

# St Nicholas School Policies Safe Recruitment & Hiring Policy

Updated: August/2020

This policy serves as a guide to recruitment standards at St Nicholas School, in both sites, Pinheiros and Alphaville.

St Nicholas School is committed to the safety and protection of children and all members of our school community. The Code applies to all faculty, staff, employees and volunteers who represent the school and who interact with children or young people in both a direct and/or unsupervised capacity.

St Nicholas School Owner - James Kirsten
St Nicholas Pinheiros Headteacher - Nicholas Thody
St Nicholas Pinheiros DSL - Samantha Waller
St Nicholas Alphaville Headteacher - Laura Bayer
St Nicholas Alphaville DSL - Rosane de Angelo
St Nicholas Brazilian Director - Selma Moura



## 1. Introduction

The safe recruitment of teaching staff, staff in general and third parties/contractors is the first step to safeguarding and promoting the welfare of children in international schools. St Nicholas School is committed to safeguarding and promoting safer recruitment practices. The School expects all people involved in recruitment to share this commitment.

## 2. Objective

The aims of the Safer Recruitment policy are to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them by having appropriate procedures for recruitment. That is a lot of responsibility, hiring for any position, internal or external, is the single most important thing we do.

St. Nicholas School conducts its selection processes ethically, with respect for the candidates, in compliance with Brazilian legislation for both local and foreign employees.

## 3. Non-discrimination

All aspects of employment at St. Nicholas School are governed based on competence, qualifications and conduct and not influenced by race, religion, sex, sexual orientation/option, age, national origin, handicap, or any other status protected by law. In accordance with school values, we aim for diversity and do not permit discrimination.

# 4. Equal opportunities monitoring

The school currently does not gather unnecessary personal information about job applicants in order to ensure that the recruitment process is being carried out fairly and in a non-discriminatory way by gender, marital status, age, disability, nationality, and ethnic origin.

To avoid future allegations of discriminatory recruitment practices, the school is considering collecting statistical data to provide evidence as to whether current



recruitment practices are reaching the full spectrum of possible candidates and whether there is equality of opportunity at the shortlisting for interview and appointment stages.

## 5. Safeguarding

St. Nicholas believes that students learn best when they are safe and secure, and the school has the responsibility to promote and protect the safety and wellbeing of all members of its community. A cornerstone of safeguarding is safe recruitment and selection. During the selection process, St. Nicholas requires a criminal background check of all employees and third parties who provide services within the school. These are in compliance with the Statute of the Child and Adolescent (ECA), Normas Gerais de Conduta Escolar 2009 (NGCE) and based on the understanding that the Tribunal Superior do Trabalho has a requirement for a Criminal Background Certificate for school employment.

For local candidates, the following checks are required:

- Atestado de Antecedentes (criminal record at a state level):
   <a href="http://www.ssp.sp.gov.br/servicos/atestado.aspx">http://www.ssp.sp.gov.br/servicos/atestado.aspx</a>
- Certidão de antecedentes criminais (criminal record at a federal level):
   <a href="http://www.pf.gov.br/servicos-pf/antecedentes-criminais">http://www.pf.gov.br/servicos-pf/antecedentes-criminais</a>

During the visa application and work permit process, overseas candidates present their criminal background checks for each country they have lived and worked in the past 10 years.

# 6. Types of check

The candidate must disclose their home country criminal history (and current employment location if different) by permitting the school to apply for a DBS (Disclosure and Barring Service) criminal records check. Enhanced disclosure is the highest level of criminal records checks for those working in regulated activity with children or vulnerable adults. We ask all



prospective employees (and existing employees) to apply for a DBS enhanced criminal records check. The following can be used in the background checks of relevant teachers.

#### UK:

In the UK, police checks are issued by <u>ACRO</u> Criminal Records Office or other accredited institutions. <u>https://www.acro.police.uk/cobis</u>

https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

#### **United States:**

It depends on the consulate, some ask for the local criminal certificate but most ask for FBI Records, within the Federal sphere.

To request the FBI Check, there is an expedited way to request it in approx. 5 to 10 days, which is through an authorized channeler -

https://www.fbi.gov/services/cjis/identity-history-summary-checks (OPTION 3) and here you may find the list of the authorized channelers -

https://www.fbi.gov/services/cjis/identity-history-summary-checks/list-of-fbi-approved-channelers-for-departmental-order-submissions

#### Australia:

Australian Federal Police Check (full fingerprint)

https://www.afp.gov.au/what-we-do/services/criminal-records/national-police-checks

#### Canada:

Non-fingerprint name check only issued by RCMP - Royal Canadian Mounted Police - or your local police, must have been issued within the last 3 months.

http://www.rcmp-grc.gc.ca/en/criminal-record-checks

Note that in Canada it is also possible to issue a criminal record from the local police.

