



**Schools' Personnel:
get the chemistry right**

SAFEGUARDING CHECKS ON ADULTS WHO HAVE CONTACT WITH PUPILS

**General Guidance for
Maintained Schools, PRUs, Academies and Others**

**June 2024
(Replaces November 2023 Edition)**



SAFEGUARDING CHECKS ON ADULTS WHO HAVE CONTACT WITH PUPILS

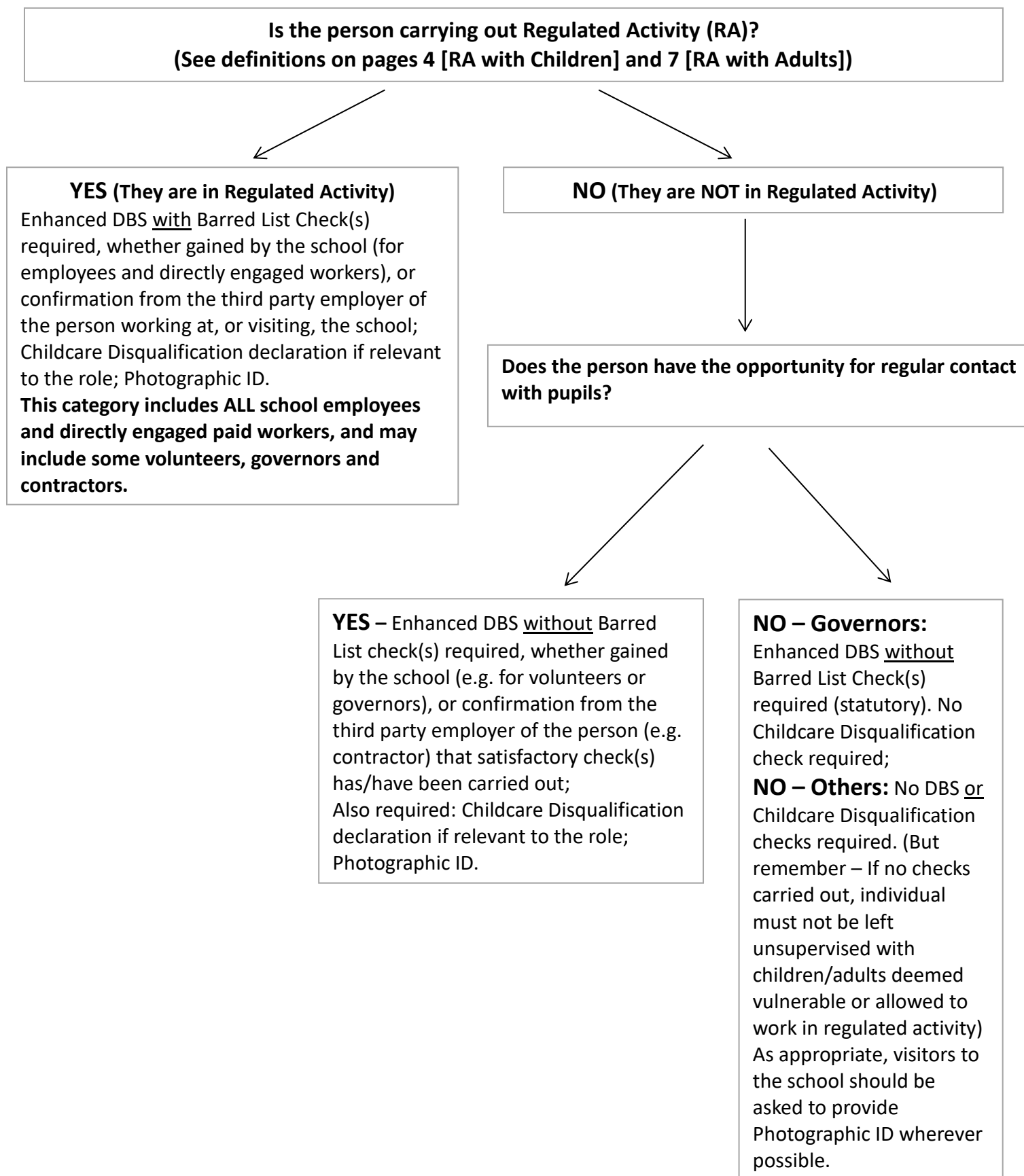
General Guidance for Maintained Schools, PRUs, Academies and Others

CONTENTS

	PAGE
1. Flowchart: Contact with Pupils – Relevant Questions when Deciding on Safeguarding Checks required	3
2. Definition of ‘Regulated Activity’ (RA) Relating to CHILDREN and Disclosure and Barring Service (DBS) Checks	4
3. Definition of ‘Regulated Activity’ (RA) Relating to ADULTS and Disclosure and Barring (DBS) Checks	7
4. Summary of Safeguarding Checks Required by Schools on Employees, Workers and Others in Relation to Work and/or Contact with Pupils	9
5. Example Situations in Schools: Work and/or Contact with Pupils	10
APPENDICES	18
Model Code of Conduct for Contractors Working in Schools	APP. 1
Single Central Record/Register of Checks (SCR) – includes ‘Additional Notes to Accompany template SCR located on The Hub’	APP. 2
Procedure for Visitors, inc. Teachers and Support Staff attending for Training	APP. 3
• MODEL LETTER: Companies/Organisations or Contractors sending Maintenance Workers (for example) to a School where Checks are considered necessary due to the opportunity for contact with pupils	APP. 4
Model Statement for School Website: Confirmation of Safeguarding Checks on Staff/Workers	APP. 5
• MODEL LETTER: Other Schools sending Employees/Workers for Training or Visits to a Host School where they may or may not be in RA with Pupils	APP. 6
Recruitment Questionnaire for Completion by Agencies	APP. 7
Safeguarding Checks – Frequently Asked Questions	APP. 8

1. Flowchart:

Contact with Pupils – Relevant Questions when Deciding on Safeguarding Checks Required



2. Definition of 'Regulated Activity' (RA) Relating to CHILDREN and Disclosure and Barring Service (DBS) Checks

“ **'Regulated Activity'** is work which involves close and unsupervised contact with vulnerable groups including children, and which cannot be undertaken by a person who is on the Disclosure and Barring Service's (DBS) Barred List.”

Organisations providing 'Regulated Activity' (RA) in relation to children and young people have specific responsibilities for carrying out appropriate pre-employment checks, including Enhanced DBS with Children's Barred List check, when recruiting paid employees and workers. They must also ensure that they receive written confirmation that similar checks have been carried out by Agencies and other employers who may deploy or hire workers to them where such individuals will be in RA. This is an essential part of the process of ensuring 'safer recruitment' when recruiting to RA roles involving either children or vulnerable adults.

Other people coming into such an organisation (e.g. volunteers, including Governors) with access to children may not be in RA - if they are 'adequately supervised' when carrying out an activity with children which would be RA when unsupervised. Such persons will normally require an Enhanced DBS check but without the Barred List element of the check. Others, such as 'visitors' to the school, may not require a DBS check. The specific checks to be carried out will depend upon the nature of the role. Further information and examples of the requirements relating to DBS and Barred List checks are as set out below.

The organisation is responsible for continuing vigilance in relation to staff, workers and any others coming onto the premises, and/or with access or opportunity for contact with the pupils, at all times.

'Regulated Activity' (RA) relating to children can be defined as follows:

(i) Unsupervised activities in any setting – including teaching, training, instructing, caring for (see iii) below), supervising, providing advice or guidance on physical, emotional or educational well-being or driving a vehicle only for children

(ii) Work for a limited range of establishments ('specified places') with the opportunity for contact, with children e.g. schools, colleges, children's homes, children's centres, childcare premises (but not work by supervised volunteers)

Work/activities in (i) and (ii) above must be carried out 'regularly' to be included within RA. 'Regular' means carried out by the same person frequently (once a week or more often) or intensively (on 4 or more days in a 30-day period) or overnight (if carried out – even once - at any time between 2am and 6am and with an opportunity for face-to-face contact with children). Day to day management or supervision on a regular basis of a person providing the above regulated activity for children is also within the definition of regulated activity for children. However, some activities are always regulated activities, regardless of their frequency or whether they are supervised or not, such as those below.

(iii) Relevant personal care, or health care by or supervised by a professional, even if done only once. ('Personal care' means helping a child, due to age, illness or disability, with eating, drinking, toileting, washing, bathing or dressing; 'Health care' means care for children provided by, or under the direction or supervision of, a regulated health care professional).

(iv) Registered child-minding and foster carers.

NOTE: Regulated Activity will NOT be:

- Paid work in specified places which is occasional and temporary and does not involve teaching, training;
- Supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

Family and personal, non-commercial arrangements are also excluded from RA.

The following should be noted in relation to particular groups of staff, workers and others:

All employees and paid workers (e.g. supply workers engaged directly) in schools, colleges, PRUs and similar educational establishments providing education are in RA and the employer must ensure that an Enhanced DBS with Barred List check is carried out. This will include all categories of staff and workers, as all, even if not directly involved in teaching or supervising children, will have the opportunity for contact. **For visiting staff/workers**, e.g. Agency supply workers in RA, it is for the providing organisation to carry out checks - the 'hirer' then obtains written confirmation for their Single Central Register (SCR).

Supervised volunteers, inc. Governors, trustees, etc. are not normally in RA. However, it is for the organisation to decide and will depend upon whether they are being 'adequately supervised' in accordance with statutory supervision guidance published by the DfE**. If such persons are adequately supervised when carrying out an activity that would fall within RA if not so supervised, then they will not be in RA. **Otherwise, if not adequately supervised, they are in RA.** With regard to **Governors**, under the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016, it became a statutory requirement that all Governors of maintained schools not in RA have an Enhanced DBS WITHOUT Barred List Check. This means it is now the case that all Governors, in every type of school – maintained, independent, academy or free school – must have an Enhanced DBS certificate. For **other regular volunteers** who are not in RA, although not a statutory requirement, an Enhanced DBS WITHOUT Barred List check should also be obtained as best practice. (There is no entitlement to ask for a Barred List check for volunteers not in RA).

Schools should ensure that any contractor, or employee of a **Contractor**, who is to work there has been subject to the appropriate level of DBS check. Contractors carrying out work of a temporary or occasional nature, e.g. maintenance (but not teaching, training etc.) are not normally in RA. However, where contractors are engaging in RA, an Enhanced DBS certificate, including Barred List information will be required. For others who are not engaging in RA, but whose work provides them with an opportunity for regular contact with children, an Enhanced DBS check (WITHOUT Barred List information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. For longer term, regular contracted work, a decision needs to be made about whether individuals have the opportunity for contact in a similar way to school site staff and can be deemed to be in RA. Decisions must be made on a case-by-case basis, taking into account the relevant and prevailing circumstances at the time. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in RA. Schools are responsible for determining the appropriate level of supervision depending upon the circumstances. If a contractor is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The identity of contractors and their staff should always be checked on arrival.

As **trainee teachers** are likely to be engaging in RA an enhanced DBS certificate with barred list check must be obtained. Where trainees are salaried (employed) this is the responsibility of the employer. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools should obtain written confirmation from the training provider that it has carried out all pre-appointment checks that the school would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

Schools organising work experience placements should ensure that policies and procedures are in place to protect the children from harm. Barred List checks by the DBS may be required on some **adults who supervise a child under the age of 16 on a work experience placement.** Consideration should be given to the specific circumstances of the work experience, in particular whether the person providing the teaching/training/instruction/supervision to the child will be unsupervised and providing the teaching/training/instruction frequently (at least once a week or on more than three days in a 30 day period, or overnight). If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be RA. If so, the employer providing the work experience should be asked to ensure that the person providing the instruction or training is not a barred person. Schools

are not able to request an enhanced DBS check with Barred List information for staff supervising children aged 16 to 17 on work experience.

If an **activity undertaken by a child on work experience takes place in a 'specified place'**, such as a school, and gives the opportunity for contact with children, this may itself be considered to be RA relating to children. In such cases, where the child is 16 or over, the work experience provider should consider whether an Enhanced DBS check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

There is no entitlement to request DBS or Barred List checks on **Visitors** (e.g. children's relatives or other visitors attending a sports day). A professional judgement must be made at the relevant time about the need to escort or supervise them. For visitors attending in a professional capacity, ID should be checked and assurance obtained that the visitor has had the appropriate DBS check. Careful consideration should be given to the suitability of any external organisations attending the school for the provision of information, resources or speakers.

Where a school places a pupil with an **alternative provision provider**, the school continues to be responsible for the safeguarding of the pupil. The school should obtain written confirmation from the provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

Arrangements are often made by schools for their children to have learning experiences where, for short periods, the **children may be provided with care and accommodation by a host family to whom they are not related. This is known as 'homestay'**. In some circumstances, such arrangements may amount to 'private fostering'. Further guidance about these arrangements and the responsibilities arising from the link with RA are set out in Keeping Children Safe in Education, 'Annex E: Host Families – homestay during exchange visits'. Guidance on private fostering can be found at: <https://www.gov.uk/government/publications/children-act-1989-private-fostering>

** The DfE's factual notes on **'Regulated Activity in relation to Children: Scope'** and **'Statutory Guidance: Regulated Activity (Children) – Supervision of Activity with Children which is Regulated Activity when Unsupervised'** are available on the website www.gov.uk to provide full information and guidance on RA and Supervision. Supervision guidance is also included as **Annex F within the DfE's statutory guidance document 'Keeping Children Safe in Education'**.

