

## Guidance to Staff Providing References for Students

### 1. Introduction

- 1.1 This document aims to provide guidance to staff members who may be asked by students to write references, or who may receive such requests from a third party.
- 1.2 Staff members providing references should be aware of and comply with this guidance and any other advice or guidance which may be issued by their School or Faculty with regards to local arrangements.
- 1.3 The University would usually be liable for any consequences of references provided by staff members, aside from references that are provided in a personal rather than University capacity. As a result, Schools must ensure that all staff members who may be asked to supply student references are aware of this guidance.
- 1.4 The Careers Service provides Information for students about requesting references at: <https://www.careers.manchester.ac.uk/applicationsinterviews/faqs/references/>.
- 1.5 The [Advising Toolkit](#) contains further information and suggested templates that staff members can choose to use or refer students to when they are requesting a reference.

### 2. Scope

- 2.1 The guidance provided in this document relates to references which are received by the University in respect of either current or former undergraduate or postgraduate taught students.
- 2.2 The University doesn't generally have a legal obligation to provide a reference for a student; however, it is acknowledged that the institution does have a responsibility to treat students fairly and there is a possibility of legal consequences of University staff declining to provide a reference in particular cases. The University will usually provide references for current or former students on request (and where relevant records are in existence).
- 2.3 References can be provided for purposes of employment or further/additional study.

### 3. Objectives of providing references

- 3.1 References have two main objectives:
  - 3.1.1 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
  - 3.1.2 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.

#### **4. Obtaining consent to provide a reference**

- 4.1 Personal data in an educational context is information held on record by an education provider about an individual. Providing personal data to a prospective employer about a student or former student will amount to processing for the purposes of the [Data Protection Act 2018](#).
- 4.2 Staff members should be aware that the contents of any reference they provide may have to be disclosed to the subject of that reference in the event of them submitting a formal request to the University under the Data Protection Act 2018. Staff should therefore always write references on the assumption that the subject could see them.
- 4.3 Under the Act, all personal data must be processed fairly and lawfully and in order to ensure that, the member of staff dealing with the reference request should ensure that the student/former student to whom the request for the reference relates has given their consent for a reference to be provided.
- 4.4 If the person dealing with the request has any doubts about whether or not the individual has given their consent, they must contact the individual to check whether or not they authorise a reference to be provided. Such consent can be provided orally, but the staff member should also keep a written record of consent being given.

#### **5. The duties of providers of references**

- 5.1 It is generally accepted that if a student registers at the University and completes a programme then the University will provide a reference, even if only an academic reference confirming the programme that the student has completed. A failure to provide one could disadvantage a student and be seen as discriminatory.
- 5.2 However, students should not be told that they can expect a satisfactory reference, only that a reference will be provided.
- 5.3 When providing references there is a legal obligation to exercise a duty of care to both the person seeking the reference and to the student about whom the reference is provided.
- 5.4 If a member of staff gives a careless reference, for example failing to mention certain facts such as incompetence, the person receiving the reference may sue the University if he or she has relied on the reference and suffered financial loss as a result.
- 5.5 Similarly, if a job applicant either is refused an offer of employment or has an offer withdrawn as a result of inaccurate information or opinion contained in a reference, the applicant may have a claim against the provider of the reference in respect of any loss that he or she has suffered as a result.
- 5.6 These duties of care mean that although there is no requirement for a reference to be full and comprehensive:
  - any information provided in a reference must be accurate and factual,
  - reasonable care must be taken not to give misleading information,

- a reference must be fair to the individual and not misleading on account of the selective provision of information or as a result of the inclusion of facts and opinions stated in a manner that may give rise to a false or mistaken conclusion by the recipient.

