

GUIDELINES ON PREPARING REFERENCES

February 2022

Contents

Summary	4
What is this document about?	4
Who is this for?	4
How does the University check this is followed?.....	4
Who can you contact if you have any queries about this document?	4
Executive summary	4
Policy.....	5
1. Accuracy and Evidence	5
2. Duty of Care.....	5
3. Permission	5
4. Spoken References	6
5. Online References	6
6. Access	6
7. Storage	6
8. Insurance.....	6
9. Departmental Policies	7

Document title		
Guidelines on Preparing References		
Document author and department		
Samantha Hill and Sarah Arnold, Corporate Governance		
Approving body		
Executive Director of Corporate Governance		
Date of approval		
February 2022		
Review date		
February 2025		
Edition no.		
5		
ID Code		
101		
Date of effect		
February 2022		
EITHER For public access online (internet)		YES
For public access on request copy to be mailed		YES
Password protected		NO
<p>External queries relating to the document to be referred in the first instance to the Corporate Governance team: email corporate-governance@port.ac.uk</p> <p>If you need this document in an alternative format, please email corporate.communications@port.ac.uk</p>		

The latest version of this document is always to be found at:

<http://policies.docstore.port.ac.uk/policy-101.pdf>

Summary

What is this document about?

This document gives advice and guidance to those being asked to provide references for both staff and students, to help them to do so appropriately and legally.

Who is this for?

For staff of the University of Portsmouth. Students may also find the policy of help in understanding what may be included in references.

How does the University check this is followed?

The Guidelines are made known to staff through the Staff Essentials webpages and also promoted to staff through departmental meetings. Corporate Governance will prompt a reminder on an annual basis.

Who can you contact if you have any queries about this document?

Any questions should be referred in the first instance to Samantha Hill, Information Disclosure and Complaints Manager, at samantha.hill@port.ac.uk or extension 3462.

Executive summary

- A reference must be accurate and supported by evidence.
- A referee has a duty of care to both the subject of the reference and the recipient.
- Spoken references should be given as carefully as those in writing.
- Always assume that a reference will be accessible to the subject.

Policy

1. Accuracy and Evidence

The purpose of a reference is to confirm facts and provide opinions concerning a person's suitability for a position or course. The information provided in a reference must be accurate, and there must be a clear distinction between facts and opinions; make sure all the statements can be supported by evidence.

2. Duty of Care

The author of a reference owes a duty of care to both the subject of the reference and the recipient, to provide accurate information, and may be liable for damages if loss is caused to either party through negligent misrepresentation. Be fair to both the subject and the recipient. If you consider that it is necessary to disclose negative information – such as a sickness record – (because, for example, it is of direct relevance to the post), you should either obtain written consent to do so from the individual about whom the reference is sought, or suggest that the person requiring the reference obtains the information directly from the subject.

You may also decide to decline to act as a referee. You are not obliged to provide a reference if you feel it would be inappropriate, or you cannot provide a fair reference.

3. Permission

Under the Data Protection Act 2018 and the General Data Protection Regulation, personal data must not be disclosed to a third party without the permission of the individual to whom the information relates. You should not therefore respond to a request for a reference without first checking whether the member of staff or student wishes you to do so. An exception to this would be if the request is accompanied by a form signed by the individual agreeing to the release of information.

Under no circumstances can any special category data be disclosed without written consent. Special category data is defined as personal data relating to:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic and biometric data processed for the purpose of identifying an individual
- physical or mental health
- sexual life or sexual orientation
- criminal convictions or offences.

Before providing any response relating to work permits or the visa status of students, please contact the University's Global Office or the Principal UKVI Compliance Manager for advice.

4. Spoken References

Ideally spoken references should not be provided, since the information may be recorded inaccurately. If it appears to be in the subject's best interests to respond by telephone, you must provide the reference as carefully as a written response. Callers should be asked for their number and told that their call will be returned in order to allow you time to consider your response (and to confirm the identity of the caller). As soon as possible following the call, you should confirm in writing the information that you have supplied.

5. Online References

As long as the request to provide an online reference comes from the subject and the reference provided is clearly dated, then this should be little different from providing a standard reference. Wherever possible, the referee should obtain a print out or screen capture of their finished reference, as it appears on the site.

When providing an electronic reference (be it on LinkedIn, Internet job sites or even a company's own e-recruitment site), the text of the reference should be prepared beforehand in MS Word and then copied across. Not only will this save time, and guard against time out and server issues, but it will also provide you with a draft copy of the reference you have submitted, in case the website does not provide you with the opportunity to obtain a copy of your finished reference.

6. Access

Whenever you write a reference it is always best to assume that the subject of the reference may see it and to bear this in mind when drafting the reference. Whilst the data protection legislation no longer requires you to provide an individual with a copy of a reference if they request it, you may choose to disclose it in any case. If you have received the reference from another party, it is always best practice to check that the referee is happy for the reference to be disclosed on a voluntary basis before releasing it. You may also choose to remove the need for individuals to request access to their references by supplying them with copies directly.

7. Storage

A copy of the reference should be placed in the relevant staff or student file. (For further guidance see sections 6.2.2 and 11.5 respectively of the University Retention Schedule, available at www.port.ac.uk/records.)

8. Insurance

If you are challenged over a reference you have given for a student or member of staff, refer the matter to the Executive Director of Corporate Governance as soon as possible without comment. It is vital that you make no comment that can be construed as admitting liability, as this may invalidate the University's insurance. The University has insurance which covers references written by members of staff in the context of their employment. It does not cover individuals acting in their private capacity (for example, in the case of a character reference written on behalf of a friend or neighbour). Please be aware that if you provide a discriminatory reference for a student or employee, you will not be covered by the University's insurance and could be held personally liable. A discriminatory reference is one which is deliberately inaccurate or misleading.

9. Departmental Policies

Any departmental policy on references should be made clear to students: i.e. whether they can assume that their tutors will automatically provide references if their names are cited in applications, or whether they should first be approached for permission. Similarly, it should be made clear to staff whether line managers will automatically write references or must be asked directly. If you consider that it is not appropriate to act as a referee for a particular student or employee, you should suggest that the individual approaches another member of staff who may be better placed to assist.

University of Portsmouth
Corporate Governance
University House
Winston Churchill Avenue
Portsmouth PO1 2UP
United Kingdom

T: +44 (0)23 9284 3195
E: corporate-governance@port.ac.uk
W: www.port.ac.uk