

Title: References for students
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## 2Y: References for students

### Introduction

1. The University will provide references, where practicable, for current or former students. References are intended to confirm the student's status within the University and, if applicable, to give the referee's opinion on the subject's suitability for a post and potential for development.
2. The Student Hub is responsible for issuing factual statements of student status with the University (registration and progression/graduation details etc.). Requests for references seeking information beyond a factual statement of student status may be referred to staff within the Schools.
3. Directors of Schools and Directors of Services are responsible for making their staff aware of the policy.
4. The University has a separate policy for references for staff.  
<https://portal.solent.ac.uk/documents/hr/employment-references-for-staff.pdf>

### Referees' responsibilities

5. Staff who give references do so on behalf of the University and not in a personal capacity. A reference given on behalf of the University should be issued on headed paper.
6. Staff should note that they will be personally liable and not covered by university insurance for references they provide on a personal basis and outside this policy and that they should not use university headed paper in these instances. Staff are covered by university insurance for any references that they write on behalf of the University, as long as they have acted responsibly and within the terms of this policy. The author must indicate in the reference how long he or she has known the student and in what capacity. Information about the study and enrolment history of a student should be taken from the official records held by Academic Services. The Student Hub can supply this information, using the records maintained by Academic Services.
7. The author of a reference has a duty of care to the subject and recipient of the reference to ensure that it is accurate, true and fair. An inaccurate reference could lead to an action for negligence from the subject or the recipient of the reference. An untrue statement that disparages the reputation of the individual could lead to an action for libel, with a claim against the University and the individual.

8. References should be sent as swiftly as possible to avoid disadvantaging the subject in the selection process.
9. The University is committed to the promotion of equality and diversity. Referees must take care to avoid any discriminatory comments on the grounds of protected characteristics and in particular should ensure comments relating to performance, attendance or sickness are not discriminatory on grounds of disability.
10. In the event of being challenged over a reference, the referee should not admit liability as this may invalidate the University's insurance policy. The matter should be referred to the Academic Registrar without delay.

### **Provision of the reference**

11. A student may approach the Course Leader or another member of the teaching staff for a reference. A research student may approach the research supervisor. The Director of School has discretion to determine which members of staff will provide references.

### **Guidance on the contents of references**

12. The reference should distinguish between statements of fact and opinion. The referee must be clear about the reasoning for any opinion and be able to produce evidence in case of challenge. It is better, for example, to state that 'I consider X to be well suited for the post for which he/she has applied and am happy to support the application' rather than 'X' will be a success in the post of...' The referee should avoid giving an opinion on matters about which he or she has limited knowledge e.g. the honesty or integrity of the student. It may be advisable just to state 'I know nothing that would lead me to question X's honesty or integrity.'
13. The reference should state the course of study followed by the subject, including start and finishing dates (month and year) and the final qualification obtained, including the classification. This information can be taken from the student record held by Academic Services. The Student Hub can supply this information, using the records maintained by Academic Services.
14. Mark the reference as 'private and confidential' and include the disclaimer statement detailed in paragraph 17 below.
15. The reference should not include any details of the subject's personal circumstances, including health, disability or family circumstances, unless the subject has given explicit written consent to the referee: the referee should retain evidence of that consent in case of challenge.
16. The reference should not include any information which cannot be made available to the subject (see paragraphs 19-22 below).

### **Disclaimer statement**

17. The reference must contain the following disclaimer in the final paragraph:

**“This reference is strictly confidential and is provided to you only in connection with [NAME and PURPOSE/REASON FOR REQUEST] and should only be used for that purpose. This information is given in good faith in the belief that it is true and accurate. The information is given without legal liability on the part of the University: recipients of university references should be**

**aware that every effort is made to ensure the accuracy of information but the recipients should rely on their own procedures to follow up any further queries regarding the suitability of candidates for employment or a place on a course of study. The University provides references to a standard format and will not provide references to other formats.'**

18. Referees should, however, bear in mind that there is no guarantee that the disclaimer statement will not be open to successful legal challenge. Any member of staff who receives a challenge to the content of a reference should consult the Academic Registrar without delay.

### **Confidentiality, disclosure and the Data Protection Act 1998**

19. Authors should mark their references 'private and confidential both to the subject of the reference and to the recipient.
20. Confidential references provided by the University are exempt from subject access requests under the Data Protection Act when those references relate to education, training or employment of the data subject, appointment of the data subject to any office and the provision by the data subject of any service. The University may refuse to release confidential references although such refusals are open to challenge in the court and the University may, in any case, decide to release all or part of a confidential reference.
21. The recipient of the reference does not have an exemption from subject access requests and is liable to disclose references in response to a subject access request.
22. The University and the recipient of the reference are both liable to the requirement to disclose a reference under some circumstances, including, for example, a request for disclosure from an employment tribunal for a court dealing with a negligence or a defamation case. Referees should refer any requests for information to the Academic Registrar for consideration by the University's lawyers.

### **References received by the University (third party references)**

23. Confidential references received by the University are not exempt from the right of access but the University will have regard to the data privacy rights of the referee. Any subject access requests should be referred to the University Data Protection Officer (presently the Information Management and Compliance Officer): email [freedom.information@solent.ac.uk](mailto:freedom.information@solent.ac.uk). The University need not provide information from a confidential reference in response to a data subject request if the release of that information would identify an individual referee unless:
  - the identity of the referee can be protected by anonymising the information;
  - the referee has given his/her consent, or;
  - it is reasonable in all the circumstances to release the information without consent;
  - where a confidential reference would disclose the identity of an organisation as referee, but not an identifiable individual, disclosure will not breach data privacy rights.
24. The University will normally, however, release references on a Data Protection request for access. The University will try to obtain consent from the referee before disclosing information in response to a subject access request. The University, acting through the Information Management and Compliance Officer, will give reasons for any decision to

decline the release of information from a reference in response to a data subject request.

### **References internal to the University**

25. A reference may be provided by a school or service of the University to another school or department. The procedure for third party references will apply in this case (paragraphs 23-24).

### **Telephone or verbal references**

26. Referees should refuse requests for oral or telephone references since information given in this way may be misinterpreted.

### **Unsolicited references**

27. It is generally inadvisable to provide unsolicited references addressed 'To whom it may concern'. If, exceptionally, such references are provided, they should be limited to factual statements such as dates of the student's registration, course of study, and, if relevant, date and title of award. Such references will be issued by the Student Hub.

### **Declining to provide a reference**

28. The University will normally provide references for students. If any member of staff has any concerns about writing a reference for a current or past student, he/she should contact the Academic Registrar. The University may, for example, decline to issue a reference when the subject has an outstanding fee debt or on the basis that the subject left too long ago or that there is insufficient information because the subject did not complete the course of study. A brief factual statement may be provided where there is insufficient information to enable the provision of a full reference: In that case, the subject should be advised to contact alternative referees on future occasion, noting that the decision not to issue a reference results from a lack of information rather than any negative reason. A note should be made on the student's record of any exceptional instance where a reference is declined, including the reasons.

### **Criminal and disciplinary records**

29. Referees should not mention spent criminal convictions (under the Rehabilitation of Offenders Act 1974). Any query should be referred to the Academic Registrar. The Academic Registrar should be consulted about whether or how to mention in a reference any completed or pending internal disciplinary proceedings.

### **Retention of references**

30. Once references are completed, they should be retained in line with the requirements of the University record retention policy.