

# UCL Academic Manual 2023-24

## Chapter 14: Teaching and Learning

# Student Reference Policy

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### **General policy**

1. It is UCL policy to provide references, where practicable, in respect of its current or past students. This document provides guidance to members of staff providing references in accordance with this policy.
2. In this context departmental policy should be made clear to students: for example, whether they can assume their tutor/adviser/supervisor will automatically provide a reference if his/her name is given as a referee, or whether he/she should be approached first for permission for his/her name to be given.
3. It is the responsibility of Heads of Departments to ensure that staff in their department who may respond to requests for references in respect of past or present students are aware of and abide by these guidelines.

### **The legal position**

4. the author must use reasonable skill and care in preparing the reference to ensure it is true and accurate, and does not give an unfair overall impression.
5. An inaccurate reference may give rise to an action for negligence (on the basis the author has negligently failed to fulfil her/his duty of care to the reference subject). That individual would not have



## Liability and Disclaimers

17. A reference should contain the following disclaimer in its final paragraph:

*provided to you only in connection with [NAME]  
and should only be used for that purpose. The above information is given in confidence and in  
good faith. No responsibility however, can be accepted for any errors, omissions or  
inaccuracies in the information or for any loss or damage that may result from reliance being*

18. As there is no guarantee that a disclaimer will not be successfully challenged in court, due care must be exercised when preparing a reference. UCL has insurance that covers members of staff (and ex-members of staff) who have written references in the course of their employment, if these guidelines have been followed. UCL insurance does not cover references by a member of staff in her/his private capacity. In the event that a member of staff is challenged over the content of a reference, he/she should not be drawn into a discussion of the issue of liability, but should refer the matter immediately to the Registrar.

### ***Subject access requests***

26. Data protection legislation gives students the right to access their personal data held by UCL. A student exercises this right by making a *subject access request* to UCL. If you receive a subject access request, please contact the UCL data protection team at [data-protection@ucl.ac.uk](mailto:data-protection@ucl.ac.uk) which is responsible for responding to these requests on behalf of UCL.
27. For references given in confidence, there is an exemption under current data protection legislation which means that a student reference does not have to be disclosed as part of UCL's response to a student's subject access request where it has been given for any of the following purposes:

- The education, training or employment of the student
- The placement of the student as a volunteer
- The appointment of the student to any office
- The provision by the student of any service

28. This exemption applies to confidential references already given as well as references that have been drafted but not actually given at the time the subject access request is received. It also covers each of the above purposes prospectively, e.g. where the reference is given in connection with a prospective job or intended training.
29. The exemption applies to both confidential references created by UCL and those created by third parties and provided to UCL.
30. All references are considered to be given in confidence unless there is evidence to the contrary. Nevertheless, UCL may be required to disclose a reference under certain circumstances, such as a request for disclosure by an Employment Tribunal or a Court dealing with a negligence or defamation case. In such circumstances, staff should not disclose any documents but instead seek advice from Legal Services on how to proceed.

### **Telephone or verbal references**