



Symphony Learning
TRUST

Safer Recruitment Policy 2018-2020

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1 Policy Statement

- 1.1 The safe recruitment of staff in Symphony Learning Trust Academies is the first step to safeguarding and promoting the welfare of the children in education. **All schools in Symphony Learning Trust** are committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.
- 1.2 It is recognised that this can only be achieved through sound procedures, good inter-agency co-operation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake. It is also understood that sound recruitment procedures help deter, reject or identify people who might abuse children.
- 1.3 Symphony Learning Trust recognise the value of, and seeks to achieve a diverse workforce which includes people from different backgrounds with different skills and abilities. Symphony Learning Trust are committed to ensuring that the recruitment and selection of all who work within the Academy is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity.
- 1.4 Symphony Learning Trust will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment and honour the Protected Characteristics as defined by the Equality Act 2010.
- 1.5 All posts within the Academy are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Criminal Records Disclosure.
- 1.6 Symphony Learning Trust is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.
- 1.7 **All schools in Symphony Learning Trust** will:
 - ensure that staff who are involved in the recruitment process have received safer recruitment training and successfully completed the safe recruitment training assessment.
 - Work towards every appointment panel to include one member who has received safer recruitment training.
 - Implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
 - Keep and maintain a single central record of recruitment and vetting checks in line with DfE requirements.

- Ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. Symphony Learning Trust will monitor the compliance with these measures.
- Require staff who are convicted or cautioned for any offence during their employment with the Academy to notify the Academy, in writing of the offence and the penalty.
- Notify Symphony Learning Trust of any members of staff who are convicted or cautioned for any offence during their employment with the Academy.

1.8 The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the former or most recent employer
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006
- A Barred List Check
- A prohibition from teaching check
- A satisfactory DBS clearance
- Verification of the candidate's medical fitness
- Verification of qualifications
- Verification of professional registration as required by law for teachers

2 Roles and Responsibilities

2.1 It is the responsibility of Symphony Learning Trust to:

- Ensure the Academy has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements
- Monitor the Academy's compliance with them

2.2 It is the responsibility of the Executive Head / Head teacher / Head of School and other managers involved in recruitment to:

- Ensure that the Academy operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the Academy
- To monitor contractors' and agencies' compliance with this document
- Promote welfare of children and young people at every stage of the procedure

2.3 It is the responsibility of all potential and existing workers, including volunteers to comply with this document.

2.4 It is the responsibility of all contractors and agencies to comply with safe recruitment pre-employment checks.

2.5 It is the responsibility of Symphony Learning Trust Business Managers to deal with the administration of a central disclosure system for the Academy



3 The Procedure

3.1 Advertising

3.1.1 Symphony Learning Trust will ensure equality of opportunity; in that the Academy will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

3.2 Applications

3.2.1 The form – Standard Application forms are used by all schools in Symphony Learning Trust. CVs will only be accepted as additional evidence with a completed application form. Symphony Learning Trust requires candidates to account for any gaps or discrepancies in employment history on its application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

3.2.2 Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected and possible referral to the police and other professional regulatory bodies (e.g.: National College for Teaching and Leadership).

3.3 References

3.3.1 References for shortlisted candidates will be sent for immediately after shortlisting. The only exception to this is where candidates have indicated on their application forms that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any offer of employment being made. One reference will be sought prior to interview wherever possible.

3.3.2 References must be in writing and be specific to the job for which the candidate has applied - open references or testimonials are not acceptable. The Academy will not accept references from relatives or people writing solely in the capacity as a friend. Only references from a trusted authoritative source will be acceptable.

3.3.3 Reference requests will specifically ask:

- About the referee's relationship with the candidate
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable.

3.3.4 Referees will also be asked to confirm details of:

- The applicant's current post, salary and attendance record
- Performance history and conduct
- Any disciplinary procedures in which the sanction is current
- Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those

- Details of any substantiated allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns

3.3.5 Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns of allegations which have all been found to be false, unsubstantiated or malicious should not be included in any reference.

3.4. Self-Declaration of Convictions by Job Applicants

3.4.1 Symphony Learning Trust's policy requires shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether "spent" or "unspent" and includes any cautions and pending prosecution. Such declarations will be made on an appropriate form and should be submitted in a sealed envelope, marked strictly private and confidential to the Head teacher, prior to the interview, who will then discuss it with Symphony Learning Trust HR advisors. The Head teacher will also discuss relevant, positive declarations confidentially with the applicant at interview. The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures.

3.5 Interviews

3.5.1 The selection process will always include the following:

- Face to face professional interview including a question related to safeguarding children (in line with Keeping Children Safe in Education September 2018)
- Young people panel/activity with children

3.6 Pre-Employment Vetting

3.6.1 The Academy must act reasonably in making decisions about the suitability of the prospective employee, based on checks and evidence including: criminal records checks (DBS checks), barred list checks and prohibition checks together with references and interview information.

