

# Writing References

**This leaflet** is intended to meet the needs of tutors in the higher education sector who are asked to provide references for current and past students.

## GENERAL PRINCIPLES

### *The purpose of references*

References offer an employer the opportunity to verify statements made in an application form or at an interview. They also provide a relevant opinion that can be used, together with other measurements in the selection procedure, when assessing a candidate's suitability.

Sceptics suggest that most people can find someone who will say complimentary things about them. However, despite mixed views about the importance of references in the selection process, employers usually seek them.

Employers contact academics to pursue references at various stages of the selection process. For example, public sector employers may request references even before offering a first interview. A limited number of employers may use references as a deciding factor for a second interview, whereas other employers will only request references for those candidates to whom they have already made offers.

### *Who should provide the reference?*

The referee should preferably be a tutor who has had significant involvement in the teaching or welfare of the student. However, this may not be possible, in which case a senior member of staff should produce a factual reference, using opinion only when it is supported by material on file.

### *Some dos and don'ts*

#### **Do...**

- Encourage contact from students and at some stage, perhaps in a dedicated tutorial, raise the issue of how you propose to deal with references.
- Suggest students keep you informed of jobs and courses they are applying for until they no longer require a reference from you.
- Encourage students to keep their CVs up to date.
- Set up a reference template (covering a few key points) on a PC. If a student requires more than one reference this can be modified as appropriate. For more information about the skills that employers are typically looking for, see *Employability Skills and Personal Development Planning: A Resource for Academic Staff* (one of the four leaflets in this series) at [www.careers.lon.ac.uk/files/pdf/CEP\\_A\\_EmployabilitySkills.pdf](http://www.careers.lon.ac.uk/files/pdf/CEP_A_EmployabilitySkills.pdf)
- Store references in a confidential location and for as long as is appropriate depending on your relationship with the student. Refer to the Data Protection Act and any college policies for more information.
- Aim to respond to reference requests as quickly as possible.

- Give the reference, where possible, in the manner it was requested from the employer. Often this will take the form of a series of questions and will usually amount to no more than one side of word-processed A4 paper. Rarely, you may be asked to hand write the reference.
- If you receive a standard pro-forma that is inappropriate, ask for clarification or use your own format.
- If you are unsure about your level of knowledge about the student, use phrases such as 'to the best of my knowledge' or 'it is my belief'.
- Stick to the facts - ensure that all your comments can be supported by hard evidence such as exam results.
- Aim to make only positive points. If there are clear areas of concern, these should have been raised previously with the individual and formally documented.
- Try to verify that the reference is requested by a legitimate company. The student should already have warned you of its arrival; if not, double-check with the student.

#### **Don't...**

- Delay in responding to reference requests.
- Write ambiguous or 'coded' references - even when tempted to do so. Always try to be fair to the student and the employer.
- Write a defamatory reference. This may be classed as defamation of character and lead to litigation.
- Substitute a telephone reference for a written one if the latter is requested. Consider faxing or emailing a reference instead. That way, you will have a written record of what you have said.
- Write detailed references for some candidates and give sparse details for others. Legal action can be taken if there is inconsistency in procedures.
- Refuse to supply a reference without giving very clear reasons to the employer. Simple refusal implies a negative opinion.

## STYLES OF REFERENCES

### *Prepared form (or pro-forma)*

The length of the pro-forma and the amount of detail it seeks varies enormously from one employer to another.

- Some employers provide a detailed three-to-four page questionnaire asking for comments on the candidate's academic ability, positions of responsibility and participation in community life.
- Other pro-formae ask specific questions, mainly to verify the information the candidate has already given. For example, *Please give the dates on which the candidate entered and left university.* This is usually followed with a more general question inviting comments such as *Please give your impression of his/her ability, character and personality.*
- Some employers have a one-page questionnaire inviting referees to respond to a scale of above average, average and below average in areas such as academic performance and social orientation.

The advantage of prepared forms is that they are clearly laid out and the information the employer is seeking can be readily ascertained. It is quite a popular method of requesting references and one to which it is relatively straightforward to respond. Most pro-formae are one or two pages in length.

