

Fiveways School  
**Recruitment Guidance**



**Policy Review**

Review Cycle	Date of Current Policy	Author(s) of Current Policy	Review Date
On change of SCC guidance	September 2024	Support Services for Education	As required

**Policy Ratification**

Role	Name	Signature	Date
Chair of Governors	Malcolm Gulliver	<i>M Gulliver</i>	27.09.24
Head Teacher	Swavek Nowakiewicz	<i>[Signature]</i>	27.09.24

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## Safer Recruitment Guidance

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<b>Consultation</b>	Since this is guidance extracted from those issues by the DfE this has not been subject to consultation.

**NOTE: Governing Bodies / Management Committees of schools, academies, free schools and PRU's should ensure that all staff read at least part 1 of Keeping Children Safe in Education and ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one of this guidance.**

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## 1. Introduction

Keeping Children Safe in Education is statutory guidance issued by the Department of Education in September 2024.

Schools and colleges must have regard to this guidance when carrying out their duties to safeguard and promote the welfare of children. The whole guidance is available as part of Section 23d Guidance for Schools, however the extract related to Safer Recruitment is outlined below.

Unless otherwise specified, 'school' means all schools whether maintained, non-maintained or independent schools, (including academies, free schools, and alternative provision academies, maintained nursery schools and pupil referral units. 'College' means further education colleges and sixth-form colleges, and relates to children under the age of 18, but excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

This document contains information on what schools and colleges **should** do and sets out the legal duties with which schools and colleges **must** comply. It should be read alongside [Working Together to Safeguard Children](#) which applies to all the schools referred to above, including maintained nursery schools. Paragraph numbers in sections relate directly to the paragraph numbering as in Keeping Children Safe in Education 2024 document and therefore may not be in sequence.

## 2. Safer Recruitment

In line with part three of this guidance, Governing Bodies and Proprietors should prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required; and ensuring volunteers are appropriately supervised. The school or college should have written recruitment and selection policies and procedures in place.

Governing Bodies may choose appropriate training and may take advice from their LSCB in doing so. The training should cover, as a minimum, the content of this guidance.

The Somerset Safeguarding Children's Partnership (SSCP) provide Safer Recruitment training the details of which can be accessed through the SSCP website: [Somerset Safeguarding Children Partnership](#)

**Note: It would be good practice for all schools to ensure they meet this requirement.**

## 3. Recruitment, Selection and Pre-employment Vetting (extract)

212. It is vital that as part of their whole school or college approach to safeguarding governors and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment or volunteering opportunities in schools and colleges.

213. Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of this part (Part three) of this guidance

Governing Bodies may choose appropriate training and may take advice from their LSCB in doing so. The training should cover, as a minimum, the content of this guidance.

The Somerset Safeguarding Children's Partnership provide Safer Recruitment training the details of which can be accessed through the SSCP website: [Somerset Safeguarding Children Partnership](#).

**Note: It would be good practice for all schools to ensure they meet this requirement.**

244. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

In summary, a person will be considered to be engaging in regulated activity if as a result of their work they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children
- will be working on a regular basis in a specified establishment, such as a school, for or in connection with the purposes of the establishment, where the work gives opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

245. For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

315. Schools or colleges should obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly or provide personal care on a one-off basis in schools and colleges. See Annex E for statutory supervision guidance. Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

In addition to obtaining the DBS certificate described anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those engaged in management roles (in independent schools - including academies and free schools) an additional check is required to ensure they are not prohibited under section 128 provisions

#### **4. Regulated Activity**

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

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

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

## 5. Disclosure and Barring Service (DBS checks)

243. These are the types of checks available

- **Basic:** DBS check – this provides details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.
- **Standard:** Standard DBS check – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.
- **Enhanced:** this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken **must** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.
- **Enhanced with barred list check:** where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by the police as above. The position being applied for, or activities being undertaken **must** be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition,

this check can also include information as to whether an individual is subject to a section 128 direction. However, they have to use specific wording in the position applied for field (see paragraph 259).

More information is available on the DBS website.

249. Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant **must** show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards. Schools and colleges will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process.

253. Where a school or college allows an individual to start work in regulated activity before the DBS certificate is available then they should ensure that the individual is appropriately supervised and that **all other** checks, including a separate children's barred list check, have been completed.

**If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.**

## **6. Secretary of State Prohibition and Interim Prohibition Orders**

259. Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if he considers that it is in the public interest to do so.

260. A person who is prohibited from teaching **must not** be appointed to a role that involves teaching (as defined in the Teachers' Disciplinary (England) Regulations 2012).