3.6.2 The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school/academy, as outlined below.

3.6.3 For most appointments, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if as a result of their work they:

- Will be responsible, on a regular basis in the academy, for teaching, training, instructing, caring for or supervising children; or
- Will carry out paid, or unsupervised unpaid work regularly in the academy where that work provides an opportunity for contact with children; or
- Engage in intimate or personal care or overnight activity even if this happens only once
- For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity (see appendix 1 for more information regarding

'regulated activity'), an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This would include contractors that would have the opportunity for contact with children and who work under a temporary or occasional contract.

- In the academy, a supervised volunteer who regularly teaches or looks after children is not in regulated activity
- In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.

3.7 **Employment Offer**

3.7.1 It may be possible to negotiate a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, the checks detailed above must all be completed BEFORE a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment and a risk assessment carried out.

Once all pre-employment checks have been satisfactorily completed/received, an offer of employment will be made and the contract of employment issued. The contract will be issued as soon as possible but in all circumstances within 8 weeks of employment commencing.

3.8 **Probation Periods**

3.8.1 Newly appointed staff who are new to the employment of the governing body will be subject to the Symphony Learning Trust probationary period.

4 Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status

4.1 Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and Nationality Act 2006. Similar information is also required to undertake a Criminal Records Bureau check on the preferred candidate.

4.2 Short-listed candidates will also be required to provide proof of their qualifications and professional status by producing documentation on the day of interview. The Academy will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application, by asking to see the relevant certificate or a letter of confirmation from the awarding body/institution. If the original documents are not available, the Academy will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check will also be required.

4.3 Proof of identity and other documentation will be verified by Symphony Learning Trust the Head teacher / Executive Head as appropriate.

5 Commencement of Employment Prior to DBS Check Being Received

5.1 In unusual circumstances it is permitted to commence employment prior to receiving a DBS check. However a Barred List check and risk assessment must be completed. In such circumstances, staff must not have unsupervised access to children.

6 Record Retention/Data Protection

6.1 The Academy will retain all interview notes on all applicants for a 2 year period, after which time the notes will be destroyed (ie: shredded). The 6 month retention period will allow the Academy to deal with any data access requests, recruitment complaints or to respond to any complaints made to an Employment Tribunal.

6.2 Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the Head teacher within 6 months of the interview date. This must be discussed with HR prior to sending out any information requests.

7 Personal File Records

7.1 The Academy will retain the following information which will make up part of the personal file, for the successful candidate:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Proof of academic qualifications
- Proof of registration with General Teaching Council (for teaching staff)
- Certificate of Good Conduct (where applicable)
- Evidence of medical clearance from Occupational Health (where applicable)
- Evidence of the DBS clearance (i.e.: the notification form from Leicestershire Council or the DBS certificate reference number, NOT the actual DBS form or certificate)

8 Single Central Record of Recruitment Vetting Checks

8.1 In line with DfE requirements, the Academy will keep and maintain a single central record of recruitment and vetting checks. The central list will record all staff who are employed at the Academy, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g.: specialist sports coach or artist.

8.2 The central record will indicate whether or not the following have been completed:

- Identity checks
- Barred List checks
- An enhanced DBS check/certificate
- A Prohibition from teaching check
- Further checks on people living or working outside the UK
- A check of professional qualifications
- A check to establish the person's right to work in the UK

See Appendix 2 for further information on the different types of DBS checks

8.3 It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

8.4 In order to record supply staff provided through an agency on the record, the Academy will require written confirmation from the supply agency that it has satisfactorily completed the checks described above and the date these checks were carried out. The Academy does not need to carry out checks itself except where there is information contained within the disclosure. However identity checks must be carried out by the Academy to check the person arriving is the person the agency intends to refer to them.

8.5 The Academy does not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. If the Academy chooses to retain a copy of a DBS certificate, this should not be retained for longer than two years. A copy of other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file.

8.6 Symphony Learning Trust has a specific safeguarding related Whistleblowing Policy which has been disseminated to all staff and volunteers.

8.7 Symphony Learning Trust promotes a culture of vigilance where all concerns are listened to and taken seriously.

8.8 The Academy will follow DfE and Leicestershire Safeguarding Children Board allegations procedures and refer any allegation for initial consultation with the Local Authority Designated Officer (see also the Safeguarding Policy).

Appendix 1 – Regulated Activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a factual note on *Regulated Activity in relation to Children: scope*.

Regulated activity includes:

a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,

b) Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

c) Relevant personal care or health care provided by or provided under the supervision of a health care professional:

- personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;³⁶
- Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Appendix 2 - Types of DBS Checks

Disclosure and Barring Service (DBS) Checks

The DBS is responsible for administering three types of checks:

- **Standard:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- **Enhanced:** a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- **Enhanced, which will automatically include barred list information:** for people working in regulated activity with children. This adds checks of the DBS Children's Barred List to the enhanced check.