

Writing references

1 In *Good medical practice*, we say the following.

- *'You must be honest and objective when writing references, and when appraising or assessing the performance of colleagues, including locums and students. References must include all information relevant to your colleagues' competence, performance and conduct.'* (Paragraph 41)
- *'You must be honest and trustworthy when writing reports, and when completing or signing forms, reports and other documents. You must make sure that any documents that you write or sign are not false or misleading.'*
 - a *You must take reasonable steps to check the information is correct.*

b *You must not deliberately leave out relevant information.'* (Paragraph 71)

In *Leadership and management for all doctors* we also say the following.

- *'You must be honest and objective and keep to the principles of equality and diversity when appraising or assessing colleagues' performance. This includes when assessing trainees during the Annual Review of Competence Progression (ARCP) or other equivalent process. The safety of patients and the public could be put at risk if you make false, exaggerated or incomplete comments about another professional's competence or experience.'* (See paragraph 34)

2 This explanatory guidance provides more detail about how to follow these principles. It also explains to candidates what they can expect to be included in any references written about them.

3 You must be prepared to explain and justify your decisions and actions. Only serious or persistent failure to follow our guidance that poses a risk to patient safety or public trust in doctors will put your registration at risk.

4 Prospective employers use references to gather information about a candidate's qualifications and employment history and to help them assess their suitability for the post in question.¹ They also give both employers and candidates

an opportunity to verify the information supplied in an application. So you should write references in a way that is fair to both the candidate² and the prospective employer.

5 Employers need to be confident that they can rely on the information in references, particularly when they are employing healthcare professionals. Candidates also need to be confident that references written about them are accurate and reliable. A reference that presents an inaccurate picture of a prospective employee could lead either to an unsuitable candidate being appointed or the most suitable person not being appointed. In some cases this will put patients at risk of serious harm and it may undermine trust in the profession.

- 6 You must be honest and fair when providing references. You should usually provide a reference if you are the person best placed to do so. When providing a reference, you should state the basis upon which you are making your assessment of the candidate, such as how long you have known them and in what capacity.
- 7 When assessing whether information is relevant, you should consider whether including it (or leaving it out) could mislead an employer³ about either a specific issue or the overall suitability of a candidate. If you agree to provide a reference, you must do the following.
 - Only provide comments that you can substantiate.
 - Provide comments that are objective, fair and unambiguous.
 - Do not base comments on your personal views⁴ about a candidate that have no bearing on the candidate's suitability.
- 8 You should include all information you are aware of that is relevant to a candidate's professional competence and be prepared to provide evidence to support this, where appropriate.
- 9 You should provide information about a candidate's conduct, including matters that might affect a patient's trust in the individual candidate or the public's trust in the profession as a whole.
- 10 You should draw attention to any other issues that could put patients at risk. This may include information relating to unresolved, outstanding or past complaints about the candidate's competence, performance or conduct, if you judge that this is relevant to the candidate's suitability. You should take reasonable steps to check the information you provide. If this is not practical, or the information is incomplete, you should make this clear.
- 11 You should not usually include personal information about a candidate, for example in relation to their health, in a reference. However, a situation may arise where you are aware of confidential information about a candidate that has a direct bearing on their suitability for the particular post in question. In these circumstances, you should get consent to disclose the information. If this is not practical or appropriate, or consent is withheld, you should consider whether the benefits (to individual patients or the public) of disclosing the information would outweigh the possible harm to the individual candidate. For example, including health information may be justified if it is necessary to protect patients from risk of serious harm.⁵ You can find more guidance on releasing information in the public interest in paragraphs 63–70 of *Confidentiality: good practice in handling patient information*.⁶
- 12 If a candidate asks for a copy of the reference, you should usually give them a copy, though you are not required to do so.⁷
- 13 If you are not sure about whether to include information in a reference, you should consider getting advice from your medical defence body or a professional association such as the British Medical Association.

Endnotes

- 1 If you have concerns about a candidate's fitness to practise you should follow the advice at paragraph 25 of *Good medical practice*.
- 2 *Spring v Guardian Assurance plc and others* [1994]. The principles in *Spring v Guardian Assurance* have been found, by extension, to apply to statements made or information provided after the employee has taken up his or her new position (*McKie v Swindon College* [2011] EWHC 469).
- 3 *Kidd v Axa Equity & Law Life Assurance Society plc, Allied Dunbar Assurance plc* [2000].
- 4 This includes your views about a colleague's age, colour, culture, disability, ethnic or national origin, gender, lifestyle, marital or parental status, race, religion or beliefs, sex, sexual orientation or socio-economic status.
- 5 *Saha v GMC* [2009] EWHC 1907.
- 6 You should also consider the impact of data protection law on the disclosure of special category data. Further advice can be sought from the Information Commissioner.
- 7 See the *Information Commissioner's Office* website for the latest guidance and advice.