Three confidential professional references are consulted and each reference is required to make safeguarding statements with respect to the application. The headteacher of the candidate's previous school is always contacted either in writing or in person.



St Nicholas uses Fragomen <a href="https://www.fragomen.com/">https://www.fragomen.com/</a> for international hire visa and work permit application. Fragomen is distinguished as the top immigration services provider in many major markets and as a leader in diversity and inclusion. <a href="https://www.fragomen.com/about/recognition">https://www.fragomen.com/about/recognition</a>

## 7. Recruitment and Hiring Process

St Nicholas states on the job profile its commitment to Safeguarding: "The school commits to safeguard all members of the community and all staff share in this commitment. All shortlisted candidates will provide references. Successful candidates will provide proof of qualifications, submit to complete and rigorous and ongoing safeguarding checks".

## 8. Getting the right candidates

This is a balance between the most effective means of seeking candidates and the need to ensure that the recruitment process is non-discriminatory. The school attempts to draw applicants from a broad pool to increase the possible number of candidates. All positions are advertised either internally, externally locally, externally internationally or a combination of all three. Automatic internal promotion without opening the vacancy to other internal candidates is not permitted.

Leaders responsible for employment must use the guidelines, know the relevant procedure to be followed, and use this Safe Recruitment Policy.

# 9. Advertising

Advertising for positions. All positions are advertised either internally or externally and all positions require an application process including interviews.

All adverts to include safeguarding alerts and specifying the school will carry out background checks.



All advertisements contain a person specification and a job description. The job specification will highlight the qualifications required, length of experience and personal qualities required. There is a child protection statement in the job profile.

The **Job Description** and **Person Specification** clarify the purpose, duties and responsibilities of the job. Our person specification realistically and accurately identifies the type of person, in terms of capabilities and competencies.

International Candidates must have a recognised teaching qualification and three years of teaching experience in a school recognised by their country of practice. Ideally, they should have recent IB experience.

Aside for the need to speak English and be qualified as a teacher the job description and/or person specification do not place members of one sex, disabled workers or workers of a particular racial group, religion or belief, sexual orientation or age at a disadvantage.

To ensure good candidates local Advertisements are placed in the following places. International Candidates are recruited through the TES and Teacher Horizons. School has maintained personal contacts with both organisations. The requirement for previous IB (PYP, MYP and Diploma) experience is a strong requirement. This is both to increase the potential reliability of reference and identification of any past safeguarding, competency or disciplinary issues.

All prospective employees are required to complete the St. Nicholas application form, send a copy of their curriculum vitae and a covering letter.

#### **Unsolicited CVs**

Recruitment agents will occasionally send in unsolicited CVs. These fall into two main categories. Where the CV has been submitted in response to an actually advertised vacancy and where the CV has come in on a speculative basis. The school will contact the agency and request they don't send unsolicited CVs to the school.

The other circumstance is a speculative CV from a job seeker. The policy is to simply advise the applicant there are no opportunities at this moment and to thank them for expressing an interest in the school and wish them well in their search for employment, with the



request that we would like to keep their details on file for twelve months for if any future suitable vacancies arise.

If we do have a suitable vacancy we will ask that candidates actually apply for the role through the proper channels rather than just speculatively sending in their CV.

Even with unsolicited CVs, there is the chance of a discrimination claim if the reasons for rejection of a potential candidate constitute unlawful discrimination because of their sex, race, age, disability, etc. The school needs to be careful not to make factually incorrect statements to reject the unsolicited approach.

## 10. Choosing the right candidate

Once applications for a vacant post are received a letter of **Acknowledgement of Application is sent** to each candidate informing them of the dates for selection and interview and if the candidate hasn't been heard by a set date, they should assume their application has not been successful on this occasion. This prevents the need for further communication.