## **Procedure: Providing references for current or former students**

### **6.0 Who should provide a reference?**

- 6.1 Normally, the person providing the reference for a student (or former student) would be a member of academic staff in the School who knows/knew the student, for example, their Academic Adviser/supervisor or Programme Director. (In most cases, this would be the student's Academic Adviser, so students should send their requests for a reference to their Academic Adviser in the first instance. [The Policy on Advising](#) states that writing student references is part of an Academic Adviser's role.)
- 6.2 Schools should make clear to all students whether they can assume their Academic Adviser, or other appropriate member of staff, will normally 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 should be provided, for example, in the Programme Handbook and on the School intranet (where relevant).
- 6.3 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.
- 6.4 Should members of staff be in doubt as to whether they are authorised to provide a reference, they should consult with their Head of School Teaching, Learning and Student Experience to obtain the correct advice before taking any further action.
- 6.5 Staff members are free to provide references in a private capacity, but it must be made clear in the reference that the reference is personal and not provided as a formal University reference. University headed notepaper/email should not be used for such references and staff members should not use their University job title for such a reference. (Please see 'In what format should references be provided?' for details of how formal references provided on behalf of the University should be produced.)

### **7.0 What information should be included?**

- 7.1 Staff members providing references should only include information relevant to the post or further study opportunity which the student has applied for.
- 7.2 The reference may include both facts and opinions, and a clear distinction should be made between them. It is the responsibility of the author of the reference to ensure that the information provided is true, accurate, fair and not misleading. Any comment on an individual's performance or conduct must be factual and objective.
- 7.3 Referees should ensure that their opinions are clearly stated as opinions, are based on facts known to them, and that they 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 preferable to “X will be a success in the post of ...”

7.4 It is important that fact and opinion are not confused; for example, “on her performance to date, I would be surprised if X did not get a first class degree” is clearly an opinion; while “she will get a first class degree” suggests that the method of classification for Honours is such that the issue is without doubt and is therefore a fact.

7.5 Staff members should take particular care when they are asked for a reference for a student who is not known to them (for example, if the student’s Academic Adviser is absent or has left the University). Referees should not give an opinion which is not their 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.

7.6 There may be issues on which staff members are asked to express an opinion on which they have limited knowledge, e.g. honesty and integrity. In such cases, referees may have to say, for example, “I know of nothing that would lead me to question X’s honesty”. (See also section 11 on ‘How should difficult cases be dealt with?’)

7.7 Referees should ensure that they do not supply any 'special category data' without the written permission of the student. General Data Protection Regulation (GDPR) requirements and the Data Protection Act 2018 provide definitions of such 'special category data', which includes references to a subject's:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetic data
- biometric data (where used for ID purposes)
- health
- sex life
- sexual orientation

7.8 Referees should ensure that they avoid gendered references, e.g. by refraining from using gender stereotypes or descriptions as part of their reference.

## **8.0 In what format should references be provided?**

8.1 References should normally be either provided by email, accompanied by an official University staff email signature or, if provided in hard copy, be written on University headed paper.

8.2 If references are provided by email, referees must use a format which is not easily subsequently edited – e.g. portable document format (pdf) and the document **MUST** be password protected. The password to open the document **MUST** be sent in a separate

email.

- 8.3 References should always be marked 'private and confidential – addressee only' and particular care should be taken if sending by e-mail that they are directed to the correct person.
- 8.4 Wherever possible, referees should avoid providing references by telephone or orally, to avoid any possible confusion or misinterpretation. If providing a reference over the telephone is unavoidable then it is good practice to confirm what was said via email or letter to ensure there is a record.
- 8.5 Reference requests by telephone may be more likely in cases where a student is applying for short-term, casual work. In these cases, it is advisable that staff members suggest that they will email their response within a given time period rather than providing comments orally (please also see next paragraph). Employers may require a very quick response to such reference requests and delays could result in the candidate losing the opportunity.
- 8.6 For reference requests that seek purely to confirm basic facts about a student (which may be more likely for short-term, casual work), please see paragraph 3.2 regarding the Basic Student Reference Request form. This form can be used to confirm factual details in writing/electronically, rather than providing confirmation of students' registration/dates of study, etc. over the telephone.

#### **9.0 What is the expected response time for providing references?**

- 9.1 Requests for references should be treated with urgency and responded to within 10 working days if possible. In cases where it is necessary to gather evidence or that might require a case meeting prior to writing a reference, the student should be kept informed at weekly intervals of progress, and the likely timescale of the reference being prepared.