3. Definition of 'Regulated Activity' (RA) Relating to ADULTS and Disclosure and Barring (DBS) Checks

The definition of 'Regulated Activity' (RA) in relation to adults identifies activities provided to any adult which, if any adult requires them, will mean the adult is considered vulnerable at that particular time. In other words, an adult is considered vulnerable if they require RA to be provided to them. An adult is a person aged 18 years or over.

Organisations providing RA in relation to adults have specific responsibilities for carrying out appropriate pre-employment checks, including Enhanced Disclosure and Barring Service (DBS) with Barred List check, when recruiting paid employees and workers. They must also ensure that they receive written confirmation that similar checks have been carried out by Agencies and other employers who may deploy or hire workers to them where such individuals will be in RA. This is an essential part of the process of ensuring 'safer recruitment' when recruiting to RA roles involving either children or vulnerable adults.

For most schools, an Adult Workforce DBS and Adult Barred List check will not apply. Even where some schools may have pupils aged 18+, they are not likely to fall within the definition or criteria relating to RA with adults as they will not be considered 'vulnerable' at that time. **However, there will be some Special and, possibly, some Secondary schools where there may be adults considered to be vulnerable at a particular time due to certain activities that they need to be provided to them.** From the categories of RA relating to adults set out below, Category 2 - 'Providing Personal Care' is the most likely to impact on these schools. Where this is the case, any employees/workers likely to be working with adults, as well as children, in RA would require both Children's and Adult's Workforce DBS and Barred List checks to be carried out.

'Regulated Activity' (RA) relating to adults is defined below

There are **SIX categories** of RA provided to adults (Note that these exclude any activities carried out in the course of family relationships and personal, non-commercial relationships):

1. Providing Health Care

The provision of **health care by any health care professional** to an adult, or the provision of health care to an adult under the direction or supervision of a health care professional, is classed as regulated activity. Examples of roles falling within this category would include Doctors, Nurses, Therapists, Counsellors.

2. Providing Personal Care

*(**Note – this category is the most likely to impact on some Special and Secondary schools, where they may employ or engage persons to work with adults [18 and over] considered to be vulnerable because they require regulated activity to be provided**)*

- **Anyone who provides an adult with** physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of the adult's age, illness or disability, is in regulated activity.
- **Anyone who prompts and then supervises an adult who,** because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting and supervision, is in regulated activity.
- **Anyone who** trains, instructs or provides advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability, is in regulated activity.

(There is one exception to the above. Excluded from regulated activity is any physical assistance provided to an adult in relation to the care of their hair when that assistance relates only to the cutting of the adult's hair. This is to ensure that hairdressers who cut the hair of patients and residents in hospitals and care homes are not engaging in regulated activity.)

Illustrative examples:

- 1. A care assistant in a care home who cuts and files an adult's nails to keep the nails short and safe, because the adult cannot do it themselves (for example, because they cannot see well enough) would be engaging in regulated activity.*
- 2. A beauty therapist who attends a day care centre once a week and provides manicures for anyone who would like one, instead of for people who need them because of their age, illness or disability, is not engaging in regulated activity).*

3. Providing Social Work

The activities of regulated social workers in relation to adults who are clients, or potential clients, are regulated activities. These activities include assessing or reviewing the need for health or social care services, and providing ongoing support to clients.

4. Assistance with General Household Matters

Anyone who provides day to day assistance to an adult because of their age, illness or disability, where that assistance includes at least one of the following, is in regulated activity:

- managing the person's cash,
- paying the person's bills, or
- shopping on their behalf.

5. Assistance in the Conduct of a Person's Own Affairs

A person is in RA if they provide assistance in the conduct of an adult's own affairs by virtue of various legislation governing - lasting power of attorney, enduring power of attorney, being appointed as an adult's deputy, being an Independent Mental Health or Mental Capacity Advocate, providing independent advocacy services or receiving payments on behalf of the adult.

6. Conveying

Any drivers or assistants who transport an adult because of their age, illness or disability to or from places where the adult has received, or will be receiving, health care, relevant personal care or relevant social work are in regulated activity.

This does not include licensed taxi drivers (even though they do require a DBS disclosure) or drivers who undertake trips for purposes other than to receive health care, personal care or social work.

In relation to the above categories, note that:

- A person whose role includes the day to day management or supervision of any person who is engaging in RA, is also in RA.
- There is no requirement for a person to carry out the activities a certain number of times before they are engaging in RA. Any time a person engages in the activities in the categories set out, they are engaging in RA.

It should be noted that this document has been produced only as a summary for reference for any Special and/or Secondary school who may employ or engage workers who deal with adults deemed to be vulnerable, in addition to the children at their establishments. Full details of 'Regulated Activity (Adults)' has been produced by the Department of Health and can be located at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

4. Summary of Safeguarding Checks Required by Schools on Employees, Workers and Others in relation to Work and/or Contact with Pupils

The position relating to safeguarding checks is set out below:

- **All direct employees and supply workers engaged directly are in Regulated Activity (RA)** and are, therefore, subject to all full safeguarding checks, including photographic ID, Enhanced DBS with Barred List check(s), and Childcare Disqualification requirement check if in a relevant role (as well as all the other usual pre-employment checks);
- **If other workers, volunteers (inc. Trustee/Governor volunteers) or visitors meet the definitions of RA on Pages 4 and 7**, then a full Enhanced DBS with Barred List check(s) should be carried out, along with a Childcare Disqualification requirement check if relevant to the role;
- **If visitors and others, such as volunteers or contractors, are at the school regularly and, although supervised or otherwise are not working with pupils, have contact, or the opportunity for contact, with pupils**, then a full Enhanced DBS without Barred List check(s) should be carried out. A Childcare Disqualification check should also be carried out if relevant to the role. (NB. Trustees/Governors – other than those who are also volunteers in RA and subject to a full Enhanced DBS with Barred List check(s) [see bullet point above] – will fall into this category. It is important to note that it is a statutory requirement for all Trustees/Governors (whatever their role on the Trust/Governing Body or Board) to have an Enhanced DBS without Barred List check(s) where they are not in RA);
- **Ad hoc or occasional visitors who are fully supervised at all times** do not need to be checked; similarly contractors working on the premises who are segregated from pupils (either physically or by time) and with no opportunity for contact do not need to be checked;
- **All workers and visitors from other organisations must be required to produce** photographic School or Company ID (or alternative means of identification if photographic ID is not available);
- **Any person (whether a worker or a visitor) who has not been checked** must be fully supervised at all times unless completely segregated from pupils, either physically or by time;
- **There is not always a right or wrong answer to the level of safeguarding checks** that will be necessary – an assessment of the risks and an informed judgement will need to be made.

NB. The Enhanced DBS and Barred List checks referred to above will, in all cases, be for the Children's Workforce. In some circumstances, in Special and Secondary Schools, an Adult Workforce Enhanced DBS and Barred List check may additionally apply. (See Section 3. above).

ADDITIONAL NOTES:

(1) In relation to the above points, checks are carried out by the school if individuals are direct employees, workers and/or volunteers, otherwise if deployed to the school by a third party, that organisation carries out the checks;

(2) Notwithstanding the above, schools must always carry out their own identity checks on visitors or individuals deployed by a third party.

5. **EXAMPLE SITUATIONS IN SCHOOLS: WORK AND/OR CONTACT WITH PUPILS**

The definitions of 'Regulated Activity' and the additional information provided in 2. and 3. above has been produced locally to assist schools in deciding whether someone coming onto the school premises is in regulated activity and the level of safeguarding checks, in particular DBS checks, that should be carried out.

It is clear that all employees and paid workers in schools are in regulated activity and, therefore, that the full range of checks, including an Enhanced DBS with Barred List check for the Children's Workforce (and Adult, if appropriate), must be carried out. What is not always quite so clear is the status of others coming onto the premises for various purposes. Questions often arise in relation to the level of checks (if any) required for contractors, coaches, governors, other volunteers, representatives from local companies or organisations providing talks, visitors etc. The situations set out below, together with the additional notes at the end, are intended to provide some practical examples of people coming onto the school premises for varying reasons.

EXAMPLE 1

A school is having essential work carried out to perimeter fencing all around the school grounds.

As the work is required as a result of an unexpected storm and gales, it is necessary for it to be done during term time. It is expected to take between one and two weeks. **Arrangements have been made for the contractors to be physically segregated from pupils by use of a temporary structure around the area of work. Due to the nature of the structure (a 'dense' structure which allows no visibility) there will be no opportunity for contact with pupils.** The school's own site staff will check on the structure periodically to ensure its ongoing security and that it continues to be fit for purpose. **Therefore, the contractors are not in Regulated Activity.**

Although the contractors will be segregated from the pupils, the school has a 'Code of Conduct for Contractors' (See model Code attached as Appendix 1 to this document). This sets out some basic rules relating to site access and movement, behaviour and dress. A copy will be issued to each worker and displayed in the work area as a reminder. It will also be displayed on staff notice boards and placed in the staffroom so that schools' staff are aware of the rules applicable to contractors.

The individual workers on site are also required to show photographic (if available) Company ID and carry this with them at all times. If photographic Company ID is not available, the contractors will need to provide some form of alternative proof of identity so that the school can be satisfied that the individuals are the persons that the contracted organisation has agreed to send.

No other specific checks need to be carried out on the contracted workers and no details need to be recorded on the Single, Central Record or Register (SCR). (See 'Single Central Record/Register (SCR)' attached to this document as Appendix 2).

EXAMPLE 2

Contractors are working at a School carrying out essential maintenance work to part of the exterior of the building. The work is expected to take about three weeks.

The work should have been undertaken during the school summer break but, due to difficulties relating to the over running of a previous job, it will now have to be carried out in term time. Segregation of the contractors from pupils by either physical means or time is considered. Although the work is being carried out at the far end of the school **it is not possible to physically segregate the contractors from pupils** as there is a main site access route nearby. **Nor is it possible to segregate by time** as the work needs to be carried out during the school day.

Although the contractors are not engaging in regulated activity, there is the opportunity for regular contact with pupils over a 3-week period. Therefore, the contracted organisation is required to obtain

Enhanced DBS without Barred List checks on the workers who will be on the school site. (This should confirm that satisfactory DBS Enhanced without Barred List checks have been received on employees/workers and a statement that the contractor knows of no reason why the individual(s) concerned are not suitable to work with children. *(NB. This would also need to refer to suitability to work with adults deemed vulnerable in relevant circumstances affecting Special and Secondary schools)*. If there is information on any of the certificates that may indicate otherwise, the contractor is obliged to share this with the Headteacher. (See model letter attached as Appendix 4 to this document). **It is hoped that the DBS checks will be received by the proposed start date for the work in a few days' time but, if not, the workers will have to be supervised by someone in regulated activity.**

The individual workers on site are also required to show photographic (if available) Company ID and carry this with them at all times. If photographic Company ID is not available, the contractors will need to provide some form of alternative proof of identity so that the school can be satisfied that the individuals are the persons that the contracted organisation has agreed to send.

The Headteacher has also agreed with the contractor that the individual workers will be required to wear branded Company clothing and badges while on site so they can be easily identified. The school has also drawn up a 'Code of Conduct for Contractors' (See model Code attached as Appendix 1 to this document). This sets out some basic rules relating to site access and movement, behaviour and dress. This will be issued to each worker and also displayed in the work area as a reminder. It will also be displayed on staff notice boards and placed in the staffroom so that schools' staff are aware of the rules applicable to contractors.

Proof of ID will be recorded on the SCR. The necessary confirmation of DBS checks provided by the contracted organisation will be attached to the school's SCR.

EXAMPLE 3

An Enfield School is hosting a training day for teachers from a number of other local schools.

This is not regulated activity as the training for teachers from other schools is a 'one-off', they will only be at the school on this one occasion and they will not be engaging in any activities with pupils. The teachers will be required to show their photographic school ID badges when they arrive on the day and the school's protocol for dealing with visitors from other schools will be followed. (See 'Procedure for Visitors from Other Schools' attached as Appendix 3 to this document). **The Headteacher has stipulated that the teachers are to be accompanied if they wish to leave the training area during the day, for example to use the school's facilities. In these circumstances, there should be no opportunity for unsupervised contact with pupils.**

There is no need for this information to be recorded on SCR.

EXAMPLE 4

Another Enfield School is also hosting a training day for teachers from a number of other local schools.

