

The University of Manchester

Guidance to Staff Providing References for Students

Purpose of references

1. References have two main objectives:
 - **To provide and confirm facts**
 - to give a factual account, e.g. of academic record, attendance, etc
 - to confirm the accuracy of statements made in an application
 - **To provide opinions**
 - to give the referee's opinion as to the candidate's suitability for the post/course in question, and his/her potential for the future

Content

2. The reference may include both facts and opinions, and a clear distinction should be made between them.
 - Make sure that your opinions are clearly stated as opinions, are based on facts known to you, and that you are qualified to give such opinions. For example, "I consider X to be well suited for the post for which he/she has applied, and am happy to support his/her application" is better than "X will be a success in the post of".
 - Do not confuse fact and opinion: "on her performance to date, I would be surprised if X did not get a first class degree" is clearly an opinion; "she will get a first class degree" suggests that the method of classification for Honours is such that the issue is without doubt.
 - Take particular care where you are asked for a reference for a student who is not known to you (for example, if the student's tutor is absent or has left the University). Do not give an opinion which is not your own, just because the person who knew the student is not available. It is preferable to quote someone who has knowledge of the candidate, giving the source of the quote. A phrase such as "According to available records it would appear that ..." may be useful.
 - There may be issues on which you are asked to express an opinion on which you have limited knowledge, e.g. honesty and integrity. Here you may have to say, for example, "I know of nothing that would lead me to question X's honesty".

Examples of facts	Examples of opinion
James was a registered student of this University between 2001 – 2003 and graduated with a 2.1 degree in History.	James' tutors describe him as an outstanding student with high levels of written and oral communication skills.
James is due to complete his studies in July 2011 and is currently on track to obtain a second class honours degree, examination results pending.	James was described by the programme team as an original and thoughtful thinker.
James has been punctual and has met the attendance requirements of the course.	I believe that James shows clear potential to succeed in the field of ...

- **Avoid using ambiguous or 'coded' language** – for example, "X has studied here for three years, during which time he has done his work entirely to his own satisfaction".

- 2.1 In response to requests from potential employers for a student's specific cohort ranking, The University of Manchester Teaching and Learning Group has determined that an indication of the quartile (i.e. top, second, third, bottom) is sufficient.

Informing students of local practice

3. Schools should make clear to all students whether they can assume their tutor, or other appropriate member of staff, will automatically provide a reference if his/her name is cited in an application, or whether he/she should first be approached for permission. Such a statement could be provided, for example, in the Programme Handbook and on the School intranet (where relevant).
4. Requests for references which are apparently unsolicited should normally be refused until confirmation that a reference can be provided has been obtained from the student concerned. Students should be made aware of this by Schools so that they don't forget to seek permission from their proposed referees, otherwise delays could occur.

Who can write references for students?

5. References may be written by any member of staff in the context of his/her employment in the University.
6. You are free to provide references in a private capacity, but it must be made clear in the reference that the reference is personal. University headed notepaper/email (etc) may not be used for such references and you should not use your University job title for such a reference.

Telephone and email references

7. You should not give references by telephone. If you receive such a request, you should ask for it to be made in writing and then respond in the normal way.
8. References should only be provided by email in exceptional circumstances. However, if you are providing a reference by email you must use a format which is not easily subsequently edited – e.g. portable document format (pdf).

Duty of care

9. When providing a reference you have a responsibility to be fair to both the student and the recipient of the reference. To meet this obligation you should ensure that the reference is factually accurate and complete, that you have taken reasonable care not to give misleading information and that the information provided is capable of substantiation.
10. If you feel unable to provide a reference for a particular individual, whether in general or in respect of a particular role or career, you should tell them so.

Sensitive personal data

11. The Data Protection Act defines sensitive personal data as information relating to health, disability, racial or ethnic origin, political opinions, sexual life, trade union membership, details of offences or alleged offences or proceedings relating to such offences or alleged offences and/or religious beliefs.
12. References should be pertinent to the purpose for which they were requested. Care must be taken when disclosing information which may be regarded as sensitive personal data, with a general rule not to do so without good reason. Further, references which include sensitive personal data should only be given with the explicit consent of the individual who is the subject of the reference.