# 11. The sifting process

After fairly assessing the job applications and taking care to avoid any unlawful discrimination in the assessment process, applications are divide into three categories:

- 1. Unsuitable to be rejected
- 2. Possible to be invited to interview
- 3. Marginal to be held in reserve

The sifting system to be used is the application of coloured sticky dots to the CV and make written notes to back these up. This ensures objectivity, reduces the possibility of discrimination and the visual transparency maximises the chance of fairness. The first round of dots is applied exclusively for:



#### Qualifications.

- a) The candidate must have a nationally recognised teaching qualification for over three years and a university degree in a relevant and related subject.
- b) School qualifications are relevant and should be looked for
- c) If from the UK, NQT status and a DfES teaching registration number

#### Experience

- d) Three years of teaching experience in a registered school
- e) A period of employment in the applicant's country of residence or qualification
- f) A coherent teaching experience/work history showing stability and progression
- g) Relevant IB experience.

#### Letter of application

h) See the section below on what to look for in letters of application.

The number of dots applied is determined by the reader and there is no guidance other than consistency. The CVS with the greater number of dots should rise to the top and the marginal category can be determined with a cut-off.

The application documents, the CV and the letter are read by at least two members of the leadership team and assess the candidates alongside the key criteria in the job description and person specification. The decision is taken by 2 leadership members to invite to interview. HR will be informed at this stage. Local applicants will be initially checked by the HR Manager or appointed team member and reviewed by a leadership team member.

# 12. The personal statement

A personal statement is the first substantive writing received from the candidate which puts across specific skills and experience which make them stand out for the position. It should contain explicit information about them that makes them stand out from the crowd.



The letter must be tailored to our vacancy and not simply a standard one they always useit needs to set out what attracts the applicant to St Nicholas. It should provide real insight
into the personality, ambitions and motivations of the candidate and this is vital to
choosing the 'right' candidate and safeguarding. Applicants from Teacher Horizons will
have been interviewed by Teacher Horizons however this does not adequately substitute
the letter. The letter will provide depth and show how the candidate has developed over
time and overcome any major career setbacks. It will show the soft skills essential to the
school and how they will fit into our culture and identify with the mission, philosophy and
values. Candidates should identify their IB experience and use key terminology accurately.

Conversely, poor statements give little or no insight into who the job applicant really is and what their ambitions and motivations are. The school will not pursue candidates with superficial, repetitive, disjointed statements which contain spelling mistakes, grammatical errors, and slang and show no real understanding of the school, its values and enthusiasm for joining the community.

Personal statements which criticise previous employers or work colleagues, reveal extreme or discriminatory views or portray the applicant as a perpetual "victim" will all be grounds to stop the application.

# 13. Grounds for rejection

There are two alternative grounds for rejection of a candidate's job application before the offer of an interview:

- 1. After careful consideration to the application, the candidate has been rejected and not invited to move to the interview.
- 2. The application was submitted after the deadline.

There is no requirement to give detailed written reasons why an application was rejected for point 1. However, a written record of the reasons for rejection via the process outlined above should be kept in case a candidate later tries to allege they were unlawfully discriminated against.



If the correct letter of acknowledgement of receipt of the application has been sent there is no reason to further inform the rejected candidate that they have been rejected at this stage. It should be implicit in that letter.

## 14. References

Before asking for references the school will ask the candidates in writing for permission to contact her/his references. This will be done even if the names and contact details have already been provided by the candidate.

The school will always ask for three written professional references, including the previous employer and insisting on a leadership position as a writer, ideally the headteacher. References written by colleagues or contemporaries are not acceptable. References written by the applicant's head of the faculty should be read with care and a higher manager must be sought. References written by a Head of Faculty can not be accepted on its own. There is no value other than interest placed on personal references and these can only be considered as a third reference. References written by a personal or family friend, a college counsellor prior to the candidates first employment are potentially confusing and misleading and should be read once and unless they contain a warning, should be disregarded and destroyed. Take care for signs that the employee actually wrote his or her own reference. The school will accept two of the three references.

# 15. Data protection

Employees and job applicants have the right of access to information held about them under the Brazilian "Lei Geral de Proteção de Dados" (LGPD) which is similar to the General Data Protection Regulation (GDPR) of Europe and the Data Protection Act 2018 of the UK, by making a data subject access request. However, there is an exemption to refuse to disclose a confidential employment reference to an employee or job applicant if they request to see it. If the school still chooses to disclose the reference care will be taken not to disclose information about a third party, such as the referee, unless either they've consented to the disclosure or it's reasonable to disclose the reference without their



consent. It may be decided to disclose an edited version of the reference, e.g. with the referee's identity deleted or containing the factual information (such as employment dates and job duties) but with their personal opinions withheld.