This is not regulated activity as the training for teachers from other schools is a 'one-off', they will only be at the school on this one occasion and they will not be engaging in any activities with pupils. The teachers will be required to show their photographic school ID badges when they arrive on the day and the school's protocol for dealing with visitors from other schools will be followed. (See 'Procedure for Visitors including Teachers and Support Staff attending for Training' attached to this document as Appendix 3). **However, the Headteacher is concerned that although pupils are not involved in the training day, there may be some limited opportunity for unsupervised contact.** Due to the numbers involved in the training and the availability of staff and other resources on the day, **it may not be possible for the teachers to be accompanied at all times if they leave the training area during the day,** for example to use the school's facilities. The host school is sent a list of the names and schools

of attendees by the course organiser in advance of the event. When this arrives, the host school looks at each of the individual school websites to check that it contains a statement 'Confirmation of Safeguarding Checks on Staff/Workers'. (See model statement at Appendix 5 to this document). If any of the individual school websites does not contain the statement, the Headteacher requests written confirmation from those schools that all relevant checks have been carried out. (See model letter attached as Appendix 6 to this document).

There is no need for this information to be recorded on, or attached to, the SCR. The Headteacher retains on a confidential management file, the list of names of attendees and confirmation that either their school website contains the statement relating to safeguarding checks on their staff and workers or otherwise, where this is not the case, the separate written confirmation of checks carried out, as appropriate.

EXAMPLE 5

An Enfield School is hosting a training programme for Teachers/Teaching Assistants from a number of other local schools in half day and whole day sessions over a period of five to eight weeks.

The teachers/teaching assistants will be observing the teaching and support of pupils at some of the sessions over the duration of the programme. This activity will be supervised by the host school. **This would not normally be regulated activity because of the supervision arrangements in place. However, the Headteacher considers that, due to the fact that the same teachers and teaching assistants will be visiting the school on a regular basis for up to eight weeks, there is the possibility of some unsupervised contact.** The host school is sent a list of the names and schools of attendees by the course organiser in advance of the event. When this arrives, the host school looks at each of the individual school websites to check that it contains a statement 'Confirmation of Safeguarding Checks on Staff/Workers'. (See model statement at Appendix 5 to this document). If any of the individual school websites does not contain the statement, the Headteacher requests written confirmation from those schools that all relevant checks have been carried out. (See model letter attached as Appendix 6 to this document).

On arrival at the first session each teacher/teaching assistant attending the training is required to provide photographic school ID.

Confirmation of each individual's ID is recorded on the host school's SCR, along with confirmation that either their school website contains the statement relating to safeguarding checks on their staff and workers or otherwise, where this is not the case, the separate written confirmation of checks carried out is attached to the SCR.

EXAMPLE 6

An Enfield school is hosting a training event for teachers from a number of other local schools in half day sessions over a period of four weeks. The teachers will be working with the same groups of pupils over the four-week period, sometimes alone. Although there will be staff from the host school in the general areas of work, there will be no formal supervision.

As this activity is once a week for four weeks, with the teachers dealing with the same pupils unsupervised, it is regulated activity. The host school is sent a list of the names and schools of attendees by the course organiser in advance of the event. When this arrives, the host school looks at each of the individual school websites to check that it contains a statement 'Confirmation of Safeguarding Checks on Staff/Workers'. (See model statement at Appendix 5 to this document). If any of the individual school websites does not contain the statement, the Headteacher requests written confirmation from those schools that all relevant checks have been carried out. (See model letter attached as Appendix 6 to this document).

On arrival at the first session each teacher attending the training is required to provide photographic school ID.

Confirmation of each individual's ID is recorded on the host school's SCR, along with confirmation that either their school website contains the statement relating to safeguarding checks on their staff and workers or otherwise, where this is not the case, the separate written confirmation of checks carried out is attached to the SCR.

EXAMPLE 7

Representatives from several local Companies are to attend an Enfield school for a full day to give presentations and provide a number of workshops for the pupils.

Although this is not regulated activity as it is a 'one-off' one day event, the same Company representatives will be with the same groups of pupils for a full day and the Headteacher considers, therefore, that there will be opportunities for building a rapport with individuals. In these circumstances, the Headteacher puts in place plans to ensure that the day's activities are supervised by someone from the school who is in regulated activity and has, therefore, been checked as required at the time of their appointment. The Representatives will be required to show photographic Company ID on their arrival at the school to ensure that they are the persons that the Company has informed the school that they would be sending to the event. The school's protocol for dealing with visitors will be followed during the day. (See 'Procedure for Visitors including Teachers and Support Staff attending for Training' attached to this document as Appendix 3).

There is no requirement to record this information on the SCR as this is a one off occasion and will not be a regular occurrence. It will also be formally supervised by school staff.

EXAMPLE 8

Representatives from several local Companies are to attend an Enfield school for four full days over a two-week period to give presentations and provide a series of workshops for the pupils.

The same Company representatives will be with the same groups of pupils over the four days. Whilst staff from the school will be in and out of the sessions during the four days to check on progress etc., there will be no ongoing supervision of the Company representatives. **The Headteacher decides, therefore, that they are in regulated activity.** In these circumstances, each Company (as the individual's employer) is required to obtain an Enhanced DBS with Barred List checks on its representative before the event begins and provide written confirmation to the school that this has been completed. (This should confirm that a satisfactory DBS Enhanced with Barred List check has been received and a statement that the Company knows of no reason why the individual concerned is not suitable to work with children. *[NB. This would also need to refer to suitability to work with adults deemed vulnerable in relevant circumstances affecting Special and Secondary schools].*) If there is information on the certificate that may indicate otherwise, the Company is obliged to share this with the Headteacher. The ages of the pupils involved in the event means that it is not necessary to obtain confirmation that the Representatives are not disqualified under the Childcare Act 2006. (See model letter attached as Appendix 4 to this document). The Company representatives will be required to provide photographic Company ID when they first arrive at the school. If photographic Company ID is not available, the individual will need to provide some form of alternative proof of identity so that the school can be satisfied that they are the person that the Company has agreed to send.

As the Company representatives are in regulated activity, confirmation of ID is recorded on the school's SCR and the written confirmation of checks from each Company are attached.

EXAMPLE 9

A local Company is to provide a series of talks and activities related to its work to a class of pupils at a school during the Autumn term. This initiative will be in 2-hour sessions, once a week for six weeks. **The same two representatives from the Company will attend on each occasion and they will be unsupervised.**

The nature of the work with pupils, its frequency and the fact that it is unsupervised mean that this is regulated activity. In these circumstances, the school requires the organisation to obtain Enhanced DBS with Barred List checks on the two representatives. The Company must then provide confirmation that the relevant checks have been carried out. (This should confirm that a satisfactory DBS Enhanced with Barred List check has been received and a statement that the Company knows of no reason why the individual concerned is unsuitable to work with children. *[NB. This would also need to refer to suitability to work with adults deemed vulnerable in relevant circumstances affecting Special and Secondary schools]*). If there is information on the certificate that may indicate otherwise, the Company is obliged to share this with the Headteacher. The ages of the pupils involved in the event means that it is not necessary to obtain confirmation that the Representatives are not disqualified under the Childcare Act 2006. (See model letter attached as Appendix 4 to this document). The school will require photographic Company ID from the two individuals when they first arrive at the school. If photographic Company ID is not available, the individuals will need to provide some form of alternative proof of identity so that the school can be satisfied that they are the persons that the Company has agreed to send.

Proof of identity checks will be recorded on the school's SCR. The school will attach the Company's confirmation of the DBS checks carried out to its SCR.

EXAMPLE 10

Tottenham Hotspur FC agree to send one of their coaches to an Enfield school for an hour and a half once a week for the whole of the Autumn Term to coach pupils from Year 7 who are interested in being in one of the school's football teams.

Although PE staff from the school will be in attendance at the start and end of the coaching sessions, the coach may otherwise be alone with the pupils and there will be no formal supervision.

The nature of the work with pupils, its frequency and the fact that it is unsupervised mean that this is regulated activity. In these circumstances, the school requires Tottenham Hotspur to obtain an Enhanced DBS with Barred List check on the coach. The club must then provide confirmation that the relevant check has been carried out. (This should confirm that a satisfactory DBS Enhanced with Barred List check has been received and a statement that the Company knows of no reason why the individual concerned is not suitable to work with children. *[NB. This would also need to refer to suitability to work with adults deemed vulnerable in relevant circumstances affecting Special and Secondary schools]*). If there is information on the certificate that may indicate otherwise, the Company is obliged to share this with the Headteacher. The ages of the pupils involved in the coaching sessions means that it is not necessary to obtain confirmation that the Coach is not disqualified under the Childcare Act 2006. (See model letter attached as Appendix 4 to this document). The school will require photographic Company ID from the individual when he first arrives at the school. If photographic Company ID is not available, the individual will need to provide some form of alternative proof of identity so that the school can be satisfied that he is the person that the Company has agreed to send.

Proof of identity will be recorded on the school's SCR. The school will attach Tottenham's confirmation of the DBS check carried out to its SCR.

EXAMPLE 11

A School engages the services of a local self-employed sports coach.

Coaching will be provided for groups of pupils in a variety of sports activities after school hours, once every week, for a full academic year. There may sometimes be teachers or other staff from the school in the general vicinity but there will be no planned supervision in place. **Due to the nature of the role, the frequency of contact with pupils and the fact that there will be no formal supervision in place, the coach will be in regulated activity.** The school carries out the full range of pre-employment checks (the same as it would with an employee) including an Enhanced DBS with Barred List check**. Although some of the children are under 8 (but over 5) and the coaching is after normal school hours, the Headteacher decides that a Childcare Disqualification check is not needed in this case. The Later Years Provision requirements for this check only include childcare provided before or after school. The Headteacher considers this coaching to be a co-curricular learning activity during school hours extended for this specific purpose.

The relevant details and dates of all checks carried out are recorded on the school's SCR in the same way as those carried out on employees of the school.

*** Note that self-employed persons cannot apply for a DBS certificate of their own criminal record (as they cannot ask 'exempted questions' of themselves). The individual must instead ask the organisation wishing to contract their services to apply for their DBS check.*

EXAMPLE 12

A Governor at an Enfield Primary school volunteers to help groups of reception aged pupils with reading once a week.

It is arranged that the reading groups will take place in an area where there will always be either a teacher or a teaching assistant to provide supervision. In these circumstances, **the Headteacher decides that the Governor will not be in regulated activity as they are a 'supervised volunteer'**. As it is a statutory requirement in respect of Governors (as well as being good practice) an Enhanced DBS without Barred List check is obtained. As the Governor is assisting reception aged pupils with reading, the Early Years provisions under the Childcare Disqualification requirements mean that they must also complete a declaration form to confirm that they are not disqualified from working with, or providing care for, children in this age group.

Although not in regulated activity, the Governor is a regular volunteer. Therefore, the relevant date and details of the checks carried out on her are recorded on the school's SCR, along with confirmation of photographic proof of identity.

EXAMPLE 13

A school decides to hire a supply teacher from an external employment Agency. It is likely to be for only one day.

Although work/activities in establishments such as schools must be carried out 'regularly' to be included within regulated activity (see Page 4 above), in this case the School must obtain written confirmation from the Agency that all employment checks have been carried out. The school initially only requires the teacher for one day. However, this could be extended, and/or the Agency may send the same teacher to the school on other, future occasions. In these circumstances, **the teacher could find themselves having regular contact with the same pupils.**

The school requires the Agency to complete the model Agency Questionnaire produced by the Schools' Personnel for schools to give to any Agencies they may use for the purpose of providing written

confirmation that all relevant employment checks have been carried out on their Agency workers. (See Appendix 7 to this document).

The Agency's completed questionnaire is then attached to the school's SCR. The school also requires the Agency worker to provide photographic ID on first arriving at the school in order to be certain that the worker is the person that the Agency has agreed to send. The proof of identity is recorded on the SCR.

EXAMPLE 14

A school is interviewing for the position of Deputy Head Teacher. The six longlisted applicants are to be shown around the school by two pupils.

This is not regulated activity as it is a 'one-off' occasion and the candidates are visitors to the school. The school follows its usual protocol for dealing with visitors. (See 'Procedure for Visitors including Teachers and Support Staff attending for Training' attached to this document as Appendix 3).

The two pupils take the lead in talking to the candidates as the tour of the school progresses but the group is accompanied by a member of the school's staff who is in regulated activity and who has, therefore, been the subject of full employment checks.

The candidates will have been required to produce photographic ID on their arrival at the school but there is no need for any information to be recorded on the school's SCR.

EXAMPLE 15

A parent has volunteered to accompany pupils and members of staff on a 3 day (2 night) school trip. The parent is not one of the school's regular volunteers and this is a one-off event to provide additional assistance to the staff.

Although the parent's volunteering is not regular, **due to the fact that there will be an overnight stay and that they could find themselves alone with pupils during that time, the Headteacher decides that this is regulated activity** and obtains an Enhanced DBS with Barred List check. (If the parent was to be supervised at all times and there was no risk of her being alone with pupils the Headteacher would not have been entitled to ask for a Barred List check but could still have requested an Enhanced DBS without Barred List check). The children are all over the age of eight, meaning that there is no need to obtain confirmation that the parent is not disqualified under the Childcare Act 2006.