262. A section 128 direction prohibits or restricts an unsuitable individual from taking part in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy or free school as an employee;
- be a trustee of an academy or free school trust; a Governor or member of a Proprietor Body for an independent school; or
- be a Governor on any Governing Body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A check for a section 128 direction can be carried out using the TRA's Employer Access service. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

**NOTE:** It is the individual schools responsibility to ensure a check against Prohibition Orders is made and this can be done through the following website once the school is registered <https://www.gov.uk/teacher-status-checks-information-for-employers>. Those schools who receive a payroll service through Somerset Council HR Admin & Payroll Service should be aware that as part of this service new starters are checked against this list at the same time that QTS status is checked, however this check will often take place after a member of staff has started work and should not negate schools undertaking their own checks.

## **7. Pre-appointment Checks**

### **All new appointments**

238. All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks

When appointing new staff, schools and colleges must:

- verify a candidate's identity. it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Identification checking guidelines can be found on the DBS and Gov.UK website;
- obtain (via the applicant) an enhanced DBS check which will include barred list information, for those who will be engaging in regulated activity;
- obtain a separate children's barred list check if an individual will start work in regulated activity before the DBS certificate is available; This does not apply to 16-19 Academies, Special Post-16 institutions and Independent Training Providers
- check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State, using the Teacher Services System;
- independent schools, including academies and free schools, check that a person taking up a management position as described at paragraph 262 is not subject to a section 128 direction made by the Secretary of State;
- verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, should follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see relevant sections below); and
- verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.

Where an enhanced DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment.



239. There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked in a school in England in a post:

- which brought them into regular contact with children; or
- to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or
- in an institution within the further education sector in England in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other 'pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a children's barred list check. Schools or colleges **may** also choose to request an enhanced DBS certificate should they wish to do so.

The DBS cannot provide barred list information on any individual, including volunteers, who are not engaging in regulated activity.

### **DBS Update Service**

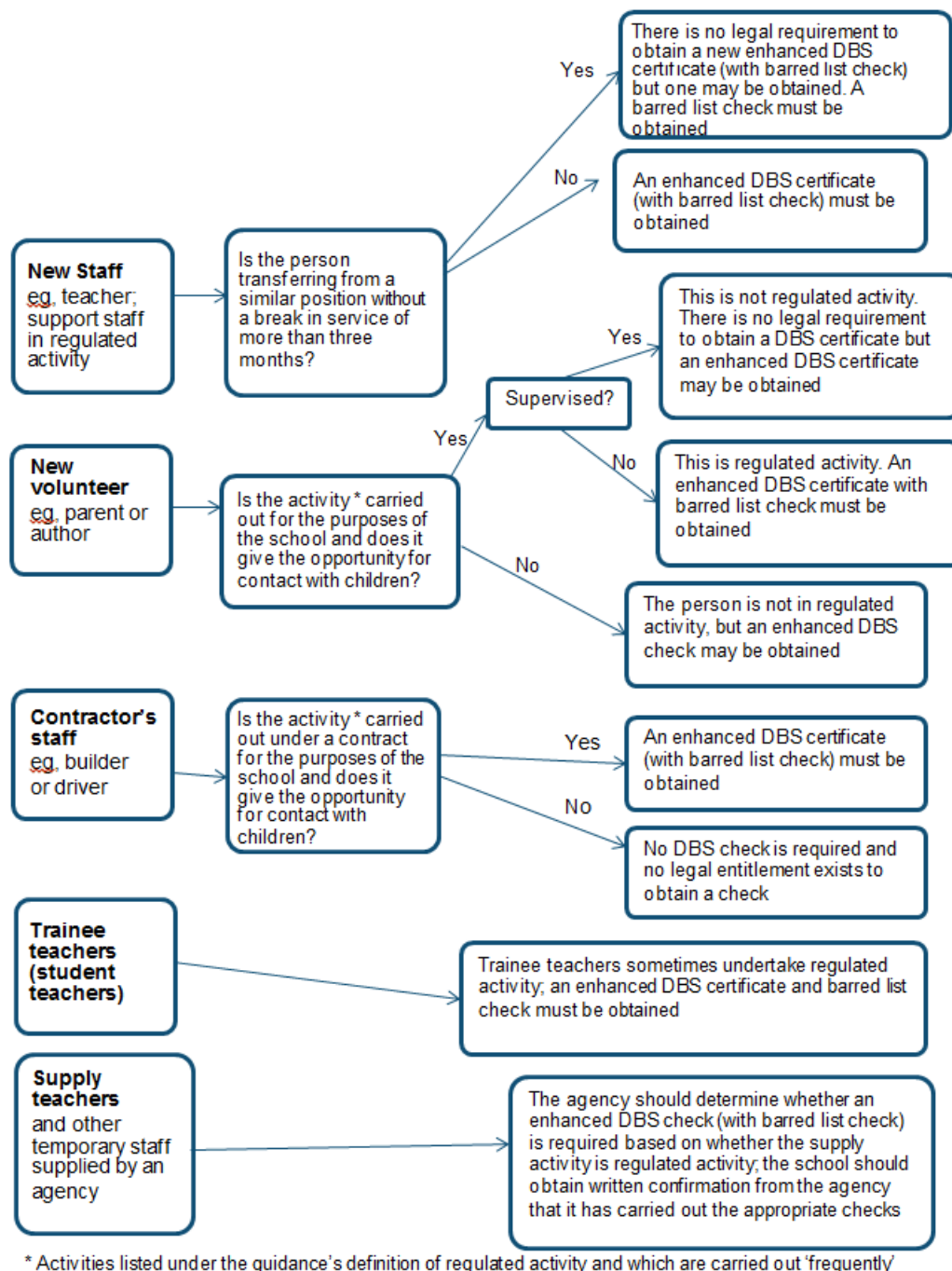
255. Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers.

