

NCH Writing References for Students Guidelines

MAKING STUDENTS AWARE

The Director of Professional Development, the Head of the Professional Programme, and academics should at appropriate points in students' careers make students aware of the following:

It is up to the students to decide who they would like to approach for references; they will know who they most get on with, who most gets them, and there should be no automatic expectation that they should approach, e.g. Matthew for a business reference, or their head of faculty for an academic reference. It might be, however, that the person approached thinks for any number of reasons that they are not the most appropriate referee, in which case they should say so, and they may wish to suggest an alternative.

Students should approach potential referees to ask them for their permission to name them as a referee.

Students should be advised to ask staff for a reference at least two weeks in advance of the deadline.

Students should provide referees with their CV, detailing dates, courses, extracurricular activities, and examination results - and also with information on the course/post for which they are applying.

If students think that they might want a reference from a member of staff in the medium to long term future, they should let them know, so that the would-be referee can prepare a reference to be kept on ice, rather than have to write one for a student they last saw five years ago.

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- 1.1 NCH Staff who write a reference for a student should record that fact on the 'Student References' spreadsheet on Google Drive. This allows the College to have an overview of who has written for whom, and who has not, at any given point, had any references written for them.
- 1.2 NCH headed paper should be used where possible.
- 1.3 Referees may wish to provide an email address and/or telephone number, and say that they are happy to be contacted should the addressee want further conversation.
- 1.4 In order to make references as full, accurate and robust as possible, referees should ask the student for their CV, detailing dates, courses,

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extracurricular activities, examination results, and information on the course/post for which they are applying (if the student has not supplied these upfront).

- 1.5 Referees should think about the recipient; e.g. if the recipient is a start-up, referees may want to indicate NCH's intent around innovation.
- 1.6 References would not as a matter of course be shared with students.
- 1.7 Referees should be honest in their references.
- 1.8 Referees should take care to distinguish between facts and opinions, and in the latter case, make it clear that it is an opinion that is being offered, e.g. "On the basis of his performance to date, it is likely that X will get a first", rather than "will get a first".
- 1.9 Opinions should be grounded on evidence that could be provided, if the referee were challenged. Referees ought where applicable and possible to perhaps provide evidence of claims they make (e.g. punctuality, diligence).
- 1.10 Referees should not include any facts of which they are unsure; if in doubt, seek it out or leave it out.
- 1.11 Particular care should be taken in circumstances where the student is not known, or not known well, to the referee (e.g. where the relevant staff have left NCH and no provided references). Opinions should not be given which are not those of the author of the reference.
- 1.12 There may be issues on which an opinion is invited or requested about which the referee has limited knowledge, e.g. the honesty and integrity of the student. In these circumstances it may be necessary to say, for example, "I know nothing which would lead me to question X's honesty".
- 1.13 Length of reference. Referees should think about the addressee, e.g. if it is a commercial employer they may want a reference that is short and crystal clear. If it is an academic institution, they may want a lengthy assessment of the student's intellectual achievements: around one side of single-spaced A4.
- 1.14 Student attendance and achievement across the board can be discovered in the following way:
 - 1.14.1 Attendance
 - All staff request .pdf report from Student Support.
 - 1.14.2 Degree achievement
 - Head of Faculty consults 'BA/BSc [subject] Progression'.
 - Subject staff request information from Student Support.
 - 1.14.3 Diploma achievement:
 - Head of Faculty consults 'NCH Diploma Assessment xxxx/xxxx'.
 - Subject staff request information from Student Support.
- 1.15 When writing about achievement in the NCH Diploma, it must be stated that it is a non-credit bearing qualification.

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- 1.16 Where multiple referees from the College are engaged, there is generally no need for referees to consult with each other. Repetition, such as results, will only strengthen the case. If there is some doubt about a point of fact (e.g. whether the student falls within the top 5% of the student cohort), the referees should consult with each other to make sure that the references are consistent.
- 1.17 In cases where students have performed less well in the ULIP examinations than is expected (especially in cases where students have fallen just below a class boundary), it might – where it feels appropriate and advisable – be worth pointing out that ULIP degrees are apparently marked stringently by the standard of UK undergraduate degrees more generally, although referees should think about how they would verify such claims.

ALL REFERENCES SHOULD INCLUDE THE FOLLOWING

- 2.1 How long the referee has known the candidate and in what capacity.
- 2.2 Some explanation of the nature of NCH, at the beginning or end of the reference as appropriate (see the paragraph below for ideas).

New College of the Humanities was founded by A C Grayling and other world-class academics including Professors Richard Dawkins, Niall Ferguson, and Sir Partha Dasgupta and is a highly selective university level college in London. Its unique 20-module liberal arts-inspired undergraduate programme delivered through one-to-one tutorials and small group teaching, is designed to provide students with an academically rigorous undergraduate experience. The professional development programme, which runs throughout the three years of study, teaches them the key transferable skills and fosters the behaviours and winning attitudes that are essential for success after graduation.