This information, and also photographic proof of ID**, is recorded on the school's SCR.

*(**Although the parent is well-known to the School, the Headteacher decides there is a need to formally record the proof of ID on the SCR as the parent is going to be in Regulated Activity).*

EXAMPLE 16

A Primary school Headteacher has decided that he needs to bring in additional help and support for staff for school visits and trips. However, he is concerned about bringing in parents on an ad-hoc basis because of the level of checks required if they are to provide practical help and support to staff without the need to have continuous supervision.

In these circumstances, the Headteacher decides that he will recruit 10 or 12 volunteers from amongst parents who wish to provide assistance in this way. He will then get the relevant checks carried out for those whose services he wishes to utilise and, when they have all been satisfactorily completed, he will have a group of regular volunteers that he can call upon as and when required.

The Headteacher advertises amongst parents for his group of volunteers and requires those who are interested to complete the model 'Volunteer Application form' produced by the Schools' Personnel Service. He then obtains references and carries out informal interviews with 2 members of his SLT. The Panel decides that eight of the applicants are suitable, subject to further checks.

On receipt of other satisfactory checks, including medical assessments, completed declaration forms to ensure that none of the applicants are disqualified from relevant work with children under the childcare disqualification requirements and Enhanced DBS with Barred List checks, **the eight volunteers are added to the school's SCR and the details of checks undertaken indicates that they are available to be called upon to undertake regulated activity if required. Photographic proof of ID is also recorded on the school's SCR.**

EXAMPLE 17

A priest visits a local Faith school once a month to take Mass and often visits on other occasions to talk to pupils and hear confessions.

The Headteacher has arranged for a confessional to be set up in the corner of the school hall. A member of staff is always present for supervision purposes. However, **it is decided that the Priest is in regulated activity as his visits could fall within the regulated activity definition of 'regular' and, although a member of staff is present in the hall, the dialogue within the confessional is private and cannot be heard.** The Headteacher obtains written confirmation from the Diocese that the Priest has had a satisfactory Enhanced DBS with Barred List check. The age of the pupils mean that it is not necessary to obtain confirmation that the Priest is not disqualified under the Childcare Act 2006. (See model letter attached as Appendix 4 to this document). The Priest also provides photographic proof of identity.

The Priest's details, including proof of identity, are added to the SCR and the written confirmation of checks from the Diocese is attached.

EXAMPLE 18

A parent has volunteered to provide assistance at a Special school for pupils with severe learning difficulties, aged from 3-19 years. As well as reading with groups of younger pupils, the parent will be assisting pupils throughout the school with personal care. This may include physical assistance with personal care, eating and drinking and toileting.

The Headteacher asks the parent to complete a Volunteers' application form, obtains references and interviews her in relation to her wish to take on voluntary work of this nature. The Headteacher decides that the parent is suitable, subject to further checks. He obtains a full Enhanced DBS check for both the Adult and Children's Workforces, together with Adult and Children's Barred List checks. As the parent will be reading with very young children, the Headteacher also decides that, in accordance with the Early Years provisions under the Childcare Disqualification requirements, they must also complete a declaration form to confirm that they are not disqualified from working with, or providing care for, children in this age group.

On receipt of satisfactory checks, including also a medical assessment, the parent is added to the school's SCR and the details of the checks undertaken indicate that they are available to be called on to work in Regulated Activity, as required. Photographic proof of ID** is also recorded on the school's SCR.

*(**Although the parent is known to the School, the Headteacher decides there is a need to formally record the proof of ID on the SCR as the parent is going to be in Regulated Activity).*

APPENDICES

**MODEL CODE OF CONDUCT
FOR CONTRACTORS WORKING IN SCHOOLS**

GUIDANCE NOTES FOR SCHOOLS AND THEIR STAFF

As part of the commitment to the safeguarding and welfare of children and young people, schools are strongly advised to use a Code of Conduct as a framework for informing all contractors (whether checked or not, and whether there is any opportunity for contact with pupils or not) of safeguarding rules and expected standards of behaviour.

To ensure that the Code is effective, it should be:

- Issued to contractors when quotations or tenders are invited
- Stated, in writing, that adherence to the Code is a condition of any order for works or a contract, regardless of how or by whom the contractor is appointed; also that failure of workers to observe the Code will entitle the school to exclude a member of the contractors' staff from the premises
- Highlighted and discussed in any meetings with the contractor prior to work commencing on site
- Referred to in any relevant briefings that take place with contractors and workers
- Issued to all contractors and workers on their first day and before any work has commenced
- Displayed in the area where the work is taking place (as a reminder to all those working there)
- Displayed on the staff notice board(s) and/or in staff rooms (so that all school staff are aware of the safeguarding rules and the conduct expected of contractors).

SCHOOL

CODE OF CONDUCT FOR CONTRACTORS

It is **the responsibility of all adults** to safeguard and promote the welfare of children and young people. As part of this responsibility **you must:**

1. **Observe this Code of Conduct at all times**
2. **Observe any instructions given to you by the school** for signing in and out of the premises.
3. **Avoid contact with the children** attending this school; **never** give your personal contact details to a child
4. **Never be in contact with a child or children without supervision** from a member of the school's staff; if a child approaches you, seek the assistance of a member of staff immediately
5. **Stay within your agreed work area** and access routes
6. **Obtain permission from a member of the school's staff** if you need to leave the work area or access routes
7. If you have permission to leave the work area or access routes **you will normally be accompanied or supervised by a member of staff**; in any event you must keep school staff informed of where you are and what you are doing
8. **Do not use foul or inappropriate language**
9. **Social media** Whilst within the confines of the School premises, all contractors must ensure social media privacy settings are secure and their location is private. No reference is to be made as to where the contractor is currently engaged or working.
10. **Mobile phones** Within the confines of the school premises use of mobile phones should be kept to a minimum. No photos are to be taken or recordings made whilst on school premises
11. **Dress appropriately at all times, i.e.**
 - you must always wear a shirt or top
 - all visible clothing must be free of offensive, provocative or contentious slogans
12. **Ensure that you can always be identified as a contractor by members of the school's staff and others. At all times:**
 - Wear Company-branded work clothing issued to you
 - Carry your Company ID with you

Remember – However well-intentioned, your actions could be misinterpreted. Be aware of the need to avoid placing yourself in vulnerable situations.

SINGLE CENTRAL RECORD/REGISTER (SCR) OF CHECKS

Schools must ensure that they comply with statutory requirements for information to be recorded and retained on its SCR of **pre-employment checks carried out**. **The SCR must show:**

- **All employees and workers employed or engaged directly (including, for example, casual supply workers, specialists such as sports coaches and teacher trainees on salaried routes);**
- **Agency and third-party supply staff (even if they work for one day);**
- **All others who work in regular contact with pupils in the school, such as volunteers (including volunteer Governors);**
- **In Independent schools, all members of the proprietor body. In Academies and Free schools, this means the members and trustees of the Academy Trust;**
- **In respect of colleges, details of staff, including agency and supply staff providing education to children under the age of 18.**

It is also strongly recommended that the following groups (in addition to the above groups who must be included on the SCR as their work brings them into regular contact with children) **are also included on the SCR:**

- **Volunteers, including volunteer Governors and others; and**
- **All members of the Governing Body of a maintained school** (regardless of whether they also carry out volunteering work).

Generally, the information that will be recorded on **direct employees/workers** is whether or not the following checks have been carried out or certificates obtained, and the date on which **each** check was completed/certificate obtained:

- an identity check;
- a check to establish the person's right to work in the United Kingdom;
- a standalone Children's Barred List(s) check. *(In relevant circumstances, Special and, possibly, some Secondary schools may require an Adult Barred List check to be carried out in addition to the Children's Barred List check);*
- an Enhanced DBS check (with children's barred list check) requested/certificate provided. *(This check is carried out by logging onto the DfE website <https://check-the-childrens-barred-list.education.gov.uk>) (In relevant circumstances, Special and, possibly, some Secondary schools may require an Enhanced DBS check for both the Children's and Adult Workforces);*
- a check of professional qualifications;
- additional checks on people who have lived or worked outside the UK;
- for teaching posts/those carrying out teaching work, a prohibition from teaching check; *(This check is carried out by logging onto the DfE website: <https://check-a-teachers-record.education.gov.uk>)*
- for relevant posts, a section 128 Barring Direction check (prohibits or restricts a person from taking part in the management of an Independent school, inc. Academies and Free schools. Note that a s.128 direction also prohibits a person from taking up a position as governor of a maintained school.). *(This check is carried out by looking on <https://www.gov.uk/government/collections/individuals-prohibited-from-managing-or-governing-schools>).*

And, although currently not a statutory requirement, it is strongly advised that the following is also recorded for relevant posts (as it is clearly a measure put in place for the purpose of safeguarding children) -

- the check to meet childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

There is no statutory duty to include details of any other checks on the SCR. However, schools may decide to record other information they consider relevant for their own purposes. This may include, for example, confirmation of references received, confirmation of online searches carried out, code of conduct issued/declaration signed, KCSIE Part One/Annex A or B issued and read etc., evidence of mental and physical fitness received, induction completed, dates of safeguarding, safer recruitment and any other relevant training, details of fee-funded trainee teachers and/or the name of the person who carried out each check.

Agencies and other third party organisations supplying staff/workers to schools must be asked to provide written confirmation that all the necessary checks are carried out. It should also include whether details of any Enhanced DBS certificate have been provided in respect of a member of staff/worker. The written confirmation is then attached to the SCR. Identity checks must be carried out by the school to ensure that the person who arrives is the person referred by the third party organisation.

Volunteers may be used in a variety of different roles. Safer recruitment principles must be adapted and/or applied with common sense depending upon an individual's involvement and interaction with pupils, whether it is regular contact or 'one-off', whether they are being supervised etc. For example, if a parent volunteers as part of a group helping out on a one-off basis such as a fete, school disco or a day trip, there is no need for a formal recruitment or checking process and they should not be recorded on the SCR.

Where a volunteer is likely to have an on-going role that includes regular contact with children, then a similar recruitment and selection process must be applied as would be used to recruit an employee (e.g. completion of a volunteer application form, face-to-face interview, obtaining references). The process should be presented in a less formal manner but the principles of safer recruitment are the same. Checks to be carried out should include:

- Where the individual is deemed to be in 'regulated activity', an Enhanced DBS with Children's Barred List check OR where the individual will be adequately supervised and, therefore, not in regulated activity, an Enhanced Disclosure without Children's Barred List check. In some circumstances, an Enhanced Disclosure with Adult Barred List check may also be required.
- Where the individual will be working in a relevant role, a check to ensure that they are not disqualified under childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018
- Any other checks considered to be relevant to the role.

Checks carried out on volunteers should be recorded on the SCR in line with those that are required to be recorded, as well as those that may also be included on a discretionary basis for employees/workers.

In relation to Governors, the Governing Body must ensure that relevant checks are carried out on Governors. These include:

- An Identity check
- An Enhanced DBS check in respect of all Governors as required by the relevant Regulations. (A Barred List check should be undertaken only where a Governor, in addition to their governance duties, will also be engaging in Regulated Activity).
- A section 128 check on all governors using the DfE Website <https://www.gov.uk/government/collections/individuals-prohibited-from-managing-or-governing-schools>. (This is because a person is prevented from participating in the

management of an independent school, as well as being disqualified from being a governor of a maintained school by a section 128 direction).

- Any other checks considered to be relevant to the role (e.g. where by reason of an individual having lived overseas, obtaining an Enhanced DBS check is not considered to be sufficient to establish their suitability for the role)

In circumstances where a Governor will additionally be volunteering in a role that involves regular contact with children, a similar recruitment process must be applied as would be used to recruit an employee or any other volunteer (as set out above for volunteers).

All checks carried out on Governors should be recorded on the SCR in line with those that are required to be recorded, as well as those that may also be included on a discretionary basis for employees/workers.

Full details of records that must be kept are contained within the relevant Regulations and statutory guidance as applicable to maintained schools, PRUs, Independent schools and others:

- **For Maintained Schools**, requirements relating to the appointment, discipline, capability, suspension and dismissal of staff, use of supply staff/workers, checks and information to be held on the establishment's single, central register (SCR), as well as information on teacher capability to be provided in references are specified within the School Staffing (England) Regulations 2009, as amended in 2012, 2013, 2014 and 2015 (applied to Pupil Referral Units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007), the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007, as amended by the Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012, and any subsequent Regulations and/or amendments applicable to maintained schools and PRUs.