Prior to the interview, three professional references are required which should be from a previous employer, and always the current or most recent and be from the headteacher.

Reference from a relative or contemporaries is not accepted.

## 16. The St Nicholas Reference form

This seeks professional competencies and personal characteristics and includes safeguarding, discipline and competency statements which are checked. The form also asks about the candidates attendance and punctuality, recent sickness and absence. All references will be kept on file.

A self disclosure sentence will be added.

#### Telephone references

The school will verify safeguarding, competency and disciplinary history via a telephone conversation with the previous school. The school does not have a system in place for this yet and it is ad hoc. We occasionally contact referees by phone to check references.

#### **Interviews**

Shortlisted international candidates are interviewed on Skype or Zoom. There are two interviews.

**A social interview**. Conducted by at least two academic leaders who will explain about safeguarding, the school, living in Brazil and São Paulo and outline the terms and benefits of the contract offered. This interview will last roughly 50- 110 minutes. The candidate will ask questions as relevant.

At this stage or after the academic interview a draft contract is shared with the candidate. The contract is in PdF format, with "DRAFT Subject to Agreement" written diagonally



across every page. All numbers are left blank and conveyed verbally. If the candidate is offered the job, on acceptance the final contract will be sent for signing.

**An Academic interview** conducted by at least two academic leaders, at least one who took part in the social interview. This interview will last roughly 50-60 minutes. The candidate will be asked predetermined questions from a bank of questions. The same questions will be asked to all candidates to ensure equal opportunity to all candidates.

The questions are carefully planned to seek evidence of both skills and attitudes that are aligned (or not) with the school's mission and values. More than one member of the leadership interviews the candidate and subsequently every aspect of the competency and behavioural profile is discussed.

Interview notes are made and kept for the duration of the selection process and these are used in the final decision-making process. They are destroyed once the selection process has terminated.

# 17. Student Participation in Interviews

It is the intention to explore student participation in the selection process, possibly during the interview process. Procedures have not yet been established for this.

## 18. Lesson observations for local candidates

Local candidates applying for a teaching position will be asked to provide a demonstration lesson in a setting as realistic as possible. The lesson will last a maximum of 30 minutes and it will be observed by two school leaders. The candidate will provide a lesson structure and plan. One of the school leaders will ask the candidate to immediately reflect on the lesson in private with the school leader. The second school leader will discuss the lesson with the students.



# 19. Making an offer

All job offers are conditional until the receipt of satisfactory references, documentary evidence of a right to work and other information/documentation. The conditional offer is worded to minimise the risk of discrimination claims.

Job offers are made in writing and verbal offers are always confirmed in writing using a standard offer of Appointment Letter.

## The rejected candidates

After the recruitment process has concluded, the school will reject the unsuccessful interviewees and then destroy their personal information within six months.

The unsuccessful interviewees are rejected, using a **Rejection of Candidate after Interview Letter**. It advises the candidate that, having given careful consideration to their qualifications and competencies for the position and their performance at the interview when compared to other interviewees, their application has been unsuccessful. It also gives thanks to them for the interest they have shown in the role. Interview notes and a written record of the reasons for rejection and may be needed if a candidate later tries to allege they were unlawfully discriminated against. A candidate may ask for feedback as to why they were rejected, so they can improve themselves for further applications and interviews. This feedback must be objective, without any personal details relating to other interviewees. It is acceptable to explain why the successful interviewee was more suitable e.g. they had more relevant skills, experience or qualifications and/or they gave better-structured answers to the interview questions.

Rejections are only made after the prefered candidate has accepted the job in case the prefered candidate declines the job offer.

# 20. Destruction of personal data



After rejection letters have been sent out, the candidate's personal information and all interview notes should not be kept longer than necessary and be destroyed within six months to allow time for any discrimination claims.

# 21. Medical Questionnaire

A medical examination happens when the candidate starts work.

The school is considering asking a medical questionnaire to discover the current and previous health of the candidate and to identify key aspects of an applicant's medical history. Data protection and disability discrimination requirements dictate we don't ask for unnecessary information and the Medical Questionnaire is only used once a job offer has been made. We do not turn someone down for employment or withdraw a job offer on the ground of their disability. There is a section on the application form where the applicant can provide more details about their health. This is justified by including words that "giving information will help identify what, if any, reasonable adjustments can be made" and strengthened further by including wording which gives the right to bring disciplinary proceedings against anyone who has deliberately withheld information, or to withdraw a job offer where employment has not yet started.