- 2.3 Dates between which the student was at College.
- 2.4 At the end of the Michaelmas and Hilary terms, Heads of Faculty have access to attendance reports so that each student's general attendance record can be considered and discussed at Collections.

SOME REFERENCES SHOULD INCLUDE THE FOLLOWING

- 3.1 These inclusions will depend on the student, the referee, and the position or place applied for.
- 3.2 ACADEMIC
 - Courses studied
 - Intellectual ability
 - Academic achievement
 - Written skills

3.3 GENERAL

- Capacity for sustained self-motivation.
- Attention to detail.
- Reliability.
- Punctuality.
- Ability to take instruction where necessary and learn.
- How the candidate deals with adversity.
- Pioneering spirit. Referees may want to remind addressees that NCH is a new organization and its students have therefore by definition shown an extraordinary kind of confidence and personal strength in coming here, have demonstrated an appetite for innovation and risk, and have themselves built the College from the ground up.
- The extent of expectations of students at NCH and the highly selective admissions process.
- How the candidate compares to their CV (e.g. better/worse?).

3.4 PROFESSIONAL

- Facility and experience in a group context; capacity for teamwork, collaboration, and participation.
- Facility at problem solving.
- Numeracy.
- The candidate's willingness and readiness to serve on committees in College and in the wider community.
- Information on relevant work experience/internships.
- Extracurricular activities.
- Any relevant societies of which the student has been a member, started, or headed.
- Commercial acumen.

GENERAL LEGAL POSITION

- 4.1 The author of a reference owes a 'duty of care' to the person about whom it is written, and the person or class of person(s) whom the author reasonably foresees will rely upon it, which means 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 and/or inaccurate overall impression.
- 4.2 An inaccurate reference may give rise to an action for negligence against the author and/or his/her employer (on the basis the author has negligently failed to fulfil her/his duty of care to the reference subject or recipient).

That individual would not have to prove 'actual loss' of employment but only that he/she has lost a 'reasonable chance' of employment and thereby sustained loss. Similarly, any untrue statement that disparages the reputation of the individual could give rise to an action for defamation. In either a negligence or defamation action, the individual may seek to claim against the individual author and/or NCH vicariously. Such an action would inevitably be damaging to the good name of the author personally and that of NCH whether or not the College was brought into the action by the claimant.

- 4.3 Authors should also take care to ensure that a reference does not discriminate against the individual in any way. For example, particular care should be taken when making any comment about performance, attendance or sickness where there is a risk that such comments may be discriminatory on grounds of disability.
- 4.4 A duty of care is also owed to the recipient of the reference, who may be entitled to bring an action for negligence against the individual author and/or NCH if the information contained in the reference is inaccurate or misleading. In order to succeed in an action for negligence the recipient of the reference would need to prove a loss caused by having relied upon the reference.
- 4.5 There will usually be no legal obligation to provide a reference to a student. If a member of staff (including a Head of Faculty) has any concerns about writing a reference for a current or past student, he/she should contact the Registrar.

LIABILITY AND DISCLAIMERS

- 5.1 A reference should contain the following disclaimer in its final paragraph: This reference is strictly confidential and is 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 placed upon it.
- 5.2 As there is no guarantee that a disclaimer will not be successfully challenged in court, due care must be exercised when preparing a reference. NCH 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. NCH 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.

CONFIDENTIALITY, DISCLOSURE AND DATA PROTECTION ACT 1998 MATTERS

- 6.1 The Data Protection Act 1998 gives individuals the right to see a reference written about them. Those writing references should take this into account.
- 6.2 All references are considered to be given in confidence, but NCH or the

recipient may be required to disclose a reference under certain circumstances, such as a Data Protection Subject Access Request or a request for disclosure by an Employment Tribunal or a Court dealing with a negligence or defamation case.

- 6.3 If NCH does become a defendant in a Tribunal or Court case, the decision about what documents to disclose is a question for NCH's legal advisers and not one for individual referees, who should not therefore volunteer any documents to a litigant or to the litigant's legal advisers. If, however, the individual referee is joined to any Tribunal or Court case then that referee shall be free to conduct his or her own case as they see fit, including having freedom to make any decisions on disclosure."