Separate Regulations apply to FE providers, Academies/Free, other Independent schools and non-maintained special schools. These include for example:

- **Independent schools, (including academies and free schools and alternative provision academies and free schools)** further details are within the Education (Independent School Standards) Regulations 2014; any subsequent amendments and other relevant regulations
- **Colleges** – within Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006; any subsequent amendments and other relevant regulations
- **Non-Maintained Special Schools** – within Regulation 3 and Paragraph 7 of Part 1 and Paragraph 18 of Part 2 to the Schedule to the Non-Maintained Special Schools (England) Regulations 2015; any subsequent amendments and other relevant regulations.

Academies and Free schools must also adhere to any specific requirements that may be set out in their Funding Agreements.

Copies of the documents used to verify an individual's identity, right to work and required qualifications will be kept for the personnel file.

Copies of DBS Certificates and records of criminal information disclosed by the individual are covered by UK GDPR/DPA 2018 Article 10. In order to comply with the Data Protection Act 2018, where the *school* chooses to retain a copy and has a valid reason for doing so, this will not be retained for longer than six months. When the information is destroyed the *school* will keep a record of the fact that vetting was carried out, the result and the recruitment decision taken. (It is noted that there is no requirement to keep copies of DBS certificates in order to fulfil the duty of maintaining the SCR).

The details of an individual should be removed from the 'live' SCR once they no longer work at the school and the information retained in an archive.

There is no defined format for the SCR. It is a matter for each establishment to determine how the record is held and whether it is held manually or in electronic form. However, it must be kept in a single location. Most establishments will hold the SCR in electronic form as an Excel document. The records should be held in one Excel workbook although they may be held across different worksheets within the workbook (e.g. Direct Employees/Workers, Volunteers, Agency Workers, Contractors etc).

MATs are required to maintain the SCR detailing checks carried out in each Academy within the MAT. Whilst there is no requirement for the MAT to maintain an individual record for each Academy, the information must be recorded in a way that allows for details of each Academy to be provided separately, and without delay, to those entitled to inspect the information, including Ofsted Inspectors. Therefore, should be given to either holding the information separately at individual establishments or centrally as a 'master'.

An example format for a SCR is available as an Excel file which can be located on The Hub. Accompanying notes, to be read alongside the example SCR template, are set out overleaf.

SINGLE CENTRAL REGISTER OF CHECKS
ADDITIONAL NOTES TO ACCOMPANY TEMPLATE SCR LOCATED ON THE HUB

1. **Schools and colleges must keep a single central record, referred to in regulations as a register (SCR).** The SCR must cover the following people:
- **All employees and workers employed or engaged directly (including, for example, casual supply workers, specialists such as sports coaches and teacher trainees on salaried routes);**
 - **Agency and third-party supply staff (even if they work for one day);**
 - **All others who work in regular contact with pupils in the school, such as volunteers (including volunteer Governors);**
 - **In Independent schools, all members of the proprietor body. In Academies and Free schools, this means the members and trustees of the Academy Trust;**
 - **In respect of colleges, details of staff, including agency and supply staff providing education to children under the age of 18.**

It is also strongly recommended that the following groups (in addition to the above groups who must be included on the SCR as their work brings them into regular contact with children) **are also included on the SCR:**

- **Volunteers, including volunteer Governors and others; and**
 - **All members of the Governing Body of a maintained school** (regardless of whether they also carry out volunteering work).
2. **Generally, the specified information to be recorded on employees and other persons engaged directly is whether or not the checks have been carried out or certificates obtained, and the date on which the checks were completed.** For full details of records that must be kept, refer to:
- **For Maintained Schools,** requirements relating to the appointment, discipline, capability, suspension and dismissal of staff, use of supply staff/workers, checks and information to be held on the establishment's single, central register (SCR), as well as information on teacher capability to be provided in references are specified within the School Staffing (England) Regulations 2009, as amended in 2012, 2013, 2014 and 2015 (applied to Pupil Referral Units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007), the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007, as amended by the Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012, and any subsequent Regulations and/or amendments applicable to maintained schools and PRUs.

Separate Regulations apply to FE providers, Academies/Free, other Independent schools and non-maintained special schools. These include for example:

- **Independent schools, (including academies and free schools and alternative provision academies and free schools)** further details are within the Education (Independent School Standards) Regulations 2014; any subsequent amendments and other relevant regulations
- **Colleges** – within Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006; any subsequent amendments and other relevant regulations
- **Non-Maintained Special Schools** – within Regulation 3 and Paragraph 7 of Part 1 and Paragraph 18 of Part 2 to the Schedule to the Non-Maintained Special Schools (England) Regulations 2015; any subsequent amendments and other relevant regulations.

Academies and Free schools must also adhere to any specific requirements that may be set out in their Funding Agreements.

3. **The SCR is intended to be a 'live' (current) document.** The details of an individual should be removed from the 'live' SCR once they no longer work at the *school* and the information retained in an archive.
4. **Identity Checks** should confirm name, date of birth, address and photographic identity (unless for exceptional reasons none is available) and be within a valid time period if there are any expiry dates on the document. Where a teacher or other worker is employed by a third party, such as an employment

business or agency, contractor or Local Authority, the educational establishment **must check that the person who arrives is the person referred by the third party by carrying out an identity check.**

5. **Information about position** is important particularly, for example, if an employee moves to a new role requiring additional or different checks (e.g. support staff to teacher would require prohibition order list check, qualifications and, depending on the circumstances, may require a Childcare Disqualification check; a supervised volunteer appointed as a member of staff would require a new Disclosure and Barring Service (DBS) including Barred List Check etc). Where a **qualification** is a requirement of the post, it must be checked and confirmed as part of the record, for example, QTS, NPQH and/or other qualifications deemed essential to different roles.
6. ****The Barred List(s) Check** should normally be carried out as part of the full DBS Check for employees, workers and relevant others. This check can be carried out online via the DfE Website: <https://check-the-childrens-barred-list.education.gov.uk> . Standalone Barred List(s) check may be carried out in advance of the full DBS check and this information would then be recorded separately in the relevant column above. If, exceptionally, the school or college has not carried out a full DBS on an employee by virtue of their start date and continuity of service, then a Barred List(s) Check **MUST**, in any event, still be carried out. This would be recorded in the relevant column. **No employee, or relevant other, may commence work without first obtaining a satisfactory Barred List(s) check.** If this is received in advance of the full DBS check, the individual may then commence work - but only if supervised.
7. ****The Enhanced DBS Check, including Barred List check, for all employees and others where appropriate**, now applies. However, different arrangements have applied in the recent past but all staff and others who have remained in their current roles would have been subject to the checks in place at the time of their appointment:
- All those employed prior to March 2002 (and with no subsequent change to their employment requiring a further check) should have been subject to **a satisfactory check against List 99**; additionally, those appointed between 1989 and March 2002 should have been subject to **a satisfactory police check**;
 - All those employed since March 2002 should have been subject to **a satisfactory enhanced Criminal Records Bureau (CRB) check**. This check would have included **a check against List 99**;
 - All those employed since 12th October 2009 should have been subject to **a satisfactory enhanced CRB check, including a check against List 99/Independent Safeguarding Authority (ISA) Barred List**;
 - All those employed since 1st December 2012 should have been subject to **a satisfactory Enhanced with Barred List Check through the DBS**.

****The DBS and Barred List check will normally be for the Children's Workforce. However, some Special and, possibly, Secondary schools, may also need to carry out these checks for the Adult Workforce.**

Note: Schools do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the SCR. To help schools comply with the requirements of the General Data Protection Regulations, where a school, with an individual's express permission, chooses to retain a copy of a DBS certificate and has a valid reason for doing so, this should not be retained for longer than six months. When the information is destroyed the school should keep a record of the fact that vetting was carried out, the result and the recruitment decision taken. A copy of other documents, for example those used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file.

8. **Right to work in the UK** must be confirmed before the employee starts work. All employers have a duty to prevent illegal working in the UK by carrying out prescribed document checks on people before employing them to ensure they are lawfully allowed to work. The record should state the document that was evidenced to confirm the legal right to work. Persons who have an automatic right to work in the UK must still be required to prove it. Others may have the right due to their particular individual circumstances but may otherwise not be allowed to work or may need a permit to do so. If an individual has time-limited permission to work in the UK, the check will need to be repeated.

9. **Additional Overseas Checks** - Those who have lived or worked outside the UK must undergo the same checks as all other employees and workers. However, schools and colleges have a responsibility to make any further checks they consider appropriate so that any relevant events that may have occurred outside the UK can be considered. The Home Office has published guidance on criminal records checks for overseas applicants. The link to the relevant website page is:

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

The website provides information on the checks that are available from individual countries. These may include letters or certificates of good conduct from local police forces or embassies. It should be noted that the standard of checks from different countries is likely to vary. In these circumstances, additional references (for example) may also prove helpful.

10. **(a)** The School Staffing (England) (Amendment) Regulations 2013 introduced a new requirement to carry out **a check to ensure that teachers appointed on or after 2nd September 2013 are not subject to a Prohibition Order or Interim Prohibition Order**. This check is carried out online via the DfE Website <https://check-a-teachers-record.education.gov.uk> ; **(b)** In April 2016, awareness was raised of a further List on the same website ‘**Showing Section 128 Barring Directions**’. This list contains the names of individuals who have been prohibited from taking part in the management of any Independent school (inc. academies and free schools) or who may do so only in specified circumstances or if specific conditions are met. The list enables a potential employer to check the record of anyone being considered for employment in a management position which may, therefore, be a teaching or support staff appointment. (The check would also apply in the case of others taking part in the management of an independent school, such as trustees or governors). **A Section 128 Barring Direction also disqualifies a person from holding or continuing to hold office as a governor of a maintained school.** (See School Governance (Constitution) (England) Regulations 2012 as amended by the School Governance (Constitution) England) (Amendment) Regulations 2014).

It is a requirement that these checks are recorded on the SCR.

The status record of all teachers can be individually checked on the DfE Website by entering their last name and date of birth. Each teacher’s record will show their QTS and induction status, ITT and supplementary qualifications as well as whether the teacher has any prohibitions, restrictions and/or sanctions imposed in relation to their employment. In addition, the lists containing only the named individuals with sanctions, restrictions and/or prohibition orders against them can be viewed in their entirety. The record of any person named on any of the lists can then be accessed individually for further information. The website link for employers to access this free service is: <https://check-a-teachers-record.education.gov.uk>.

11. Schools and relevant educational establishments must be able to show that they have complied with the **Childcare Act 2006 and Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 to ensure that employees and workers in relevant roles and settings are not disqualified** from caring for, or working with, children in specified age groups and settings. DfE statutory guidance on ‘Disqualification under the Childcare Act 2006’ can be located at the following link: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

12. **In relation to staff and workers supplied by the Local Authority or other Organisations/Bodies and Agencies (including contractors, as appropriate) to carry out work** at the school or college, the establishment will need confirmation from that Body that it has carried out all the relevant checks. The establishment does not need to carry out the checks itself, or see the checks unless the DBS Disclosure contains information. **This confirmation that the required checks have been carried out must be attached to the establishment’s SCR of checks.**

June 2024

PROCEDURE FOR VISITORS, INCLUDING TEACHERS AND SUPPORT STAFF ATTENDING FOR TRAINING

All school staff dealing with and/or meeting with visitors should note the following and ensure that the relevant action is taken:

- Wherever possible, visits to schools should be pre-arranged
- On first arrival, all visitors must be directed to report to reception and must not enter the school via any other entrance
- At reception, all visitors should be asked to explain the purpose of their visit and state who has invited them. They should be asked to produce formal photographic (wherever possible) identification. All those from an Enfield school should show their school ID Badge
- All visitors must be asked to sign the visitors' record book or equivalent, such as an electronic recording system which may include a photograph being taken of the visitor
- If the visitor is part of a large group of visitors a separate register may be utilised
- A visitors' badge should be issued to all visitors and they should be asked to ensure that they wear and display it prominently at all times
- All visitors should be issued with the attached '**Protocol for Visitors to the School**'
- Visitors should be asked to wait in the reception area until they are met by an appropriate member of staff to be escorted to their destination
- All visitors should be accompanied by a member of staff. Visitors should not be alone with pupils/children unless this is a legitimate part of their role (for example, an educational psychologist seeing a pupil) and the school has assured itself that the visitor has had the appropriate DBS check and any other relevant checks (or the visitor's employer has confirmed that their staff have had appropriate checks)
- It should be explained to visitors that, should they find themselves alone with pupils/children, they should report to a member of staff or reception.
- On departing the school, visitors should be asked to leave via reception, sign out of the building, return their visitor badge and be seen to leave the premises. School reception staff should check the 'in-out' records regularly to monitor compliance with these procedures.

NB. The above procedures do not apply to trainee and student teachers attending schools and having contact with pupils as part of their training. See Page 4 above for further information relating to checks on trainee teachers.