Disability

13. Information about a student's disability is sensitive personal data and should be treated as set out above.

Discipline

14. It is generally neither necessary nor appropriate for a reference to refer to a minor offence committed by a student under Regulation XVII, Conduct & Discipline of Students, provided that the overall impression given by the reference is not misleading.
15. A major breach of Regulation XVII may be referred to in a reference if this is required in order for the reference to be fair and accurate. Such details may be included without the student's consent, but they must be informed that this information will be provided. The reference should not include anything which has not previously been raised with the student, and care should be taken when including such information in a reference. **If in doubt, staff should consult their Head of School Administration.**
16. Offences which were handled entirely within a School (or equivalent) would normally be considered 'minor' since the University's conduct and discipline procedures allow for more serious offences to be escalated to the Faculty and/or University level. Offences which reached the University level and resulted in suspension or expulsion of the individual concerned would be more likely to be regarded as major. Within this range, referees will need to exercise judgement and consider the context for the reference request – the definition of a 'minor' and a 'major' offence will to an extent depend on the purpose for which the reference is given. For example, where the reference relates to a student entering a particular profession it may be necessary to mention offences which, in other contexts, would be regarded as minor. In such circumstances, referees will need to be guided by the requirements of the profession.

Referees are advised to retain a note of the points they considered when judging whether a particular offence was 'minor' or 'major'. **If in doubt, staff should consult their Head of School Administration.**

Ill health

17. The Equality Act 2010 makes it unlawful to request information about an applicant's health record until an offer has been made. You should not make reference to a student's health or sickness patterns/absence record in any reference provided.

There may be occasions, however, when it would be in the student's interest to disclose details of ill health, for example to explain a lower result than might otherwise have been expected. References to a student's health in these circumstances would be considered appropriate, provided that the student had given permission.

Debtors

18. The University does not publish the final results of assessment for students who have fees or charges outstanding. Transcripts are however provided, and it may be useful when writing a reference for a student who has not had their result published to use a similar form of words as that included on the transcript: *"He/She attended courses and satisfied the Examiners in the following subjects: However his/her degree result is being withheld due to outstanding debts to the University"*.

Record keeping

19. A copy of the reference should be kept and held on file. A reference is personal data and must therefore be kept secure under the terms of the Data Protection Act. Furthermore, personal data cannot be kept "longer than necessary". The University's Records Management office currently advises that copies of references written should be kept for three years from the date of the last request received. (See the Records Retention Schedule <http://documents.manchester.ac.uk/display.aspx?DocID=6514>.) When it is time to dispose of a reference, this should be done by following confidential waste disposal procedures. (Please contact the University Records Management Office for further details on these specific issues.)

Disclosure

20. The Data Protection Act does not require you to disclose a confidential reference which you have written. However, you should be aware that the individual who is the subject of a reference does have the right to have access to it when it is in the hands of the recipient.

Disclaimer & professional indemnity insurance

21. It is recommended that the disclaimer set out below is included in any reference. Including such a statement may help in limiting the University's liability in the event of any challenge by an employer who has relied on the reference.

However, it is unlikely to protect the University against a claim by a student where a referee has not taken reasonable care to ensure that the reference is accurate.

While all reasonable efforts have been made to ensure the truth and accuracy of the statements made in this reference, neither the person providing the reference nor the University is responsible for any errors, omissions or mis-statements contained in this reference.

22. The University has professional indemnity insurance which covers both itself and individual members of staff (as employees of the University) against claims of negligence. This covers references written in good faith by a member of staff in the context of his/her employment in the University (i.e. references on behalf of students, fellow academics and other members of staff) provided any potential claim is brought to the attention of the insurers at the earliest opportunity.

It does **not** cover references where the individual is acting in a private capacity.

23. If you are challenged over a reference you have given, refer the matter to the Registrar and Secretary as soon as possible. **You must never admit liability, as this may invalidate the University's insurance.**

Document control box	
Policy / Procedure title:	Guidelines on Providing References for Students
Date approved:	
Approving body:	
Version:	1
Supersedes:	version dated May 2005
Previous review dates:	
Next review date:*	
Related Statutes, Ordinances, General Regulations:	
Equality relevance outcome:	High / Medium (delete as applicable)
Related policies:	(list or state N/A)
Related procedures:	(list or state N/A)
Related guidance and or codes of practice:	(list or state N/A)
Related information:	(list or state N/A)
Policy owner:	Director of Student Support & Wellbeing (Pat Sponder)
Lead contact:	Student Support, Advice & Guidance Manager (Emily McIntosh)