References given by NCH employees

- 8.1 By virtue of Schedule 7(1) of the 1998 Act, references given by NCH in confidence, including references written by employees in their formal capacity, are exempted from disclosure pursuant to subject access requests where those references relate to:
 - 8.1.1 education, training or employment, or prospective education, training or employment, of the data subject;
 - 8.1.2 appointment, or prospective appointment, of the data subject to any office; or
 - 8.1.3 provision, or prospective provision, by the data subject of any service.
- 8.2 In order to fall within the exemption provision the reference must overtly state that it is given on the basis that is confidential to the recipient and from the data subject. The exemption will apply only where the reference is for one or more of the purposes above, and only to those parts of the reference that relate to one or more of those purposes. It is therefore possible that part of a reference that was given in confidence may have to be disclosed by NCH if a data subject access is correctly made where that part relates to a purpose other than one of the three provided by Schedule 7(1) of the 1998 Act.

REFERENCES RECEIVED BY NCH

- 9.1 NCH staff should consider that a reference given by NCH will have much reduced protection from disclosure if the subject access request is made not to NCH but to the recipient organisation in the same way that references received by NCH have much reduced protection from disclosure.
- 9.2 Confidential references received by NCH are not exempt from the right of access but consideration must be given to the data privacy rights of the referee. Information contained in, or about, a confidential reference need not be provided in response to a subject access request if the release of this information would identify an individual referee unless:
 - 9.2.1 the identity of the referee can be protected by anonymising the

information;

9.2.2 the referee has given her/his consent, or;

9.2.3 it is reasonable in all the circumstances to release the information without consent.

- 9.3 For it to be reasonable to release the information means that, in balancing the competing interest of access by the subject request with the interest in privacy of the referee that the interest of the data subject is greater. The content of the reference, and the outcome of the decision to which the reference was provided to assist with will be relevant as part of 'in all the circumstances' in coming to a view on whether in an individual case it is reasonable to release the information.
- 9.4 In cases where a confidential reference discloses the identity of an organisation as referee, but not an identifiable individual, disclosure will not breach data privacy rights. As references normally identify the author of the reference then this circumstance will necessarily be a rare occurrence.
- 9.5 When faced with the question of subject access to a reference received in confidence from a referee, NCH must consider what steps to take to try and obtain consent, whether the referee has expressly refused to give their permission for the information to be made available, and whether the disclosure might result in harm to the referee.
- 9.6 NCH may not refuse to disclose references received in confidence from third parties without providing reasons.
- 9.7 NCH departments requesting and giving references should consider:
- 9.7.1 routinely informing third parties who will be providing references of the NCH policy with regard to disclosure of confidential references;
 - 9.7.2 requesting that third parties who will be providing references state unequivocally whether or not they object to the reference being released to the data subject in the event of a subject access request;
 - 9.7.3 providing guidance to their staff as to acceptable form and content in references;
 - 9.7.4 providing advice as to appropriate avenues of action in circumstances where staff do not feel that an applicant is suited to the job/course.

REFERENCES INTERNAL TO NCH

- 10.1 There may be circumstances where a confidential reference is written on behalf of a data subject by an individual in one department of NCH, to be used by another individual within NCH but in another, or even the same department. There is no obvious justification for differentiating between confidential references received from external third parties and confidential references received from within NCH as regards any consideration of data subject access.
- 10.2 Upon receipt of a subject access request, the NCH Data Protection Officer will apply the same criteria to a reference sent and received internally, as

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they would to a reference received from an external third party.

TELEPHONE OR VERBAL REFERENCES

- 11.1 Requests for telephone or oral references are frequently received. Since information given in this way may be misinterpreted in its transmission to the interview panel, such requests should usually be declined. If, however, the referee judges that the student would be disadvantaged if the request is declined then the request may be acceded to. Accession to such requests may be more readily given if the request is for follow-up information following receipt of an initial written reference.
- 11.2 If, exceptionally, an oral reference is given, steps should be taken first to verify the identity of the enquirer and notes should be kept of the conversation.
- 11.3 Where an oral reference is given on behalf of NCH the person giving the reference should not make any statements he/she would not be willing to make in writing.
- 11.4 Notes made during or after such a call would be subject to release in the usual way should a subject access request from the individual to whom they related be received by NCH.

UNSOLICITED REFERENCES

- 12.1 It is generally inadvisable to provide unsolicited references addressed 'To whom it may concern'.
- 12.2 If, exceptionally, such references are provided, they should be limited to factual statements such as dates of the student's registration, programme of study, and, if relevant, date and title of award.

CRIMINAL CONVICTIONS AND DISCIPLINARY OR OTHER SUCH SANCTIONS

- 13.1 Care should be taken not to mention in references spent criminal convictions. Any query on this should be referred to the Registrar.
- 13.2 If NCH has taken disciplinary or examination irregularity proceedings against the subject of the reference or if such proceedings are pending, advice should be sought from the Registrar as to how this may be mentioned in the reference, if at all.

Title	Writing References for Students	Author	Registrar
Location	NCH Academic Handbook	Approved by	Academic Board

WRITING REFERENCES FOR STUDENTS POLICY

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