#### ***Pro-forma detachable from students application form***

Some employers have application forms where the reference request is a detachable pro-forma at the end. This method is more common in applications for postgraduate courses, eg the Postgraduate Certificate of Education (PGCE) application form. The student must complete his/her part of the form and then pass it on to their academic referee. The confidential part of the form may ask for the candidate's predicted degree result and comments on a series of factors such as breadth of interest in professional matters and future career potential. As the student is aware of the questions being asked, they may wish to discuss the form with you.

#### ***General letter***

Letters vary in the complexity of the information they request.

- Some letters are fairly specific, such as the following example from a firm of chartered accountants: *'I should be most grateful if you would send me a frank, confidential report on this candidate covering the following points:'* Thereafter, the letter lists four points requesting comments on the student's determination and commitment; attainments at university; expected degree result; and finally, any other comments felt to be relevant to the application.
- Some employers enclose a job description or person specification and ask the referee to comment on how closely the candidate matches those requirements.
- Other letters are deliberately left much more open ended. Often, the only guide given is a sentence similar to *'I would be pleased if you would let me have, in confidence, your comments on the candidates general character and ability'*. If the request for information is too vague, don't hesitate to contact the employer for further details about the nature of the job/course, etc.

#### ***Telephone conversation***

Be wary of giving a telephone reference as verbal references may be misheard or misinterpreted and you will have no written record of the conversation. If a telephone reference is requested, ensure that it is followed up with hard copy as this will allow both parties to agree on what was discussed.

- Some employers telephone referees direct in order to obtain a more complete view of a candidate. Typically, the employer will use a questionnaire and checklist in response to the referee's comments. Ask to be sent a copy of this for your records.
- Many employers will follow up the receipt of a written reference with a telephone call to clarify any ambiguous or problem areas.

#### ***Open testimonial***

Although not common practice in the UK, some overseas students may request an open letter of

reference for general use on return to their home country. The content of the letter is entirely for the referee to decide, but may cover points such as how long you have known the applicant, the start and finish dates of their course, something about their general attitude, commitment and motivation to their studies, whether they participated in any extra-curricular activities (to your knowledge), and what skillset you believe them to have.

#### **LEGAL BACKGROUND**

Given below are two case studies. Encouragingly, neither of them have an academic context, but they represent some of the issues involved in writing employment references and have been included for your information

Potential employers prefer to make job offers only on the condition that satisfactory references are obtained. Should these references prove unsatisfactory, then the conditional offer of employment can be withdrawn without the employer being in breach of contract with the candidate.

Whereas no individual can be required to provide a reference, should they decide to give one there is an obligation to use due care in its preparation. A reference must be based on accurate information to the extent that should the employer or the subject of the reference suffer as a result of negligence on behalf of the referee, then either party is free to sue that referee for negligence for a civil action in the courts. A reference must not be negligent or misleading by any omission. Additionally, a referee may be subjected to a civil action for defamation or malicious falsehood if the subject of the reference is defamed orally or in writing, or suffers a financial loss because the contents of the reference were knowingly untrue and given with malice intended.

Any information provided as part of an employment reference should be treated as confidential. The candidate does not, have the right to view the reference or receive a copy, even if the reference proves to be unsatisfactory and leads to the job offer being withdrawn (subject to the requirements of the Data Protection Act 1998 for candidate access).

There may be greater possibility (via broadening access to HE), that a student or graduate applicant for a reference has a spent conviction. Certain types of work are exempted from the Rehabilitation of Offenders Act 1974 and in these cases, it is permissible for employers to point this out and request information on the spent convictions of job candidates.

**Reference Case 1 - negligence - duty of care to former employee**

An ex-employee of Guardian Royal Exchange (GRE) applied to work for Scottish Amicable. In accordance with the rules governing businesses of this nature, (the LAUTRO rules) the individual was required to obtain references from the previous employer, in specific terms.