## 22. Verification

As part of the International visa and work permit process candidates are required to submit their degree and teaching certificates. Local candidates are required to submit these to the school on hiring.

Visually checking qualification certificates is not reliable these days. The quality of fake certificates is so good that even the educational establishments themselves acknowledge they are difficult to spot. If the school requests verification from the issuing institution there is a data protection requirement that the applicant is aware of the verification process and has consented to the release of documents or information from any third party.



For other positions, the HR Manager or other indicated member, interviews and applies tests and activities according to the profile of the position. Likewise, one or more members of the leadership participate in the selection by applying a question script.

Hiring documentation includes personal documents, graduation certificates and qualifications, proof of address, and medical examination and vaccination certificates.

**Pre-employment checklist.** The school is constructing a simple checklist of pre-employment checks to be made by the school

#### 23. Induction

Effective induction isn't a one-off event it's an ongoing process to ensure the teacher is settling in well and understands the expectations. The buddy system supports this for international teachers. Essential information is supplied in a planned and systematic way so that they are able to absorb all of it. As back up, the school provides a staff handbook for all teachers

#### **Academic Induction**

Induction is the process of receiving and welcoming employees when they first join the school. The opportunity to provide a new teacher with the basic information they need to start quickly and effectively. As international hire is generally in the period from November to March and the start date is August there is a window of opportunity for the school to induct the teacher prior to arrival. HR leads this. In March heads of faculty contact the teacher to start academic induction, respecting that they are working at their existing jobs. This contact will normally cover:

- The curriculum, schemes of work, Atlas and organisation of the groups
- Timetable and teaching groups
- Structure of the department including, rooms, resources, other teachers and work colleagues



If the teacher is new to the IB (PYP or Diploma) online or face to face IB training is sought for the teacher so they arrive familiar with the IB. In April new International teachers are provided with a buddy to support them and put in contact with existing teachers at the school. Induction has the following key objectives to:

- familiarise the teacher with the school and for international (foreign? Regiões não SP) teachers Brazil and São Paulo, allowing them to settle in and become productive at the earliest opportunity
- quickly establish a favourable attitude to the school from them and reduce the likelihood of them leaving quickly.
- clarify expectations.

On arrival the international induction process at St Nicholas for new teachers includes

1. Time with the headteacher to cover school philosophy, mission and vision, a general welcome and description of the structure and organisation of the school (history, philosophy, organisational structure, locations, departments, etc).

#### 2. Time with the ICT department to familiarise new teacher with

- a) the school operating systems (Google email, Google Classroom, SchoolBase, Atlas, ManageBAc and Kognity)
- b) rules on using computers and IT security, cybercrime and cybersecurity.

  Password protection to include leaving login details lying around, sharing passwords with colleagues, divulging passwords over the phone, creating obvious passwords, not locking screens, leaving computers unattended and shutting down when going home. E-mail, internet and cloud computing. Computer viruses, malware and ransomware come from opening unrecognised e-mail attachments. All networked devices do not allow downloading programs or files online. The Sonic Wall firewall protects access to sensitive sites Remote working Using laptops or other mobile devices in public areas, the dangers of using unsecured Wi-Fi networks, allowing strangers to see what they're working on or leaving devices unattended in public places.



- 3. Time with the office staff for a tour of the office and a tour of the school
- 4. Time with HR job description, health and safety rules and procedures, targets and performance objectives, training and development, location of various workplace facilities, and the completion of all necessary documentation relating to their appointment.
- 5. Time with the School Nurse

The new teacher will already have enjoyed significant contact with the Head of Faculty with regard to operational matters and now the induction should cover

- Duties, responsibilities, training arrangements
- discussing health and safety issues safety hazards, safety rules, smoking policy,
   fire exits, fire alarm an accident reporting, etc.
- going through how to use work equipment and setting out the rules on using work equipment and facilities, for example, telephones, computers, e-mail and the Internet, photocopiers, etc.

**Induction** also covers the position of existing employees who have been promoted including main terms and conditions of employment.

# 24. Buddies Mentoring and training

Induction includes the appointment of a buddy/mentor to provide advice and assistance in the first few months. A buddy is normally an experienced colleague who can show the new teacher the ropes and answer any questions they might have to help them settle in. The buddy doesn't train the teacher, it's the line manager who has to take responsibility for training them and reviewing their progress. A review meeting should be held at the end of the teacher's first month to discuss how things have gone and to identify any gaps in professional expectation and behaviour.



