



# GUIDANCE ON PROVIDING STUDENT REFERENCES

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## 1. INTRODUCTION

- 1.1 There is a reasonable expectation that senior staff will provide a reference for students whose careers they are in a position to influence, and they have a moral obligation – both to students, and their future employers or institutions – as well as legal duty to get it right.
- 1.2 Giving a reference involves disclosure of personal data in the form of facts and opinions about the data subject. As such, it must be consistent with data protection law, namely: **fair, accurate and adequate** in how those facts and opinions are recorded. Both the School and the individual author of a reference may be liable in damages, if it is deemed that they have been negligent in writing the reference and either the recipient or the subject of the reference suffers loss as a result. Referees therefore have a responsibility to take care about what they say in references to ensure that they are factually accurate, fair and reasonable, and that they do not give a misleading impression overall.
- 1.3 The referee needs to ensure where possible, that the individual to whom the request for the reference relates has given his or her consent to the reference being provided. Do not disclose any information if asked to give an unsolicited reference (both written and verbal) e.g. for a person who has not, to your knowledge, cited your name as a referee. Disclosure in the form of a reference should only be made following either confirmation of the identity of both the data subject and the requester, or on specific request of the data subject.
- 1.4 Whilst data protection law – meaning both the GDPR and the Data Protection Act 2018 – gives data subjects a general right of access to their personal data, it also provides for various exemptions from such rights. One of these is in relation to confidential references. However, this exemption cannot always be relied on, and is far more easily challenged when the receiving party seeks to rely on it. It is therefore always proper practice to write references on the basis that, if the subject were to see it, they could not have cause for reasonable complaint.

## 2. AUTHORSHIP

- 2.1 Student references may be given by any member of academic staff who has academic contact with the student and whose reference is concerned solely with that contact. Programme Directors or Personal only be able to comment on performance on the project. The reference should always state in what capacity the student is known to the author.
- 2.2 Requests of a factual nature, concerning dates of attendance, confirmation of status, marks and awards received, typically received from banks, letting agents and council tax offices, should be directed to Registry/DL Office.

## 3. CONTENT

- 3.1 When writing a reference, bear in mind that the subject of the reference may have a right to see it on request – either because it cannot be shown that it was written in confidence, or because the receiving party cannot rely on the exemption.
- 3.2 When giving references, the referee should only include information that is known to them or which they have verified. All factual information should be able to be substantiated if queried. The author should not include any facts of which they are unsure - if in doubt, leave them out. Where opinions about a person's suitability are disclosed, every referee should be prepared to stand by any comments made and defend or justify them on reasonable grounds. Statements should not be made which the writer is not qualified to make, or which are based on hearsay.
- 3.3 As subject of discussion with him/her should be included. Careful distinction should be made between statements of fact and statements of opinion (for example predictions of future career progress). Where an opinion is offered, the reasoning for such a view should be made clear. If challenged, the author would need to provide evidence to support their view.





## 6. COMPLAINTS

6.1 Should allegations be made that a reference is negligent or defamatory, the matter should be immediately referred to the Head of Registry. Any act that might prejudice a defence to a claim, such