

Education settings must create a safe culture, including the use of recruitment procedures that help deter, reject or identify people who might harm children & young people.

Checks are required for any individual that is working (paid or unpaid) at the setting.

Governing bodies & proprietors must make reasonable decisions about the suitability of prospective employees based on [Disclosure & Barring Service](#) (DBS) checks, barred list & prohibition checks, identity verification, references, interview information etc.

## When appointing staff, settings must:

- Verify candidate's identity, mental & physical fitness, right to work in UK, & qualifications
- Ask for written information about previous & current employment, scrutinise references and resolve concerns satisfactorily
- Get a DBS check with barred list information
- Request [Childcare Disqualification Declaration \(Childcare \(Disqualification\) Regulations 09\)](#) where relevant
- Check they are not subject to a prohibition order (if a teacher) or section 128 direction (if managing independent, academy, free school; or governor of a maintained school)
- Use the [DBS Update Service](#) only with consent

**DBS checks** should be obtained before appointment. If this isn't possible, ensure that barred list & all other checks are completed & employee is supervised whilst DBS check is completed.

**It is an offence to allow a barred person to work in regulated activity.**

Use the **Single Central Record** for all:

- **School** staff (including supply) and volunteers (including Governors) in regular contact with children/young people in the setting
- **College** staff & volunteers providing education to or in regular contact with someone under 18
- Members of the proprietor body in independent, free schools & academies

You do not have to keep a copy of an employee's DBS certificate.

If you do, you need the consent of the employee and to comply with [Handling of DBS certificate information, July 2018](#)

[ID checking guidelines](#) apply to all applications for standard or enhanced checks. **Contact your HR provider for more information.**

**Agency & third party staff:** you must obtain written notification from the agency that they have carried out all required checks on an individual & a photograph to confirm that this is the same person who is presenting at the setting.

**Trainee/student teachers:** you must ensure that all necessary checks (including an enhanced DBS certificate & barred list check) are carried out if you are the employer; if fee-funded, you should obtain written confirmation that the initial teacher-training provider has carried out the required checks.

**Overseas staff:** must have the same checks as other staff, and you must [make further necessary checks](#) to consider relevant events outside the UK.

**Alternative Education providers:** you should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment

## What is regulated activity?

You are in 'regulated activity' if through directly or contracted, paid or unpaid work you regularly (e.g. once a week or more, or on four or more days in a 30 day period, or overnight), dependent on activity:

- Are unsupervised and responsible for teaching, training, care or supervision of students; or
- Work in a 'specified place' (includes schools & colleges) with the opportunity for contact with children and young people under 18 years old (unless you are a supervised volunteer – see below); or
- Drive a vehicle only for children; or
- Provide advice & guidance wholly or mainly on children's well-being

## Regulated activity also includes:

- Personal care e.g. helping a pupil, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing
- Health care provided by or under the direction of a health care professional

Settings **must** make a referral to the DBS for anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where the harm test (that they may harm or put at risk of harm a child or vulnerable adult) is satisfied, & the individual:

- Has been convicted or cautioned for a relevant offence or there is reason to believe they have committed a listed relevant offence, and
- If they have been removed from paid or unpaid work in regulated activity, or would have been removed had they not left

## All volunteers and governors:

- Who are engaged in 'regulated activity' must have enhanced DBS and barred list checks
- Who are not engaged in 'regulated activity', but may regularly come into contact with children should have an enhanced DBS check not including barred list information (required for maintained school governors)
- Can work pending receipt of a DBS certificate as long as they have been risk assessed and are not left unsupervised with a student
- Cannot teach or care for a pupil unsupervised, without an enhanced DBS, barred list checks and, where relevant, a childcare disqualification declaration

In addition, a section 128 check must also be made for governors, as well as proprietors of independent schools, academies, free schools and alternative provision academies

**Supervised volunteers & governors** are **not** considered to be in regulated activity, but their supervision **must**:

- be properly checked
- be regular, day to day & ongoing, whatever the volunteer period
- protect pupils & reflect:
  - their ages, vulnerability, group size
  - number of workers & volunteers involved, their child contact & level of supervision

Settings need to use their experience & judgement to complete a **risk assessment** for:

- The nature of the work with children
- What the setting formally or informally knows about the volunteer
- Whether the volunteer has other employment or voluntary activities where referees can advise on suitability, and
- Whether the role is eligible for an enhanced DBS check

## Contractors:

- **Must** have appropriate DBS checks if engaging in regulated activity or in regular contact with children
- Without checks who have contact with children **must** be supervised, and **must not** engage in regulated activity
- Identity should always be checked on arrival

If the contractor is self-employed & cannot obtain a DBS check the school or college should consider doing this on their behalf.

## Family or other visitors:

Settings cannot request DBS or barred list checks for relatives or community members, but should use professional judgment about escorting them on site. They should not be left unsupervised with children other than their own.

## Host families:

Arrangements for pupils under 18 to have learning experiences including short term care & accommodation by a family to whom they are not related, could amount to regulated activity and/or '[private fostering](#)'.

The setting that is making the host arrangement is the regulated activity provider and should request a DBS Certificate with barred list check.

Host families abroad cannot be DBS checked but settings should work with partner settings abroad to understand and agree arrangements. Settings can contact the foreign embassy or High Commission of the country & find out if similar checks can be done.

## Work experience:

A barred list check should be requested from the employer if the person supervising or working with the young person is in regulated activity and the young person is under 16 years.

If the young person is 16 years old or over & on work experience in a 'specified place' (e.g. school) the work experience provider should consider obtaining an enhanced DBS check for them.

## Proprietors of independent schools, academies, free schools or alternative provision academies:

The Secretary of State will confirm the identity & complete an enhanced DBS & other appropriate checks on an individual before they become:

- the proprietor of or chair of a body of people which is the proprietor of an independent school, or
- the chair of the governing body of a non-maintained special school.

## Contact your Human Resources provider for more information and/or follow these links:

- [Disclosure and Barring Service](#)
- [DBS Barring Referral guidance](#)
- [Keeping Children Safe in Education, DfE 2020](#)
- [Disqualification under the Childcare Act 2006](#)
- [Guidance for safer working practice - education settings and Covid19 addendum](#)