

GUIDANCE ON PREPARING STUDENT REFERENCES

1 Introduction

The University offers a vital service to students, employers and other educational establishments by the provision of accurate, timely and balanced references. References may be drafted by a range of staff, but the responsibility often falls to the Academic Adviser, and this document aims to provide guidance for these colleagues, should they receive such a request for a reference for one of their students, including those in the form of electronic 'tick box' questionnaires.

This guidance on the scope and format of references takes into account the provisions of relevant data protection legislation, in particular the use of sensitive personal data; and is informed by our obligation to enable students to succeed in and beyond higher education, as articulated in the Office for Students' conditions of registration for HE providers.

1.1 Reference requests

- 1.1.1. Reference requests will be processed for students who have completed a programme of study at the University which led to a designated qualification, or who have been awarded credit without completing a full qualification, within the past 4 years for undergraduate and taught postgraduate students, or 10 years for research degree students.
- 1.1.2. If a request for a reference is received for a former student which falls outside the time periods given above, the reference will be restricted to matters of fact, such as duration of the course or programme, and confirmation of results. More detailed references may be produced, despite the passage of time, if an academic adviser has access to sufficient information.
- 1.1.3. References will be drafted within a reasonable time following receipt of a written request. This will normally be 28 days from the date of the written request. In circumstances when a student requires a reference urgently, the member of academic staff and the student will come to an agreement about a reasonable time scale.
- 1.1.4. Faculties may determine the precise administrative process for students to request a reference but, in any event, the student handbook should include advice on the most appropriate members of staff available to provide references, together with an indication of the expected timescale, which should be consistently applied.

1.2 Refusing a reference request

- 1.2.1. On rare occasions, it is possible that a member of staff may feel unable to write a reference and may wish to refuse to do so. The reasons for such a refusal might originate from a personal connection with the student, a dispute which has not manifested itself into a complaint, a conflict of interest, or a lack of knowledge about the student. Such a refusal is

only permitted following agreement with the relevant Pro Vice-Chancellor/Dean of Faculty, or their nominee, and an alternative referee will be sought.

- 1.2.2. If a reference is refused for acceptable reasons and it is not appropriate or possible for an alternative referee to be appointed, the person or organisation requesting the reference will be informed, while ensuring that no negative assumptions can be made arising from the refusal, or any personal data released. Students will be informed of the refusal, with the reasons given.

1.3 Drafting a reference

- 1.3.1. References should be prepared by members of the academic staff who have personal knowledge of the student concerned and are able to write a reference in line with the Academic Guidance framework. In cases when the member of staff previously designated as a referee has left the University, an alternative suitable member of staff will provide a reference.
- 1.3.2. Staff who have been the subject of a complaint by a particular student may not act as a referee for that student. In such circumstances an alternative referee will be appointed and the student informed of the change and the reasons for the change.
- 1.3.3. References should only be provided to named individuals or departments within specific organisations. Testimonials or references headed 'To whom it may concern' are not permitted.
- 1.3.4. Telephone references are only acceptable when the telephone reference is supplementary to, or confirmation of, an official written reference; and should only be carried out with the consent of the student concerned. The identity of the caller must be confirmed to the satisfaction of the member of staff and a written record of the telephone conversation should be kept. Unless explicit consent has been received by the student, the referee has the right to refuse to answer questions which might relate to the definition of 'sensitive personal data' as follows:
 - i. racial or ethnic origin
 - ii. political opinions
 - iii. religious beliefs
 - iv. trades union activities
 - v. physical or mental; health
 - vi. sexual life
 - vii. details of criminal offences
- 1.3.5. To ensure that the reference, written or oral (supplementary), complies with data protection legislation, referees must ensure that there is a clear distinction between opinion and fact. For example, an opinion might be that a student was expected to achieve a certain level of performance. A fact would be the actual marks achieved.
- 1.3.6. Referees may not express opinions or cite facts when they are not qualified to do so. If a referee is unable to substantiate an opinion, or perceived fact, the limitation shall be noted within the reference and the student informed.
- 1.3.7. The University takes the view that references will be subject to disclosure under data protection legislation, should a student make a Subject Access Request. References should therefore be drafted on the basis that students will be given full access to them.
- 1.3.8. In circumstances when students ask a member of staff to provide a personal character reference as a friend, rather than in their capacity as a member of the University academic staff, the status of the referee must be made clear within the body of the reference itself. Personal references must not be produced on University headed templates.

- 1.3.9. Information on students who have been subject to disciplinary action and issued with a penalty specifying that the student's disciplinary record may be referred to in confidential references are held on file in the Faculty and/or ASA records. Tutors preparing references should therefore consult the relevant file and, when appropriate, refer to the disciplinary offence in the reference.
- 1.3.10. Student conduct penalties not subject to disclosure, but nevertheless recorded within the student file, should not normally be referred to within the reference. An exception to this rule is in instances when reference requests are received from students studying programmes governed by professional codes of conduct determined by statutory bodies, such as the Nursing and Midwifery Council. The University's duty of care to patients and other vulnerable groups is paramount in these circumstances and references will be drafted to incorporate matters of concern which may, in the judgement of the relevant Faculty, be serious enough to compromise the safety of vulnerable people.

1.4 Retention

- 1.4.1. References should be retained by Faculties for a minimum period of four years following the student's departure from the University, although a longer minimum period may be applied to references for research students, at the discretion of the Faculty (up to a maximum retention period, for all references, of ten years). References should be stored securely either electronically and/or on paper by the Faculty office with a record of the date of the request, the author of the reference, and an on-going record of the organisation/s or individual/s to which the reference was sent.
- 1.4.2. References must remain relevant and accurate. In circumstances where references are retained for longer than the period specified, Faculties must ensure that the references are not routinely re-issued without scrutiny from the original author or, where appropriate, another member of staff competent to make a judgement on the reference.

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