

## Summary Guidelines for University staff on providing student references

### 1 INTRODUCTION

Staff are frequently asked to provide references for students to enable them to gain employment or move on to further study. These summary guidelines provide a checklist of relevant considerations for staff when asked to provide a student reference and on the content of references.

In the accompanying supplementary guidance, which should be read alongside this summary, further detail is provided on the relevant considerations for staff, the format and content of academic references, circumstances where special considerations may apply and dealing with other types of reference requests. There is also a note on College policy for student references.

### 2 TYPES OF REFERENCES

A student reference can be requested for a number of purposes including as:

- an academic reference, which is given by the staff member on the University's behalf;
- a personal or character reference, given by the referee (but not on behalf of the University);
- a simple verification of qualifications attained.

As the majority of reference requests the University receives are for academic references, this summary guidance largely concentrates on dealing with references of this type.

### 3 LEGAL CONTEXT

The University has a duty to both a student and their prospective employer / further study provider to take reasonable care in providing a reference and to ensure that this it is **fair, accurate, true and not misleading**.

#### 3.1 Data Protection

References fall within the scope of **data protection legislation** (including UK GDPR and the Data Protection Act 2018) and are subject to the data protection principles under that legislation including, in this context, the need for **a student's consent**.

#### 3.2 Equalities legislation (Equality Act 2010)

Equalities legislation may also be relevant to references and actions taken in response to reference requests. In particular, you must ensure a reference, or any refusal to give a reference, is **not directly or indirectly discriminatory** in relation to any protected characteristics under the legislation.

This summary guidance, and the accompanying supplementary guidance, is designed to assist staff in managing reference requests and to provide practical tips to help provide references and comply with the relevant legal duties and obligations.

### 4 CHECKLIST FOR MANAGING AND RESPONDING TO ACADEMIC REFERENCE REQUESTS

#### 4.1 Before agreeing to provide an academic reference:

- **Ensure you have identified the correct student and that you have the student's consent to provide the reference.** Take particular care where two or more students have similar names. If in doubt, check with the student before information is released.
- Ensure the request is legitimate and clear. Verify the identity of the organisation requesting the reference and check this corresponds with the consent the student has given. Ensure:
  - the reason for the request is clear;
  - the request has been made in writing on the organisation's headed paper;
  - for any email request, that this is in an attachment to the email, on the organisation's headed paper and the sender's email address can be verified;
  - you avoid responding to telephone requests. Ask for the request to be put in writing. (See accompanying supplementary guidance for further detail on dealing with telephone requests).
- Ensure you can respond to legitimate reference requests promptly. If there is likely to be a delay, acknowledge the request and provide a timescale for your response.

#### 4.2 Refusing to give a reference

- Do not refuse a legitimate request for an academic reference where the student's consent has been given.
- In exceptional cases, if a refusal is being considered, care is needed to ensure:
  - any refusal is consistent with the University or College policy on references;
  - it is not discriminatory, and
  - in communicating the refusal, no personal data is provided and no negative inferences can be drawn.

If in doubt seek advice from the Information Governance or Legal Services teams.

#### 4.3 Reference format and context

- Always provide a reference in writing – not verbally or over the phone.
- Only use the University's stamp or headed paper if you are providing a reference on the University's behalf. You must not use these when providing a reference in a personal capacity. Any reference given in a personal capacity must be clear that this is NOT a University reference.
- As a **reference is given in confidence** - always mark it "*private and confidential – for the attention and benefit of the addressee / committee / panel only*"
- Explain the context in which the reference is given and your relationship with the student e.g. course leader, placement supervisor etc.
- If you have limited knowledge or recent knowledge of the student e.g. because they completed their course a number of years ago, include the statement "*to the best of my knowledge and belief.*"

#### 4.4 Reference content

- A reference should be **true, accurate and fair and present a balanced overview of the student. It should not give a misleading or false impression.**
- Distinguish between statements of fact (e.g. relating to past performance) and those of opinion (e.g. relating to potential future performance).
- Ensure any statements of fact are accurate and can be supported with documentary evidence. If in doubt, check.
- Only provide an opinion on an issue which is within your area of professional knowledge and expertise.

- Any opinion should be based on your honest belief.
- Do not undermine or contradict the award(s) the University has given the student.
- If the reference, or part of it, could be regarded as unfavourable or poor, ask a colleague with knowledge of the student to review/check this is fair before it is released.
- If the student might dispute the information in the reference, inform them and give them the opportunity to choose an alternative referee and/or to explain.
- Only include information which is material to the reference request. Do not include trivial or irrelevant details.
- Take **particular care of sensitive information relating to health, sickness, attendance or disciplinary action** if these are requested or are to be included. Please refer to the supplementary guidance on how to deal with these issues, as both data protection and equalities legislation will be relevant. The supplementary guidance also covers dealing with references for Students in Health, Wellbeing and Life Sciences.
- Include the following **disclaimer** in the reference: *"It is standard practice of this University to provide references on the understanding that legal liability is not accepted."*

#### 4.5 Providing the reference

- Follow [guidance](#) available on the DTS sharepoint site on how to encrypt and protect sensitive, confidential or personal data and ensure that the information is provided to the requester securely.

#### 4.6 Retention of references

- A reference must be retained for a minimum period of 1 year after the date of the reference (in case of possible litigation or complaints).

#### 4.7 Disclosure of references

- The data protection legislation exempts a confidential reference from disclosure in response to a subject access request. This applies whether the reference is held by the organisation that has given or received it.
- Nevertheless, there may still be some circumstances where disclosure is required.
- Referees should not assume a reference will remain confidential and will not be seen by the student.
- Never put something in writing in a reference which you would not be willing to defend in Court.

#### 4.8 Claims or complaints

- Never admit liability in relation to a complaint or claim concerning a reference as this may invalidate the University's insurance cover for the claim. Refer the matter to Legal Services.

#### 4.9 Further Guidance

Further guidance on data protection issues is available on the Information Governance sharepoint page: [GDPR / Data protection - staff guidance and help](#) or contact: [dpo@shu.ac.uk](mailto:dpo@shu.ac.uk)

To contact Legal Services email: [SHULegal@shu.ac.uk](mailto:SHULegal@shu.ac.uk) or go to the Legal Services sharepoint page: [Legal Services](#).

Guidelines –

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