## 25. Renewal of Overseas Contracts

Overseas teachers are on two year mutually renewable contracts. It is at the teachers and the school's discretion as to whether the contract is renewed.

#### Options available

When an employee's fixed-term contract comes to an end, there are four options:

- Terminate their employment this still constitutes a dismissal and therefore can still be an unfair dismissal if the employee has been employed for two years or more.
- 2. Offer to extend the fixed-term contract under the same terms and conditions
- 3. Offer a new fixed-term contract in a different job role

It's important to draw a distinction between 2 and 3. One is an extension of the current fixed-term contract in the same job role and the other is a renewal of fixed-term employment in a new job role. However, provided the new contract follows on immediately after the end of the current one, the employee will have continuity of employment for statutory purposes.

#### The Process of renegotiating overseas contracts.

The Headteacher will seek feedback from the head of the section on the performance and standing of the overseas teacher using the reference form designed for this purpose.

The overseas contracted teacher will be contacted by HR in October of the second year of the contract and invited to an interview with the headteacher and the head of section in the first week after the October half term.

The first interview with the headteacher and the head of the section will take place at the teacher's request. The teacher may request the presence of a representative from HR. In the first meeting, the school will make its position clear using the options 1, 2 and 3 above. The overseas teacher is not required to manifest anything in this meeting. If the school has shown interest in options 2 and 3 there will be a second interview.



The second interview is an opportunity for the overseas teacher to respond to the first meeting and for the school to set a maximum of three targets or goals for the teacher for the duration of the coming contract.

The third meeting is to discuss terms and conditions with HR for the renewal and to make HR aware of changes to personal circumstances that may need to be reflected in the terms of the contract.

At the end of the first week of November, the school will advertise all international positions which have become vacant in this process. This will include any positions where the teacher remains undecided. HR will write to all the teachers whose job is being advertised one working day prior to placing the advertisement.

**Third and further renewal of contracts** There is currently no position from the school on how many fixed-term contracts can be signed before the employee becomes a permanent employee and loses overseas employment benefits.

#### **Internal Promotions**

All internal Promotions are advertised for using the procedures outlined above. Internal promotion procedures will normally take place over a day, when a candidate will be asked to perform:

- a) A seen task and/or an unseen task.
- b) A presentation of task a)
- c) An interview

#### **Employment of Assistants**

Candidates for assistant positions will be invited into school in groups of a maximum of 5 at a time for an orientation and shortlisting with the Headteacher

- a) A face to face discussion about the applicant's CV and letter of application
- b) A tour of the school which will include interaction within a classroom
- c) Questions from the applicants

At Alpha HR does this part.



#### Shortlisting is based on

- a) Qualifications
- b) Experience
- c) Level of English
- d) Observation during the tour
- e) Presentation of CV and letter of application

After shortlisting, the candidates will be interviewed by two school leaders, Interview will normally last 35 to 45 minutes. Notes will be taken during the interview and retained for 6 months.

#### Providing references for current employees

There is no legal obligation to provide a teacher with a reference. However, since a refusal to do so is likely to prejudice the employee's ability to secure alternative employment, at least think about providing a basic reference that simply confirms the employee's employment, length of service, job title and job duties and provides no additional information. Take care when deciding whether a simple refusal could result in allegations of victimisation. Secondly, if you do agree to provide a reference, you're not bound to complete an employer's standard reference request form. You can ignore it and provide your own version of a written reference.

There are two main risks to providing a reference:

Liability to the employee. If the reference is untrue, inaccurate or unfair or gives a misleading impression and as a result, the employee suffers financial loss or damage (for example, a job offer is withdrawn or they are dismissed), then you may be liable to the employee in negligence.

Liability to the reference recipient. If the reference is negligent (for example, it's misleadingly positive about a dishonest employee) and a new employer employs that individual in reliance on the negligent reference, if the individual then causes the new employer to suffer loss or damage, you could be liable in negligence to the new employer.

All references must be based on fact and supported by evidence. The law is quite clear - sticking to the facts and keeping personal opinion out of the reference, there will be



nothing for an ex-employee to challenge. Make sure appraisal or performance management notes etc back up any factual data. The school does not currently add a disclaimer to references the school writes.

## Open letters of Recommendation

The school does not permit managers and staff providing this type of online open recommendation to employees and ex-employees.