257. Before using the up-date service schools or colleges must:

- a. obtain consent from the applicant to carry out an online check to view the status of an existing standard or enhanced DBS check;
- b. confirm the DBS certificate matches the individual's identity; and
- c. examine the original certificate to ensure that it is for the children's workforce and level of check is appropriate to the job they are applying for, e.g. enhanced certificate/enhanced including barred list information.

The school or college can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account. Further information about the update service can be found at [GOV.UK](https://www.gov.uk).

## Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



226. In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview. Schools and colleges should inform shortlisted candidates that online searches may be done as part of due diligence checks.

### 8. Employment History and References

227. The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools should obtain references before interview, where possible, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

228. Schools and colleges should:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

229. When asked to provide references schools and colleges should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations that meet the harm threshold. They should not include information about allegations which are unsubstantiated, unfounded, false, or malicious. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference

## 9. Single Central Record

274. Schools and colleges **must** maintain a single central record of pre-appointment checks, referred to in the regulations as "the register" and more commonly known as the single central record.

275. The single central record must cover the following people:

- **for schools** all staff (including supply staff, and teacher trainees on salaried routes), agency and third party supply staff who work at the school, even if for one day;
- **for colleges**, this means details of staff, including agency and supply staff providing education to children under the age of 18; and
- **for independent schools**, all members of the proprietor body. In the case of academies and free schools, this means, members and trustees of the academy trust.

276. The minimum information that **must** be recorded in respect of staff members (including teacher trainees on salaried routes) is set out below. For agency and third party supply staff, schools **must** also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff and the date that confirmation was received.

277. The single central record **must** indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- an identity check;
- a standalone children's barred list check;
- an enhanced DBS check (with children's barred list check) requested/certificate provided;
- a prohibition from teaching check;
- a Section 128 check (for management positions as set out for independent schools (including academies and free schools));
- further checks on people who have lived or worked outside the UK;
- a check of professional qualifications where required; and
- a check to establish the person's right to work in the United Kingdom.

Where checks are carried out on volunteers, schools should record this on the single central record.

For details of records that must be kept, see:

- for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);
- for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014, applies;
- for colleges: Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006;<sup>71</sup> and
- for non-maintained special schools: Regulation 3 and Paragraph 7 of Part 1 and Paragraph 18 of Part 2 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2015.

284. Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools and colleges comply with the requirements of the Data Protection Act 2018, where a school or college chooses to retain a copy, there should be a valid reason for doing so and they should not be retained for longer than six months. When the information is destroyed a school or college may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to.

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.

## 10. Individuals who have lived or worked outside the UK

286. Individuals who have lived or worked outside the UK **must** undergo the same checks as all other staff in schools or colleges. This includes obtaining (via the applicant) an enhanced DBS certificate (including children's barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges **must** make any further checks **they think appropriate** so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks **could** include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions;
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place therefore applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

287. **Where available**, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

288. **Where this information is not available** schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

289. Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: Recruit teachers from overseas.

290. Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Schools and colleges should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found on GOV.UK.

291. Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

## 11. Agency and Third-Party Staff

292. Schools and colleges **must** obtain written notification from any agency, or third-party organisation, that they have carried out the checks on an individual who will be working at the school or college that the school or college would otherwise perform. In respect of the enhanced DBS check, schools and colleges **must** ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

293. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college must obtain a copy of the certificate from the agency.

294. Where the position requires a children's barred list check, this **must** be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.

295. The school or college should also check that the person presenting themselves for work is the same person on whom the checks have been made

## 12. Trainee/Student Teachers

302. Where applicants for initial teacher training are salaried by the school or college, the school or college **must** ensure that all necessary checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) must be obtained.

303. 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-employment checks that the school or college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

304. There is no requirement for the school to record details of fee-funded trainees on the single central record. However, schools and colleges may wish to record this information under non statutory information.