SCHOOL

PROTOCOL FOR VISITORS TO THE SCHOOL

We welcome all visitors to the school. You are asked to read and abide by the following protocol at all times during your visit. This is to protect both you and the children and to ensure that your visit to the school runs as smoothly as possible. We ask that you:

- Pre-arrange your visit to the school, wherever possible
- Report to reception on arrival and do not enter the school via any other entrance
- Follow any parking instructions you may be given, then ensure that your vehicle is locked, and that it is kept locked, at all times while not in use. If you need to use or move the vehicle during your visit, drive with extra caution while on the premises
- Once at the main Reception, explain the purpose of your visit and state who you have come to see. You will be asked to produce formal photographic (wherever possible) identification. If you are from an Enfield school you should show your school ID Badge
- You will be asked to sign the visitors' record book or equivalent, such as an electronic recording system which may include a photograph being taken of you
- A visitors' badge will be issued to you and you should ensure that you wear it, displayed prominently, at all times
- You will be asked to wait in the reception area until you are met by an appropriate member of staff to be escorted to your destination
- Unless it is a legitimate part of your visit to the school, if you find yourself alone with pupils/children, you should report to a member of staff or reception
- Do not wander around the school unnecessarily and always follow instructions for moving from one area to another should you need to do so
- Ensure that your mobile phone is kept on your person at all times and switch it to silent whenever possible, and particularly if in the presence of pupils/children; you are also asked to ensure that neither your phone nor any other equipment you may have with you can be accessed by pupils
- Always use appropriate language and behaviour with pupils/children and adults
- Do not smoke on the school premises or anywhere when with pupils/children
- Ensure that you read and/or follow any other protocols or policies that may be given to you, or drawn to your attention, by the school, for example in relation to child protection/safeguarding and health and safety
- Ensure that you are aware who you should refer to within the school if you have any concerns
- On departing the school, you will be asked to leave via reception, sign out of the building, return your visitor badge and be seen to leave the premises.

THANK YOU

MODEL LETTER FOR USE BY:

ALL COMPANIES/ORGANISATIONS/CONTRACTORS SENDING WORKERS (FOR EXAMPLE) TO A SCHOOL WHERE CHECKS ARE CONSIDERED NECESSARY DUE TO THE OPPORTUNITY FOR CONTACT WITH PUPILS – Letter may need to be adapted to suit specific circumstances. (Letter to be on the Company's/Organisation's headed paper)

To: The Headteacher
_____ School

Ref.
Date:

Address

Dear *(Name of Headteacher)*,

Confirmation of Safeguarding Checks carried out on Employees/Workers

The purpose of this letter is to confirm that *(name of Company/Organisation)* carries out relevant safeguarding checks on all employees and workers sent to schools and similar educational establishments to carry out work *(or as appropriate)* work where there may opportunities for contact with pupils.

This *Company/Organisation* ensures that satisfactory Enhanced Disclosure and Barring Service *with/without (as appropriate to the circumstances)* Barred List checks are received on all employees/workers prior to deployment to the establishment. In these circumstances, it can be confirmed that the *Company/Organisation* knows of no reason why any employee or worker is not suitable to work with children *(or adults deemed vulnerable, if relevant)*. If there is information on any Certificate that may indicate to the contrary, this will be shared with you prior to the individual starting work.

(The following Paragraph also to be included, if relevant to the age of the pupils)

I can also confirm that checks are made to ensure that any employees or workers deployed to schools or other relevant establishments are not disqualified from relevant provision or work under the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018

I attach/prior to the commencement of work on site you will be provided with (as appropriate to the circumstances) a list of the workers to be in attendance during the period of the work. All have photographic *Company/Organisation* ID which you should ask to see when they first arrive.

Please do not hesitate to contact me if you have any concerns or queries about this matter.

Yours sincerely,

Name and Title of Appropriate Manager
Name of Company/Organisation

MODEL STATEMENT FOR SCHOOL WEBSITE:

TO WHOM IT MAY CONCERN

****CONFIRMATION OF SAFEGUARDING CHECKS ON STAFF/WORKERS****

(Name) School ensures that all relevant pre-employment checks are carried out on **employees and workers engaged directly**. In particular, the following specific safeguarding checks are carried out:

- All employees/workers appointed/engaged prior to March 2002 (and with no subsequent change to their employment arrangement requiring a further check) have been subject to **a check against List 99**; additionally, those appointed between 1989 and March 2002 would have been subject to **a satisfactory police check**;
- All employees/workers appointed/engaged since March 2002 have been subject to **a satisfactory Enhanced Criminal Records Bureau (CRB) check**. This check included a **check against List 99**;
- All employees/workers appointed/engaged since 12th October 2009 have been subject to **a satisfactory Enhanced CRB check, including a check against List 99/Independent Safeguarding Authority (ISA) Barred List**;
- All employees/workers appointed/engaged since 1st December 2012 have been subject to a satisfactory **Enhanced with Barred List check through the Disclosure and Barring Service (DBS)**.
- The school also requires consent from applicants to carry out online searches of publicly available information, including social media, prior to interview

(The following Paragraph also to be included, if relevant to the age of the pupils)

(Name) school also ensures that **relevant employees, and workers engaged directly** are not disqualified under the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 from:

- **Early Years provision** - providing any care (inc. education) for a child up to and including reception age (from birth to 1st September following the child's 5th birthday);
- **Later Years provision** – working in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8.
- **Management** of any of the above provision.

Such employees and workers are required to sign an annual declaration to confirm that there has been no change to their criminal record and that they are not disqualified under the Childcare Disqualification Regulations.

Unsupervised, regular volunteers are also subject to the above safeguarding checks.

Supervised, regular volunteers are subject to the above safeguarding checks, with the current exception of the Children's (*and Adult, if relevant*) Barred List check.

All school staff and workers engaged directly are issued with photographic School ID.

As appropriate, visitors to the school are asked to provide Photographic ID wherever possible.

Third party organisations deploying staff or workers to the school are required to provide confirmation that pre-employment and safeguarding checks relevant to the role have been carried out.

MODEL LETTER FOR USE BY:

OTHER SCHOOLS SENDING EMPLOYEES/WORKERS FOR TRAINING OR VISITS TO A HOST SCHOOL WHERE THEY MAY OR MAY NOT BE IN REGULATED ACTIVITY WITH PUPILS – Letter to be used where there is no statement on the school’s website to confirm that the relevant safeguarding checks are carried out on staff/workers. It may need to be adapted to suit particular circumstances. (Letter to be on the visiting school’s headed paper)

To: The Headteacher
_____ School

Ref.
Date:

Address

Dear *(Name of Headteacher)*,

Confirmation of Safeguarding Checks carried out on Employees

The purpose of this letter is to confirm that *(name of School)* carries out relevant safeguarding checks on all employees and workers sent to schools and similar educational establishments for the purposes of undertaking training, giving talks or general visits which may or may not involve the provision of care for, or work with, pupils and/or the individuals may be unsupervised.

(Name) School ensures that all relevant pre-employment checks are carried out on employees, and workers engaged directly. In particular, and for the purposes stated above, I can also confirm that the following specific safeguarding checks are carried out:

- All employees/workers appointed/engaged prior to March 2002 (and with no subsequent change to their employment arrangement requiring a further check) have been subject to **a check against List 99**; additionally, those appointed between 1989 and March 2002 would have been subject to **a satisfactory police check**;
- All employees/workers appointed/engaged since March 2002 have been subject to **a satisfactory Enhanced Criminal Records Bureau (CRB) check**. This check included a **check against List 99**;
- All employees/workers appointed/engaged since 12th October 2009 have been subject to **a satisfactory Enhanced CRB check, including a check against List 99/Independent Safeguarding Authority (ISA) Barred List**;
- All employees/workers appointed/engaged since 1st December 2012 have been subject to a satisfactory **Enhanced with Barred List check through the Disclosure and Barring Service (DBS)**.
- The school also requires consent from applicants to carry out online searches of publicly available information, including social media, prior to interview

(The following Paragraph also to be included, if relevant to the age of the pupils)

This school also ensures that relevant employees and workers are not disqualified under the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 from:

- **Early Years provision** - providing any care (inc. education) for a child up to and including reception age (from birth to 1st September following the child’s 5th birthday);

- **Later Years provision** – working in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8.
- **Management** of any of the above provision.

Such employees and workers are required to sign an annual declaration to confirm that there has been no change to their criminal record and that they are not disqualified under the Childcare Disqualification Regulations.

All school staff and workers have photographic School ID which you should ask to see when they first arrive.

Please do not hesitate to contact me if you have any concerns or queries about this matter.

Yours sincerely,

Headteacher
Name of School

APPENDIX 7**LONDON BOROUGH OF ENFIELD
RECRUITMENT QUESTIONNAIRE FOR COMPLETION BY AGENCIES**

This School/Service needs to be satisfied that employment agencies adopt robust recruitment and vetting procedures when taking on workers for deployment within the Education Sector. Please answer the following questions and return the form as indicated overleaf. If you need to provide additional information or comments, please do so in the box provided overleaf.

No.	Question	YES	NO
1(a)	Do you check that your staff/workers are medically fit to carry out their duties?		
1(b)	If yes to 1(a), do you use the services of an Occupational Health Manager or Specialist?		
2	Do you carry out Barred List checks on all your staff/workers who will be in Regulated Activity through the Disclosure and Barring Service (DBS) prior to them undertaking any work (including through the DBS Update Service where an individual is registered)?		
3	<p>Does your Agency ensure that an Enhanced Disclosure is received for all your staff/workers (or otherwise that the necessary checks are carried out through the DBS Update Service where an individual is registered) before they start work?</p> <p>Please state below which Registered Body carries out checks on your behalf. Registered Body:</p>		
4	Does your Agency obtain a fresh Enhanced Disclosure (or otherwise carry out the necessary check through the DBS Update Service where an individual is registered) if the employee/worker has a break in service of 3 months or more, or if there are concerns about the person's suitability to work with children?		
5	<p>Can you confirm that if information is made available on the Enhanced Disclosure, or if any additional information is made available separately to the Agency:</p> <p>a) you will disclose it to the school and provide them with a copy of the certificate OR otherwise confirm that there is NO such information?</p> <p>b) you would NOT employ, offer work to, or otherwise continue to employ any staff/workers who are unsuitable to work with children?</p>		
6	<p>In accordance with the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 do you ensure that staff/workers sign a declaration to ensure that they are not disqualified from:</p> <ul style="list-style-type: none"> • work in early years provision with children up to the age of five (i.e. up to 1st September following their 5th birthday). This includes teachers and support workers in school nursery and reception classes; • work in later years childcare settings for children up to the age of eight (i.e. before and after school provision including breakfast clubs, crèches, after school clubs etc); • being directly concerned in the management of such early or later years provision. 		
7	<p>Does your Agency check the TRA Teacher Services' system website:</p> <p>(a) to ensure that relevant staff/workers (currently teachers) are not subject to a prohibition order or an interim prohibition order prior to them undertaking any work? <i>(This is a requirement of the School Staffing (England) (Amendment) Regulations 2013 in relation to any staff/workers supplied on or after 2nd September 2013);</i></p>		

	(b) for relevant positions/engagements, the list ' Showing Section 128 Barring Directions '? (<i>Persons on this list are prohibited or restricted from taking part in the management of an Independent school, inc. Academies and Free schools</i>).		
No.	Question	YES	NO
8	Do you carry out identity checks and checks to comply with the provisions of the Immigration, Asylum and Nationality Act 2006 to ensure that the employee/worker is legally able to work in this country?		
9	Do you check that your staff/workers have the appropriate qualifications (i.e. for qualified teachers, Qualified Teacher Status (QTS) certificate issued by the DfE [or predecessor/other previously authorised Body] or Qualified Teacher Learning and Skills (QTLS) certificate and membership of the Society for Education and Training (SET) as appropriate)?		
10	Do you ensure that Overseas Trained Teachers (OTTs) do not work for more than 4 years without gaining Qualified Teacher Status (QTS) , as required by the relevant Regulations?		
11	Do you ensure that your staff/workers deployed to customer-facing roles in State-funded schools have a command of spoken English that is sufficient for the job role(s) they will be undertaking?		
12(a)	Do you require two satisfactory references before you appoint a person?		
12(b)	Do you require that one of the references must be from the current or most recent employer ?		
12(c)	If the referees provided do not relate to a person's background or previous work with children do you require a reference that does (where the person has previously carried out such work)?		
13	Do you carry out additional checks where a person has lived or worked overseas?		
14	Do you check reasons for leaving previous positions?		
15	Do you pay your teachers in accordance with the provisions of the national School Teachers' Pay and Conditions Document ?		
16	Will you be held responsible for any issues arising from Employer's Liability for your employees/workers e.g. health and safety at work?		
17	Can you confirm that as an employer/Agency for deploying workers, you do not discriminate on the grounds of age, disability, race, sex, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy, or religion or belief?		
18	Can you confirm that, as an Agency, you comply with all the relevant provisions required by the Agency Workers Regulations 2010 and any subsequent amendments?		
19	Do you carry out online searches of publicly available information , including social media, on candidates called for interview?		