The reference which was provided by GRE was not favourable and included allegations, which were so serious that the prospective employers refused to offer employment to the individual. The ex-employee then sued for damages on the basis that GRE had breached its duty of care and had been negligent. The Court of Appeal confirmed that it was unwilling to extend the law of negligence to include a duty of care to be owed by the subject of a reference. The subject had actions which already existed in law to sue for defamation. The ex-employee appealed to the House of Lords.

The House of Lords, reversing the Court of Appeals decision, held that employers are under a duty to take reasonable care, when giving references concerning former employees. Breach of that duty, leading to the employee suffering a loss as a result, could render the employer liable to pay damages.

**Spring v Guardian Assurance plc & others, 1994**

**Reference Case 2 - negligence - duty to give a reference which is true accurate and fair**

The employee was suspended pending investigations into alleged financial irregularities. The employee responded by issuing proceedings at the employment tribunal alleging racial discrimination. This complaint was subsequently withdrawn on the employee agreeing to accept voluntary severance and on the employer confirming that on termination of employment disciplinary proceedings had come to an end. The employee sought new employment and his former employer was approached for a reference. The reference provided stated that, at the time of his departure, he was suspended from work on a charge of gross misconduct and that disciplinary action had commenced though had lapsed on his departure. The employee claimed that the former employer was in breach of its duty of care in providing a reference which, though factually correct, was unfair. His claim was dismissed by the County Court.

On appeal, the Court of Appeal held that an employer is under a duty to provide a reference, which is in substance true, accurate and fair. In this respect, a reference must not give an unfair or misleading impression overall, even if its discrete components are factually correct. However, in this case, it could not be said that the reference was as a whole unfair, inaccurate and false. The employee's complaint was therefore dismissed.

**Bartholomew v London Borough of Hackney, 1999**

In this section, substantial reference has been made to *Croners Employment Law*, Croner, 1989.

**EXAMPLE LETTER OF REFERENCE**

Dear Mr Smith,

**Re: Andrea Blank (BSc Biology 2009)**

I knew Andrea from October 2006 to June 2009 in my capacity as Lecturer and Tutor in the Department of Biology at King James College. During that time, she was an intelligent and conscientious student who consistently produced good work.

Her examination performance, course work and contribution to class discussion displayed her ability to integrate material and reflect a thoughtful and perceptive analysis of both conceptual and practical problems.

During her undergraduate studies Andrea displayed a wide range of interests. She took courses in Embryology and Microbiology and, in her final year, selected options in Parasitology, Neurobiology and Hydrobiology. Her work on her final year project demonstrated an ability to deal with the methodological and practical problems of research.

Andrea has an engaging personality and an outgoing manner which enables her to get on well with everyone with whom she is in contact. Whilst at college she played an active and responsible part in the life of the Department and elsewhere. She has good administrative and organisational skills and acted as a representative on the Staff Student Committee.

In view of her personal qualities, academic ability and her potential as an administrator and as a researcher, I have no hesitation in supporting her application to XYZ for a position in your development laboratory.

Yours sincerely

## SUGGESTED STRUCTURE FOR A 'CORE' REFERENCE

### Core reference

Name of student.....  
Course.....  
Year of study.....  
Date of birth.....

Academic record.....  
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Expected class of degree.....  
Approach to studying.....  
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Involvement in college societies.....  
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Work experience.....  
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Interests.....  
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Thinking style.....  
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Communication skills  
- verbal.....  
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- written.....  
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Relationships with people.....  
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Character.....  
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Possible career interests.....  
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### FURTHER INFORMATION

- [www.ico.gov.uk](http://www.ico.gov.uk) Data Protection Act 1998. The Information Commissioner's Office is the UK's independent authority set up to promote access to official information and to protect personal information. The site includes extensive information on the Data Protection Act
- *Croners Employment Law*, Croner, 1989. Contains comprehensive coverage of legislation relating to employment rights, from recruitment to termination of contract

recruiters. Legal references checked by King's College London LLB student Pamela Rosindale.

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This leaflet was written with assistance from members of AGR, the collective voice of graduate