



**west lothian**  
college

# **Existing and Former Student Reference Policy and Procedures**

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## **1 Purpose**

The policy and procedures provides guidance to learning and teaching staff and explains their responsibilities and legal liabilities when providing references on behalf of existing or former students.

## **2 Policy and Procedures Statement**

West Lothian College will, where possible, provide confidential references for current and former students.

## **3 Scope**

- 3.1 The policy and procedures apply to students and potential employers of students seeking references from West Lothian College.
- 3.2 Whilst there is no strict legal obligation on the College to provide a reference to a third party, the College recognises it has a duty to treat students fairly and will strive to provide references.
- 3.3 Normally the College is asked to provide references for students for employment purposes. However, references may be provided for other purposes, for example: in support of university entrance, a mortgage application or when renting accommodation. The principles outlined in this policy apply to all references.

## **4 Responsibilities**

- 4.1 The Assistant Principal, Curriculum & Planning is responsible for the management of this policy.
- 4.2 Learning and teaching staff are responsible for ensuring they comply with this policy. Referees have a responsibility to be truthful, not to be malicious and to include only what is accurate, true, fair and reasonable.
- 4.3 Learning and teaching staff have the responsibility to ensure that any student references are prepared in accordance with the policy, and to sign the references.

## **5 General Principles**

- 5.1 Existing and former students should obtain in writing the permission of the member of staff they nominate as a referee.
- 5.2 References written by a member of learning and teaching staff shall be available on request to the individual concerned.
- 5.3 All references shall be signed by the relevant member of learning and teaching staff.
- 5.4 Under no circumstances will references contain any information regarding Disclosure under Part V of the Police Act 1997.
- 5.5 Personal references should not be provided.

## **6 Procedures**

- 6.1 When to give references
  - 6.1.1 All requests for references must be submitted in writing which can include email.
  - 6.1.2 Detailed references shall normally only be given for students who have studied or are studying on a full-time or other substantial course of study.
  - 6.1.3 Detailed references for former students will normally only be given within a period of two years after leaving the College.
  - 6.1.4 When a reference is requested for a student who has been away from College for more than two years this will normally be restricted to known facts on attendance at College and qualifications gained.

## **7 Format**

- 7.1 References must be given in writing and meet the requirements as specified in these procedures.
- 7.2 Oral references have the same legal standing as written references and, therefore, must not be given.

## **8 Providing References for existing or former students**

- 8.1 In providing a reference, both the College and referee accept certain responsibilities and liabilities. In addition to data protection subject access rights (see College's Data Protection Policy), documents may have to be disclosed in connection with litigation.

## **9 Defamation**

- 9.1 A reference must not contain a false or unsubstantiated statement which damages the reputation of the individual.

## **10 Deceit**

- 10.1 A reference must not contain a false statement which is made with the intention that the person receiving the reference will act on the false information.

## **11 Negligence and the Duty of Care**

- 11.1 The person giving the reference must ensure that all facts included within the reference have been checked, and that reasonable care has been taken in the preparation of the reference.
- 11.2 The College has a duty of care to its students (both current and past) and to third parties to whom it supplies references. This duty of care requires that references are provided in good faith and are fair, reasonable, true and accurate as well as not being misleading when considered overall. This may mean that the person preparing the reference does not knowingly omit facts from the reference.
- 11.3 If there is an issue arising out of clause 11.2 the referee should advise the student (or former student) that information may be provided which could prove detrimental to their application.

## **12 Who may provide references on behalf of West Lothian College**

- 12.1 Learning and teaching staff may provide references for students on behalf of West Lothian College. However, in view of the above legal implications, student references should/can be scrutinised by the relevant Manager as confirming compliance with this procedure.
- 12.2 All references provided on behalf of the College must be on College headed paper and should be sent directly to the third party requesting the reference.

## **13 Contents of References**

- 13.1 The referee has a duty to disclose only that information which is relevant to the post for which the application refers e.g. University entrance, employment etc.
- 13.2 The two principal aims of a reference are:
- to confirm facts;
  - to provide an opinion as to suitability based on an assessment of performance as a student, for example:  
  
attendance;  
standard of work.
- 13.3 A reference relies on both fact and opinion and it is essential to differentiate between the two. It must in all cases be accurate, reasonable, not mislead and give a fair overall impression of the student concerned.
- 13.4 Factual information should be able to be substantiated.
- 13.5 Subjective opinions on suitability must be avoided.
- 13.6 The style of the reference should be clear, unambiguous and not malicious in any way.
- 13.7 Copies of all references should be retained by the referee.
- 13.8 On occasion a reference will be requested using a proforma issued by the third party. The proforma when completed must contain the College stamp and a covering letter containing the disclaimer as outlined in clause 20.1.

## **14 Disclosure of Information**

- 14.1 The College owes a duty of confidentiality in respect of certain information which it holds about its students and has a duty under the Data Protection Act 1998 to process data fairly and lawfully.
- 14.2 Referees should not include extraneous information and they should not make the reference misleading by withholding information on the grounds that it may be damaging to the student's prospects.

## **15 Disciplinary Record**

- 15.1 Statements in a reference should not refer to complaints or to difficulties that have not been raised with the student concerned.
- 15.2 Where a disciplinary warning is outstanding it may be referred to if relevant to the post for which the student has applied. However, a pending investigation where no disciplinary action has been taken should not be referred to in writing. There may be exceptions, for example, if the alleged disciplinary offence is one of gross misconduct.

## **16 Health**

- 16.1 Information concerning a student's physical or mental health is likely to be classified as confidential and sensitive personal information in terms of the Data Protection Act 1998. If there is an overriding "public interest" in disclosure – which is permitted under the 1998 Data Protection Act – the student will be informed that the College needs to refer to these matters in giving a proper reference. The student must give his or her explicit consent in writing, to disclosure of such information. If this consent is not provided the third party must be advised that the College is not in a position to provide a reference.

## **17 Dismissal**

- 17.1 A referee must not provide a favourable reference for a student expelled from the College.

## **18 Timing**

- 18.1 Requests for references should normally be responded to within 10 working days.

## **19 Disclaimer**

- 19.1 All references will contain the following disclaimer

"This reference, prepared by [insert name of College referee] is provided in good faith based upon current information known to me about [insert Student Name] and without any liability being accepted for omissions".

## **20 Data Protection Act 1998**

- 20.1 Since October 2001, students are entitled under this Act to make "subject access" requests to personal data held about them in the College's relevant filing

systems. The College will allow students to view any references retained by the College.

## **21 Complaints**

- 21.1 If a referee receives a complaint about a reference, no liability should be admitted, and the matter referred immediately to the Assistant Principal, Curriculum & Planning.

## **22 Evaluation and Review**

- 22.1 This policy and procedure will be reviewed every 3 years or when changes are required.