Additional Information/Comments:

Signed **Date:**

Status:

PLEASE RETURN THE COMPLETED FORM TO:

SAFEGUARDING CHECKS – FREQUENTLY ASKED QUESTIONS

There is a range of legislation and government guidance in place to ensure that appropriate pre-employment checks and other safeguarding arrangements are made by schools to protect children from potentially unsuitable adults. School and Academy Governing Bodies and Trusts need to be constantly aware of the need to be carrying out the right checks on staff and others coming onto the school premises, particularly those who have the opportunity for contact with children. Ofsted inspections will treat a school's safeguarding arrangements, including those relating to safer recruitment, as the highest priority. As a result of the need to keep children as safe as possible, schools regularly raise common questions relating to safeguarding checks on staff and others. This document highlights some of those that are most frequently asked. **For ease of reference, the questions are set out below, with the full questions and answers on the subsequent pages.**

- 1. Do I need to obtain a full Enhanced DBS with Barred List(s) check for all new appointments made by the school?**
- 2. Can I allow a new member of staff to start work before their Enhanced DBS check has been received?**
- 3. I have appointed an ECT 6 months in advance of the date they will take up her appointment. When should I carry out the Enhanced DBS and Barred List checks?**
- 4. What benefits does use of the DBS Update Service provide?**
- 5. I am appointing someone who has been living and working abroad. Do I still need to obtain an Enhanced with Barred List check as there is unlikely to be any information held on record in the UK?**
- 6. If someone has previously lived and/or worked abroad, how far back do I need to go in terms of checking the police records held in those other countries?**
- 7. My school caters for pupils with special needs up to and including the age of 19 years. Many of these pupils need the assistance of staff/workers with their personal care, eating, drinking and, in some cases, toileting. Should I be undertaking Enhanced DBS and Barred List checks for the Adult Workforce as well as the Children's Workforce?**
- 8. In what circumstances do I need to carry out a Childcare Disqualification check?**
- 9. What safeguarding checks do I need in place for volunteers and others coming to the school?**
- 10. I have had a teacher from an Agency at the school for the last year and now intend to appoint her onto the staff. The Agency confirmed that they had carried out all the necessary employment checks so is this sufficient or do I need to do anything else?**
- 11. Do all my Governors need to be DBS checked, or is this only a requirement for those that have regular contact with children?**
- 12. Do Governors who become Trustees need new DBS checks when they transfer to the new role?**
- 13. I have heard that DBS checks on existing staff and volunteers must be renewed after 3 years. Is this correct?**
- 14. Should I retain DBS certificates for my employees/workers and, if so, for how long?**

15. Should I retain eligibility to work in the UK documents?
16. I am unsure about the checks I need to do in relation to lists held by the DfE system. What are they and who needs to be checked against the lists?
17. I am unclear about when someone could be on the Barred List and when they might be on the Prohibition Order List. What is the difference between these two lists?
18. Is it correct that I cannot carry out a Prohibition Order List check unless the person has a Teacher Reference Number (TRN)?
19. Can I have clarification about precisely what needs to be included on the Single Central Register (SCR) of checks? I have seen and heard conflicting information, for example, about whether or not references need to be included.
20. Does the SCR really need to have separate columns for the DBS Barred List(s) check and the full Enhanced check?
21. Should I check the qualifications of TAs and others? If so, should they be recorded on the SCR?
22. Is there a recommended time limit for how long staff should remain on the SCR after they have left the school?
23. Who should be responsible for signing off the SCR regularly as being accurate and up-to-date?
24. If a member of staff is questioned by police or arrested, would the employer be notified?
25. Are staff required to have new DBS checks if the school converts to Academy status?
26. Where are the legal duties for maintained schools set out in relation to carrying out safeguarding checks?
27. Where are the legal duties for Academies set out in relation to carrying out safeguarding checks?

SAFEGUARDING CHECKS – FREQUENTLY ASKED QUESTIONS

1. Do I need to obtain a full Enhanced DBS with Barred List(s) check for all new appointments made by the school?

All staff and other paid workers at the school are in Regulated Activity (RA) and, as such, are all subject to a satisfactory Enhanced DBS with Children's Barred List check. (For volunteers and others coming onto the school premises the requirement for a Barred List(s) and Enhanced DBS check depends upon their role and its frequency, whether they are supervised and their access/opportunity for contact with children).

Regulations* require that a Children's Barred List check **must** always be carried out on **all** new staff appointments made by the school, as well as any other paid workers engaged directly. This check must be undertaken before the person starts work and applies regardless of whether or not they have had a break in service. It should be noted that, in some Special and, possibly, some Secondary Schools, it may be necessary to carry out Enhanced DBS and Barred List checks for the Adult Workforce, in addition to that required for the Children's Workforce. (See Section 3. of this document on RA in relation to Adults for further information).

There is no statutory requirement to carry out a full new Enhanced DBS check in respect of new staff/workers unless the person has had a break in service of more than three months. The last certificate issued, provided it is for the right workforce and of the right level and type, may be relied upon. However, in addition to the Barred List check required by law, it is strongly recommended that a full, new Enhanced DBS check is carried out on all new appointments/engagements and most schools do now adopt this approach.

If a school does not obtain its own, new, full Enhanced DBS check where someone has not had a break in service of more than three months then they are relying on the original check on which the certificate was based having been carried out correctly and documents checked thoroughly. This is not always the case and the safest approach is, therefore, for schools to always carry out their own checks. In addition, it has always been some doubt about whether a Barred List check can be carried out in isolation from a full Enhanced DBS check.

**For Maintained Schools – The School Staffing (England) Regulations 2009 and subsequent amendments
For Academies/ Independent Schools – The Education (Independent School Standards) Regulations 2014*

2. Can I allow a member of staff to start work before their Enhanced DBS check has been received?

Legally, it is possible to allow an individual to start work before the DBS certificate is available. However, in these circumstances **the school must ensure that the person is appropriately supervised and that all other checks, including a separate Barred List(s) check, have been completed.**

Please note that the Schools' Personnel Service does not recommend that schools allow a person to start work prior to the full Enhanced DBS check being received, other than in the most exceptional circumstances. If a person has commenced work and the Enhanced DBS check subsequently reveals a criminal record that the school considers makes them unsuitable for the role, then it would be necessary to go through an appropriate dismissal process to terminate the employment. However, in circumstances where the person had not been allowed to start work, the conditional offer could simply have been withdrawn on receipt of the criminal records information (assuming that receipt of a satisfactory Enhanced DBS check had been made a condition of the offer).

3. I have appointed an ECT 6 months in advance of the date they will take up her appointment. When should I carry out the Enhanced DBS and Barred List checks?

Although there is no statutory timescale, if there has been a break in service of more than 3 months, then there is a requirement to carry out a new Enhanced DBS check. Therefore, in these circumstances, the check should be carried out within 3 months of the person's start date. (See also Qu. 1 above).

4. What benefits does use of the DBS Update Service provide?

In 2013 the DBS introduced an Update Service. This means that employers taking on new staff/workers can, if the person is registered, ask to see their latest DBS certificate and, with their consent, carry out a free, online check to see if it is still up to date. There is a fee for registration, which is voluntary. The intention was to enable individuals to take the certificate with them from job to job (within the same sector) thus avoiding the need to make repeated applications to the DBS. Organisations would then benefit by checking the certificate's status online with instant results.

However, an update based on the last certificate issued relies on the original check carried out to produce it. If documents were not properly checked, or if an error has occurred, then the problem is only compounded.

For the above reason, the Schools' Personnel Service does not recommend use of the Update Service. Similarly to Qu. 1 above, the recommendation is for schools to carry out their own full, new check. However, if the Update Service is used, schools must ensure that the original certificate is for the right workforce and of the right level and type (e.g. Children's workforce, Enhanced/Enhanced with Children's Barred List information).

5. I am appointing someone who has been living and working abroad. Do I still need to obtain an Enhanced with Barred List check as there is unlikely to be any information held on record in the UK?

Yes, it is a statutory requirement that a Barred List(s) check is carried out in respect of all new appointments, together with a full Enhanced DBS check where the individual has had a break in service of three months or more. (See Qu. 1 above). It doesn't matter whether someone has been living in the UK or not. However, the Regulations additionally require that for any person who has lived outside the UK, additional checks are made, as appropriate, having regard to any guidance issued by the Secretary of State.

The statutory guidance 'Keeping Children Safe in Education' (KCSIE) refers to the additional checks that are required through the DfE websites (see Qu. 16 below) and also checks that should be carried out directly with other countries. The latter means that it may be possible to obtain a letter or certificate of conduct from countries where an individual has previously lived and/or worked. Application is normally made in the country or to the relevant embassy in the UK. The application process varies from country to country and it is normally the prospective employee who must make the application.

The Home Office has published details for obtaining criminal records checks/information for overseas applicants. An alphabetical list sets out the process for each country for ease of reference. The details can be located at: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>. Note that the standard of checks does vary from country to country. In these circumstances, other information gathered on the prospective employee may take on an even greater significance and it may be decided (for example) to seek additional references. Ultimately, it is a matter of judgement and assessment of risk.

6. If someone has previously lived and/or worked abroad, how far back do I need to go in terms of checking the police records held in those other countries?

There is no specific requirement to go back over a particular number of years. However, there are examples of individuals who have carried out crimes against children when abroad which have never been picked up when they have moved on because subsequent employers have not undertaken background checks with other countries. In these circumstances, the 'safest' answer is to state that checks should be made with all countries in which an individual has previously lived and/or worked. However, once again, it is ultimately a matter of judgement, taking account of all the other information gathered on an individual and assessment of risk.

7. My school caters for pupils with special needs up to and including the age of 19 years. Many of these pupils need the assistance of staff/workers with their personal care, eating, drinking and, in some cases, toileting. Should I be undertaking Enhanced DBS and Barred List checks for the Adult Workforce as well as the Children's Workforce?

For all those in RA, and who do, or may be asked to, provide personal care to pupils of 18+, Enhanced with Barred List checks should be carried out on those staff/workers for both the Children's and Adult Workforces. For other

staff/workers, an Enhanced DBS check for the Children's Workforce (with Children's Barred List check if in RA, otherwise without) will be sufficient.

8. In what circumstances do I need to carry out a Childcare Disqualification check?

The **Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018** place a requirement on schools to carry out checks on those working with under 8's in relevant circumstances to ensure they are not disqualified from:

- **Working in Early Years Provision** – Any type of care/activity, including education in nursery and reception classes, for children from birth to 1st Sept. following their 5th birthday, both during and outside school hours
- **Working in Later Years Provision** – Childcare outside of school hours for children above reception age but under 8. (This does not include education or supervised activity for children above reception age during school hours [including extended school hours for co-curricular learning activities, such as the school's choir or sports teams] but it does include before school settings, such as breakfast clubs, and after school provision).
- **Management** – Those involved in the management of the above

Note that the criteria for disqualification are wider than the Barred List and includes, in respect of non-domestic settings, such as schools, those who:

- Are on the DBS Children's Barred List;
- Have been found to have committed violent and sexual criminal offences;
- Are subject to certain care orders;
- Have been refused/cancelled registration in relation to childcare, or children's homes or have been prohibited from private fostering;
- Have been found to have committed a relevant offence overseas.

9. What safeguarding checks do I need in place for volunteers and others coming to the school?

Any person who is deemed to be in RA is subject to all, full safeguarding checks, inc. photographic ID, Enhanced DBS with Barred List(s) check and the Childcare Disqualification requirement check (as well as all other pre-employment checks) if in a relevant role (see definitions of RA Relating to Children, and RA relating to Adults, on Pages 4 and 7 of this document respectively). **This will always include all direct employees and paid workers engaged directly by the school.** (For visiting staff/workers, such as Agency supply workers, it is for the providing organisation to carry out checks – the school, as 'hirer', then obtains written confirmation for their Single, Central Register/Record (SCR). (See Qu. 15 below).

This also includes any person who undertakes work for a school in a self-employed capacity. In addition, the 'Check Employment Status for Tax' tool should be used to establish whether off payroll working rules (IR35) apply to find out if a worker should be classed as employed or self-employed for tax purposes.

<https://www.gov.uk/guidance/check-employment-status-for-tax>

If other workers, volunteers (inc. Governor/Trustee volunteers) or visitors to the school meet the definition of RA, then a full Enhanced DBS **with** Barred List check should be carried out, photographic ID check and, if relevant to the role, a Childcare Disqualification requirement check.

If visitors and others, such as volunteers or contractors, are at the school regularly and, although supervised or otherwise not working with pupils and not in RA, have contact, or the opportunity for contact, with pupils, then a full Enhanced **without** Barred List check should be carried out, together with photographic ID check and, if relevant to the role, a Childcare Disqualification requirement check.

Note that all **Governors/Trustees**, other than those who are also volunteers and in RA and, therefore already subject to all full safeguarding checks, must in any event have an Enhanced DBS **without** Barred List check as a statutory requirement. All school Governors, including those in maintained as well as independent schools, as well as Academy Trust members and Trustees, must also have a section 128 Barring direction check.