#### **10.0 Who should see the reference?**

- 10.1 The subject of a reference may request access to the content of the reference at some stage so referees should ensure that they only include comments on an individual's performance that they would be happy for the student to view. It is recommended that referees show the reference to the student (or former student) before it is finalised and sent. It is also good practice to check a reference with another colleague who has had dealings with the student, before a reference is finalised.

#### **11.0 How should difficult cases be dealt with?**

- 11.1 If a staff member is asked to provide a reference but feels that they are unable to do so, they are free to tell the student but they should provide a clear explanation of the reasons behind their decision. Refusal to give a reference could suggest that the proposed referee has a negative opinion of the student.
- 11.2 In cases where the student has been, or is currently, in bad standing with the university, e.g. if there have been disciplinary or financial issues, care should be taken in any reference provided. Referees should avoid explicitly mentioning the issue unless their view is that it is directly relevant to the job or course the student is applying for. If

the prospective job or course entails significant levels of responsibility and personal integrity, it may be necessary to disclose it.

## **12.0 Should a disclaimer be included in references?**

12.1 The following disclaimer should be included in any reference\* making it clear that, while the information provided is accurate to the best of the University's knowledge, the University cannot accept any liability for errors or omissions in the content of the reference or any decisions based upon it:

*"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."*

12.2 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.

## **12.3 How should records of references be kept (as well as the data that is used to provide them)?**

12.4 The content of student references will normally include personal data and so must be kept securely. A copy should be stored in a secure location by the referee and will be subject to the University Records Retention Schedule. This states that *most student data should be kept for 6 years after the student's relationship with the University has ended*.

12.5 Staff members should ensure that student data is *not retained* for longer than this 6 year retention period in order to provide future references. This breaks Data Protection principles and the privacy notice which is provided to students. Following 6 years after a student has left the University, the only records retained for them should be the formal academic transcript so any references provided after this time should be based on this transcript alone.

12.6 When it is time to dispose of a reference, this should be done by following confidential waste disposal procedures. (Please contact the University's [Information Governance Office](#) for further details on these specific issues.)

12.7 \*Some reference requests may consist of the referee ticking boxes online so it would be more difficult to save the reference and to keep on file, or to include a disclaimer. In these cases, it is recommended that staff members should include the disclaimer text if there is a box that could accommodate it (some online references contain a box for any other comments). In terms of keeping a record, it is advised that referees either take/save a screen print(s) of some or all of the online form; copy, paste and save the text; or keep a log of the name of the student, the company/organisation the reference is for and the date completed. This should then be saved in a secure location by the referee (see also 13.1).

<b>Guidance to Staff Providing References for Students</b>		
<b>Version amendment history</b>		
Version	Date	Reason for change
May 2005	May 2005	Creation and approval by Student Support
October 2013	October 2013	Updated by Student Support
1.0	May 2015	Updated by Student Support
1.1	October 2022	Updated by Teaching and Learning Delivery/ITL/Careers/Senior Advisers Network

<b>Document control box</b>	
Policy/procedure title:	<b>Guidance to Staff Providing References for Students</b>
Date approved:	October 2022
Approving body:	TLSG
Implementation date:	October 2022
Version:	2.0
Supersedes:	Version 1.0, May 2015
Previous review dates:	2015, 2013, 2005
Next review date:	October 2026
Related Statutes, Ordinances, General Regulations	N/A
Related Policies:	<a href="#">Policy on Providing Employment References for Employees/Former Employees</a> <a href="#">University Data Protection Policy</a>
Related Procedures and Guidance:	<a href="#">University Records Retention Schedule</a> <a href="#">Information Governance Framework Principles</a> <a href="#">Careers Service information for students about references</a> <a href="#">Advising Toolkit</a>
Policy owner:	Head of Student and Academic Services (SAS)
Lead contact:	Teaching and Learning Manager (Policy), Teaching and Learning Delivery Team, Division of Student and Academic Services  <i>For any queries or questions relating to this document, please direct your email to <a href="mailto:teaching-policy@manchester.ac.uk">teaching-policy@manchester.ac.uk</a></i>