i>The appropriate relevant legislation in</i></p> <ul style="list-style-type: none"> <li>• Malaysia is the Personal Data Protection Act 2010</li> <li>• Dubai is UAE Decree Law No 45 of 2021 (Personal Data Law)</li> </ul>						
<b>9.</b>	<b>RELATED PROCEDURES AND FURTHER REFERENCE</b>						
	<p><b>Policies</b>  <a href="https://www.hw.ac.uk/uk/services/human-resources/human-resources-policies.htm">https://www.hw.ac.uk/uk/services/human-resources/human-resources-policies.htm</a></p> <ul style="list-style-type: none"> <li>• Recruitment Policy and Procedures</li> <li>• Disclosing and Protecting Vulnerable Groups Policy and Procedures (UK)</li> <li>• Conflict of Interest Policy and Procedures</li> </ul> <p><b>Procedures</b>  <a href="https://heriotwatt.sharepoint.com/sites/hr-recruitment">https://heriotwatt.sharepoint.com/sites/hr-recruitment</a></p> <p><b>Further reference</b></p> <ul style="list-style-type: none"> <li>• University Statutes and Ordinances  <a href="https://www.hw.ac.uk/uk/about/profile/governance/ordinances-regulations.htm">https://www.hw.ac.uk/uk/about/profile/governance/ordinances-regulations.htm</a></li> <li>• Privacy Notice  <a href="https://www.hw.ac.uk/uk/services/information-governance/protect/privacy-and-your-data-rights.htm">https://www.hw.ac.uk/uk/services/information-governance/protect/privacy-and-your-data-rights.htm</a></li> </ul>						
<b>10.</b>	<b>FURTHER HELP AND ADVICE</b>						
	Please contact the <a href="#">HR helpdesk</a> for all queries relating to staff recruitment across all our campuses.						
<b>11.</b>	<b>DEFINITIONS</b>						
	<table border="1"> <tr> <td><b>Candidate</b></td> <td>Individual applying for a new/vacant post or promotion</td> </tr> <tr> <td><b>Hiring Manager</b></td> <td>The manager within the School or Directorate into whose team or research grant the post will be recruited</td> </tr> <tr> <td><b>Line Manager</b></td> <td>The manager of a former HWU employee who may be approached for a reference once the individual has left or is leaving the organisation</td> </tr> </table>	<b>Candidate</b>	Individual applying for a new/vacant post or promotion	<b>Hiring Manager</b>	The manager within the School or Directorate into whose team or research grant the post will be recruited	<b>Line Manager</b>	The manager of a former HWU employee who may be approached for a reference once the individual has left or is leaving the organisation
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	<b>HR Recruitment Team</b>	The HR Recruitment Team member supporting the exercise and who takes up references for new starts		
	<b>HR Local Team</b>	The local HR Team in UK, Dubai or Malaysia who support the onboarding and leaving process and who provide references for leaving or former HWU employees		
	<b>Employment Reference</b>	A reference relating to the candidates work record, setting out employment history, roles and responsibilities, achievements and competencies to undertake the role		
	<b>Personal Reference</b>	A reference written in a personal capacity which usually refers to the candidate's personal qualities and behaviours. It is not provided as a formal employment reference but may be requested from someone who has worked in your team or with you in a project, for example.		
	<b>Academic Reference</b>	A reference written to confirm or comment on the candidate's academic and/or research track record, including citations, publications, successful grant applications etc.		
	<b>Satisfactory Reference</b>	Where the information provided contains factual information matching what the individual has declared (e.g. start and finish dates, reason for termination) and gives no reason to withdraw the offer		
	<b>Accurate and Factual</b>	The information provided is not based on hearsay or anecdote; and can be verified		
<b>12. PROCEDURES VERSION AND HISTORY</b>				
	<b>Version No</b>	<b>Date of Approval</b>	<b>Approving Authority</b>	<b>Brief Description of Amendment</b>
	V. 2.0	05 April 2022	UE	Former Guidance converted to Global Policy and Procedures and aligned with Ordinance Review



**Appendix 1 - Template Pre-Employment Reference Check**

<b>IN STRICTEST CONFIDENCE HERIOT-WATT UNIVERSITY PRE-EMPLOYMENT REFERENCE CHECK (for previous employer)</b>	
<b>Name of Candidate:</b>	
<b>Name of Referee:</b>	
<b>Post Held by Referee:</b>	
<b>Organisation:</b>	

<b>I agree that the candidate may see this reference on request.</b>	<b>YES / NO</b>
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<b>In what capacity do you know the candidate e.g. Line Manager, colleague, aligned HR person, etc.?</b>	<b>How long have you known the candidate?</b>
<b>What are the candidate's dates of employment with your organisation?</b>	
<b>Start Date:</b>	<b>End Date:</b>
<b>What is/was the candidate's most recent job title?</b>	
<b>Can you comment, in your opinion, on the candidate's suitability for the post within our organisation:</b>	

<b>Additional Factual Questions Please provide details in the space at the end of this set of questions</b>	<b>Yes</b>	<b>No</b>
We are a Values led organisation and positive behaviours are important to us. Do you believe this individual will work well in such an environment and contribute to a positive work culture? If not please provide details (see below)		
Have there been any performance or behavioural concerns about the candidate which are/were still considered "live" or "ongoing" at present/at the time the employment ended?		
Have there been any disciplinary matters against or the candidate which are/were still considered 'live' (including any in process at present/at the time the employment ended)?		
Was the candidate dismissed?		
If the candidate was dismissed, please briefly state the reason, e.g. Redundancy, End of Fixed Term Contract, Capability, Conduct, Statutory Illegality or Breach of a Statutory Restriction		

UK only: Is there an “ <i>agreed reference</i> ” for the candidate; if so, please can you supply.		
Do you have any further relevant information which would assist in making an appointment?		

**Please provide any additional information or detail below anything that is relevant to the candidate’s application for this role**

<b>Subject to a suitable vacancy arising, would you re-employ the candidate? (Yes / No)</b>	
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<b>Signed:</b>	<b>Date:</b>
<b>On behalf of: Please insert organisation</b>	<b>Org:</b>
<b>Contact email address/ telephone number:</b>	<b>Tel:</b>