Ad-hoc or occasional visitors who are fully supervised at all times do not need to be checked; similarly, contractors working on the premises who are segregated from pupils (either physically or by time) and with no opportunity for contact do not need to be checked.

All workers and visitors from other organisations must be required to produce photographic school or Company ID (or alternative means of identification if photographic ID is not available).

Any person (whether a worker or visitor) who has not been checked must be fully supervised at all times unless completely segregated from pupils, either physically or by time.

There is no single answer to the level of safeguarding checks that will be necessary in relation to visitors, contractors and others – an assessment of the risks and an informed judgement may need to be made according to the circumstances. For the purposes of an Ofsted inspection, schools should be able to explain the rationale for those who have been checked and those who have not.

For further guidance and information on safeguarding checks to be carried out on visitors and others, see also Section 4 (Summary of Safeguarding Checks Required) on Page 9 and Section 5 (Example Situations in Schools) on Page 10 of this document.

10. I have had a teacher from an Agency at the school for the last year and now intend to appoint her onto the staff. The Agency confirmed that they had carried out all the necessary employment checks so is this sufficient or do I need to do anything else?

No, the Agency checks are not sufficient. The relevant Regulations (see Qu.1 above) require all statutory checks to be carried out for anyone newly appointed as a member of staff. Therefore, as the teacher has been employed by the Agency to date and is now to be newly appointed directly by the school, then all such checks must be carried out by the school as the new employer. Statutory checks set out by the regulations include those relating to the Barred List, Enhanced DBS, further overseas checks as considered appropriate where the individual has lived/worked outside the UK, identity, right to work in the UK, health, relevant qualifications, prohibitions, disqualifications or other restrictions.

The statutory guidance KCSIE also states that references should always be sought, including on internal candidates. Therefore, these should also be sought in this case.

11. Do all my Governors need to be DBS checked, or is this only a requirement for those that have regular contact with children?

See also Qu. 7 above.

In early 2016, legislation was amended*** to make Enhanced DBS checks mandatory for Governors of maintained schools. The legislation was retrospective, meaning that any Governors appointed prior to 1st April 2016 without a DBS were required to obtain a certificate by 1st September 2016. Those appointed from 1st April 2016 onwards, are required to apply for an Enhanced DBS certificate within 21 days. This means that it is now the case that all Governors, in every type of school – maintained, independent, academy or free school – must have an Enhanced DBS certificate.

Note that the basic requirement is for Governors to have an Enhanced DBS without Barred List check. However, if they are also in Regulated Activity (such as a staff governor or governor who volunteers regularly unsupervised) then they must be subject to an Enhanced DBS with Barred List check. These requirements apply similarly to Trustees of an Academy.

*** *The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016*

12. Do Governors who become Trustees need new DBS checks when they transfer to the new role?

If the role is the same, just with a different title, there would be no requirement to redo the check. Note that maintained school governors and academy trustees must also have a section 128 Barring Direction check.

13. I have heard that DBS checks on existing staff and volunteers must be renewed after 3 years. Is this correct?

No, this is a myth. Until recently, Ofsted had a set of safeguarding FAQs on their website which included their advice in this area. Ofsted have confirmed that there has never been a requirement for a rolling programme of three-yearly checks for staff who have unbroken service (that is, no break of three months or more).

Ofsted also stated:

“Ofsted and the DfE have repeatedly pointed out that such routine checks for staff directly employed by a school or college are not required. Ofsted will consider such routine checks to be excessive as they go beyond what the law requires or the Govt. recommends. They will not be considered evidence of good practice, and may be considered to represent a poor use of resources.”

This was once a recommendation for Agency workers but even then it wasn't an actual requirement. In addition, there is no mention of an expiry date or any need to re-check staff in the statutory guidance KCSIE.

In summary, there is no need for a new check to be carried out unless there are concerns about an individual or a person moves from non-regulated to regulated activity (for example, if a supervised volunteer is subsequently appointed as a member of staff).

14. Should I retain DBS certificates for my employees/workers and, if so, for how long?

Schools do not have to keep copies of DBS certificates for safeguarding purposes or in order to fulfil the duty of maintaining the Single Central Register/Record (SCR). However, where a school, with an individual's express permission, chooses to retain a copy and has a valid reason for doing so, this should not be retained for longer than six months. When the information is destroyed the school should keep a record of the fact that vetting was carried out, the result and the recruitment decision taken. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file.

15. Should I retain eligibility to work in the UK documents?

Yes, copies of documents used to verify a successful applicant's identity, right to work and required qualifications (together with other information obtained, e.g. references) should all be kept for the personnel file.

See also the SPS model Safer Recruitment Policy which refers to the retention of data for both unsuccessful and successful applicants.

16. I am unsure about the checks I need to do in relation to lists held by the DfE. What are they and who needs to be checked against the lists?

There are now two 'prohibition', or restriction, lists** that need to be checked, as appropriate to the type of appointment the school is in the process of making:

Teachers and Others Prohibited from the Teaching Profession List

This list contains details of people who have a disciplinary sanction preventing them from working in the teaching profession. There will be a Prohibition or Interim Prohibition Order against them. The check of this list must be carried out by all schools, including maintained schools, independent schools, academies and free schools, in respect of any individual who is to carry out teaching work, in case they are prohibited. Therefore, this may include those with or without QTS. It should be remembered also that this check would need to be undertaken where a member of the support staff was subsequently appointed to a teaching role, e.g. as an unqualified teacher.

This list does not include people barred from working with children by the DBS. The individual teacher report available via the Prohibition list will indicate instances where there is a possible match with a DBS restriction - which, in any event, should be identified through the Enhanced DBS/Barred List(s) check on the individual.

Section 128 Barring Directions List

This list contains the name of individuals who have been barred (or restricted with conditions) from taking part in the management of an independent school (including free schools and academies) under the terms of a direction made by the Secretary of State.

‘Management’ includes any teaching post above classroom teacher level (i.e. TLR post, Leading Practitioners, members of the Leadership Group) or, in respect of support staff, any post included within the Senior Leadership Team.

A section 128 Barring direction will only show up on a Barred List check through the DBS where an Enhanced DBS check with Children’s Barred List information is requested and ‘child workforce independent schools’ is specified on the application form. Therefore, it is necessary for such a check to also be undertaken through the DfE website.

Although in theory, the section 128 check only needs to be undertaken for staff in schools in the Independent sector, Schools’ Personnel recommends that it is also carried out by all maintained schools. If someone has been barred or restricted from management of an independent school, then it is likely that any school would wish to know more about the circumstances before deciding on whether to appoint. Also, a maintained school may subsequently convert to academy status and may have someone already on their staff with such a restriction.

A Barring direction also disqualifies a person from holding or continuing to hold office as a governor of a maintained school. Therefore, all governors in all types of school must be checked.

NB. The above two lists are separate from the DBS Barred lists and checking process, so it is not sufficient to carry out the DfE checks in isolation. An Enhanced DBS check (with or without Barred List check depending on whether the person is in RA or not) must always be carried out as well.

The DfE lists can be accessed by logging onto the websites located at: <https://www.gov.uk/government/collections/individuals-prohibited-from-managing-or-governing-schools> & <https://check-a-teachers-record.education.gov.uk>

*(**Additional Note: Teachers sanctioned in Other EEA Member States – From 1st January 2021, with the end of the UK’s transition period after leaving the EU, the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states).*

17. I am unclear about when someone could be on the Barred List and when they might be on the Prohibition Order List. What is the difference between these two lists?

The Barred Lists contain details of any person (i.e. whether a teacher or any other type of worker) barred from working with children, and/or adults deemed vulnerable, in any capacity. Therefore, the check must be carried out on any person expected to work in RA with children.

The Prohibition Order List contains details of anyone prohibited from the teaching profession. Therefore, the check must be carried out on any person being appointed to a teaching role, or who may undertake teaching work in case they have been prohibited from doing so.

18. Is it correct that I cannot carry out a Prohibition Order List check unless the person has a Teacher Reference Number (TRN)?

Availability of the person’s DOB and Last Name gives direct access to any teacher’s individual status report as held by the DfE (i.e. whether they are prohibited or not). The status report will confirm whether or not the individual has any sanctions against them as well as providing other information such as date of QTS, completion of statutory induction etc.

19. Can I have clarification about precisely what needs to be included on the Single Central Register (SCR) of checks? I have seen and heard conflicting information, for example, about whether or not references need to be included.

The information that must be included on the SCR is set out in Regulations and in KCSIE. See Appendix 2 to this document ‘Single Central Record/Register of Checks’ for further information and guidance. A template SCR is also available as an Excel file located on The Hub.

20. Does the SCR really need to have separate columns for the DBS Barred List check and the full Enhanced check?

Yes, the SCR must have columns for both checks. The two columns are necessary as they are two separate checks, although usually carried out together.

For those in RA where a Barred List check is required in addition to the Enhanced DBS check, the date of each check will need to be recorded in the appropriate, separate column.

For those who are not in RA (e.g. Supervised Volunteers, or Governors who do not have the opportunity for regular contact with pupils) the Enhanced DBS check details will be recorded in the relevant column but 'N/A' should be entered in the Barred List check column.

It is possible to carry out the Barred List part of the Enhanced DBS check in advance of the full check if, for example, in exceptional circumstances, it is necessary for an employee to commence work prior to the full check being received. (In such a case, the individual must be fully supervised pending the outcome of the full DBS check. Statutory supervision guidance, as set out by the DfE, is included as an Annex within KCSIE).

(See also Qu. 7 above for further information).

21. Should I check the qualifications of TAs and others? If so, should they be recorded on the SCR?

Yes, it is advisable to check. If someone says they have a qualification, they should be able to show you the evidence. There is no need to record it on the SCR **unless** it was an essential criterion on the Job Description/Person Specification.

22. Is there a recommended time limit for how long staff should remain on the SCR after they have left the school?

The SCR is a current or 'live' document. The details of an individual should be removed from the 'live' SCR once they no longer work at the school.

23. Who should be responsible for signing off the SCR regularly as being accurate and up-to-date?

It doesn't matter who monitors the SCR. Sometimes it is the Head, sometimes a Governor, sometimes the Designated Safeguarding Lead or another senior member of staff. However, whoever is assigned this task needs to understand the SCR requirements and to know what they are looking for. Governors/Trustees need to be assured that the SCR is correct, so monitoring checks should be reported to governors and minuted.

24. If a member of staff is questioned by police or arrested, would the employer be notified?

It depends upon the circumstances. Common Law Police Disclosure (CLPD) ensures that where there is a public protection and/or safeguarding risk the police will pass information to the employer to allow them to act promptly to mitigate any danger.

Common law powers enable the police to disclose selected information concerning an individual. Such disclosure is intended to enable a third party to consider risk alleviation measures in respect of an employment or voluntary role undertaken by that individual. The police will use their professional judgement to make common law based disclosures in situations where they believe this is necessary to promote public protection. This will be prompted when a serious and urgent risk is identified which requires a 'pressing social need' to be addressed. Information is passed on at charge or arrest, rather than on conviction. This could have significant consequences for an individual, who may later be acquitted at trial, or the matter may be dropped after further investigation. Any decision to release police information must balance the rights and welfare of individuals against those of the general public, or any specific member(s) of the public (e.g. children and vulnerable people). The Home Office view is that CLPD provides robust safeguarding arrangements whilst ensuring that only relevant information is passed on to employers.

Where any such police information is disclosed in relation to an individual working with children, the Local Authority Designated Officer (widely known as the LADO, who is responsible for managing all child protection

allegations and concerns about any person who works with children and young people in the local area) can initiate action to assess and alleviate any risk. As the situation could mean that children are at risk of harm, a strategy meeting will normally be convened to which the Headteacher/employer will be invited to attend. The purpose of the strategy meeting is for relevant professionals from the key agencies involved to share information and decide on the appropriate way forward.

(It should be noted that the above does, of course, depend upon the Police obtaining accurate information about an individual's employment, whether they have more than one employer etc).

25. Are staff required to have new DBS checks if the school converts to Academy status?

Where a maintained school is converting to become an Academy, new DBS checks are not required for existing staff (unless there is a concern about a particular member of staff). For new staff, DBS checks must be carried out in the normal way, in accordance with the relevant Regulations and statutory guidance as set out in Keeping Children Safe in Education.

26. Where are the legal duties for maintained schools set out in relation to carrying out safeguarding checks?

- Section 175 of the Education Act 2002
- The School Staffing (England) Regulations 2009 and subsequent amendment Regulations issued in 2012, 2013, 2014 and 2015 (and applied to **pupil referral units** through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007)
- The DfE statutory guidance 'Keeping Children Safe in Education'.

27. Where are the legal duties for Academies set out in relation to carrying out safeguarding checks?

- Section 157 of the Education Act 2002
- The Education (Independent School Standards) (England) Regulations 2014
- The Academy's own 'Funding Agreement'
- The Academy's Articles of Association
- The DfE statutory guidance 'Keeping Children Safe in Education'.

(90)



6,000