## 13. Existing Staff

351. There are limited circumstances where schools and colleges will need to carry out new checks on existing staff. These are when:

- an individual working at the school or college moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity **must** be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

354. There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults, and/or
- satisfied the harm test in relation to children and/or vulnerable adults; and/ or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

355. The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information must be provided, can be found on GOV.UK.

356. Referrals should be made as soon as possible after the resignation or removal of the individual. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided by the school or college when considering the referral made.

357. Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **must** consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

358. The Secretary of State may investigate the case, and if there is a case to answer, **must** then decide whether to make a prohibition order in respect of the person. Details about how to make a referral to the TRA can be found on GOV.UK.

## 14. Volunteers

311. Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

312. Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies. The school or college should undertake a written risk assessment and use their professional judgement and experience when deciding what checks if any are required.

313. The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for a DBS check and if it is, the level of the check, for volunteer roles that are not in regulated activity.

314. Details of the risk assessment should be recorded.

315. Schools or colleges should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity i.e. where they are unsupervised and teach or look after children regularly or provide personal care on a one-off basis in schools and colleges.

Schools and colleges may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity, but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers.

Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

316. It is for schools and colleges to determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of supervision, all schools and colleges **must** have regard to the statutory guidance issued by the Secretary of State (replicated at Annex E).

317. For a person to be considered supervised, the supervision **must** be:

- by a person who is in regulated activity relating to children;
- regular and day to day; and
- reasonable in all the circumstances to ensure the protection of children.

318. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, schools and colleges may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

## **15. Governors and Proprietors**

### **Maintained School Governors**

319. Governors in maintained schools are required to have an enhanced DBS check. It is the responsibility of the Governing Body to apply for the certificate for any of their Governors who does not already have one.

320. Governance is not a regulated activity relating to children and so Governors do not need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity.

### **Other school and sixth form college governors**

323. Governing bodies in sixth form colleges can request an enhanced DBS check without a children's barred list check.

324. An enhanced DBS check (which will include a children's barred list check) should only be requested if the governor will be engaging in regulated activity.

### **Proprietors of independent schools including academies and free schools and proprietors of alternative provision academies.**



325. Before an individual becomes either the Proprietor of an independent school or the Chair of a body of people which is the Proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check, and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate);
- confirm the individual's identity; and
- if the individual lives or has lived outside of the UK, where applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

326. The Secretary of State also undertakes these checks in respect of the chair of Governing Bodies of non-maintained special schools.

327. The requirement for an enhanced DBS certificate is disapplied for the Chair of an Academy Trust if the academy is converting from a maintained school and the person has already been subject to a check carried out by the Local Authority.

328. Where the Proprietor is a body of people (including a governing body in an academy or free school), the Chair **must** ensure that enhanced DBS checks are undertaken, , for the other members of the body and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and the chair **must** ensure identity checks are completed before, or as soon as practicable after, any individual takes up their position.

329. The Chair **must** also ensure that other members are not subject to a Section 128 direction that would prevent them from taking part in the management of an independent school (including academies and free schools).

330. Further checks as the chair considers appropriate **should** be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish an individual's suitability to work in a school.

331. In the case of an Academy Trust, including those newly established to operate a free school, the trust **must** require enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS certificates for permanent and supply staff.

332. Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust **must** require DBS checks on all delegates and all member of such committees. Academy trusts **must** also check that members are not disqualified from taking part in the management of the school as a result of a Section 128 direction

## 16. Contractors

296. Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating

to children will require an enhanced DBS check (including children's barred list information).

298. For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's 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 a number of sites. In cases where the contractor does not have opportunity for regular contact with children, schools and colleges should decide on whether a basic DBS disclosure would be appropriate

299. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.

300. If a contractor working at a school or college is self-employed, the school or college 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.

301. Schools and colleges should always check the identity of contractors and their staff on arrival at the school or college.

## **17. Visitors**

306. Schools and colleges should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

307. Headteachers and Principals should use their professional judgment about the need to escort or supervise visitors.

308. For visitors who are there in a professional capacity check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks. Schools and colleges should not ask to see the certificate in these circumstances).

## **18. Adults who Supervise Children on Work Experience**

335. Schools and colleges organising work experience placements should ensure that the placement provider has policies and procedures are in place to protect children from harm.

336. Children's barred list checks via the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school or college should consider the specific circumstances of the work experience. Consideration **must** be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary.

337. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves; and

- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

338. 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 regulated activity relating to children. If so, the school or college could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

339. Schools and colleges are not able to request an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.

340. If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or sixth form college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity relating to children. In these cases, and where the child doing the work experience is 16 years of age or over, the work experience provider e.g. school or sixth form college should consider whether a DBS enhanced 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.

## **19. Children Staying with Host Families (homestay)**

341. Schools and colleges quite often make arrangements 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 which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements.

342. In some circumstances, the arrangements where children stay with UK families could amount to "private fostering" under the Children Act 1989.