# Part three: Safer recruitment

285. This part of the guidance has four sections providing schools and colleges with the legal requirements **'must'** do, what they **'should'** do, what is considered **best practice** and **important information** about:

i. the recruitment and selection process

ii. pre-appointment and vetting checks, regulated activity and recording of information

iii. other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings

iv. how to ensure the ongoing safeguarding of children and the legal reporting duties on employers.

## i. Recruitment and selection process

286. This section focuses on ensuring potential applicants are given the right messages about the school and college's commitment to recruit suitable people.

287. It is vital that as part of their whole school or college approach to safeguarding, governing bodies 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.

288. 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.

289. The School Staffing (England) Regulations 2009.[68] and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007.[69] require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice from the safeguarding partners in doing so.

[68] The School Staffing (England) Regulations 2009 (legislation.gov.uk) regulation 9.
[69] The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (legislation.gov.uk)

## Advert

290. Schools and colleges should think about including the following information when defining the role (through the job or role description and person specification):

- the skills, abilities, experience, attitude, and behaviours required for the post, and
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children. See pages 81-83 for further information about regulated activity.

291. The advert should include:

- the school or college's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken,
- the safeguarding responsibilities of the post as per the job description and personal specification, and
- whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974. The amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. The MOJ's guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975, provides information about which convictions must be declared during job applications and related exceptions and further information about filtering offences can be found in the DBS filtering guide.

## Application forms

292. Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.[70]

293. Schools and colleges should also provide a copy of the school or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.

[70] Section 7(1)(a) of the SVGA 2006 (Legislation.gov.uk).

294. Schools and colleges should require applicants to provide:

- personal details, current and former names, current address and national insurance number,
- details of their present (or last) employment and reason for leaving,
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment,
- qualifications, the awarding body and date of award,
- details of referees/references (see below for further information), and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

295. Schools and colleges should only accept copies of a curriculum vitae alongside an application form. A curriculum vitae on its own will not provide adequate information.

## Shortlisting

296. Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records; further information can be found on GOV.UK. For example:

- if they have a criminal history,
- if they are included on the children's barred list,
- if they are prohibited from teaching,
- if they are prohibited from taking part in the management of an independent school,
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted,
- if they are known to the police and children's local authority social care,
- if they have been disqualified from providing childcare (see paragraphs 342-346), and
- any relevant overseas information.

297. This information should only be requested from applicants who have

been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

298. Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

299. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

300. Schools and colleges should:

- ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach),
- consider any inconsistencies and look for gaps in employment and reasons given for them, and
- explore all potential concerns.

301. In addition, as part of the shortlisting process schools and colleges should consider carrying out a search (via an online search engine) 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. See Part two - Legislation and the Law for information on the data protection laws, the Human Rights Act 1998 and the Equality Act 2010.

## Employment history and references

302. The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges 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.

303. 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 of any 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.

304. 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 concerns/allegations that meet the harm threshold. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious. Further guidance on references, including on the position regarding low-level concerns, is set out in Part four. 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.

## Selection

305. Schools and colleges should use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions.

306. These should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children,

- exploring their skills and asking for examples of experience of working with children which are relevant to the role, and
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

307. The interviews should be used to explore potential areas of concern and to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal,
- lack of recognition and/or understanding of the vulnerability of children,
- inappropriate idealisation of children,
- inadequate understanding of appropriate boundaries between adults and children, and
- indicators of negative safeguarding behaviours.

308. Any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case.

309. Pupils/students should be involved in the recruitment process in a meaningful way. Observing shortlisted candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

310. All information considered in decision making should be clearly recorded along with decisions made.

## ii. Pre-appointment vetting checks, regulated activity and recording information

311. This section provides the legal requirements that governing bodies and proprietors need to understand (and which **must** be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher). These checks should be seen as part of the wider whole school or college safeguarding regime, which will continue following appointment. This section also explains what information schools and colleges **must** record on the single central record.

312. The Education and Training (Welfare of Children) Act 2021 extended safeguarding provisions to providers of post 16 Education: 16-19 Academies,

Special Post-16 institutions and Independent Training Providers. Some safer recruitment regulations do not apply to these providers and as such some of the "musts" for colleges do not apply to them. These checks are an essential part of safeguarding, carried out to help employers check the suitability of candidates. Therefore, the providers set out above should carry out these pre-appointment checks. This has been made clear via footnotes.

313. All offers of appointment should be conditional until satisfactory completion of the **mandatory pre-employment checks**. All 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. Further identification checking guidelines can be found on the GOV.UK website[71],
- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children).[72] [73] [74] [75] The different levels of DBS check can be found here. Note that when using the DBS update service, you still need to obtain the original physical certificate (see paragraphs 328-331)[76],
- obtain a separate children's barred list check if an individual will start work in regulated activity with children before the DBS certificate is available; see paragraphs 340-341 on how to obtain a separate children's barred list check. **This does not apply to 16-19 academies, special post-16 institutions, independent training providers or any settings subject to the EYFS framework, including maintained nursery schools**[77],
- verify the candidate's mental and physical fitness to carry out their work responsibilities.[78] A job applicant can be asked relevant questions about disability

[71] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should verify the candidate's identity.
[72] 16-19 Academies, Special Post-16 institutions and Independent Training Providers must carry out a DBS check with barred list information as per their funding agreement.
[73] Where the individual will be or is engaging in regulated activity, schools and colleges will need to ensure that they confirm on the DBS application that they have the right to barred list information.
[74] Regulations 12 and 24 of The School Staffing (England) Regulations 2009 for maintained schools also apply to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. Part 4 of the Schedule to The Education (Independent School Standards) Regulations 2014 applies to independent schools, including free schools and academies. The Schedule to The Non-Maintained Special Schools (England) Regulations 2015 applies to non-maintained special schools.
[75] Regulation 5 of The Further Education (Providers of Education) (England) Regulations 2006 applies to further education institutions. Further Education providers should also note Regulation 10 of the Further Education (Providers of Education) (England) Regulations 2006, which requires that members of staff (other than agency staff) who move from positions not involving the provision of education into a position involving the provision of education are to be treated as new staff members.
[76] See the status checking section of the DBS update service employer guide.
[77] A separate barred list check is not available to these providers. As such they should not allow an individual to start work in regulated activity until they obtain an enhanced DBS plus barred list check.
[78] Education (Health Standards) (England) Regulations 2003

and health in order to establish whether they have the physical and mental capacity for the specific role[79] [80],

- 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 schools and colleges 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 paragraphs 359-363), and
- verify professional qualifications, as appropriate. The DfE's Check a teacher's record should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- independent schools, including academies and free schools, **must** check that a person taking up a management position as described at paragraphs 335-339 is not subject to a section 128 direction made by the Secretary of State,
- all schools **must** ensure that an applicant to be employed to carry out teaching work[81] is not subject to a prohibition order issued by the Secretary of State (see paragraphs 332-333) for prohibition checks or any sanction or restriction imposed (that remains current) by the GTCE (see paragraph 334), before its abolition in March 2012,
- before employing a person to carry out teaching work in relation to children, colleges **must**[82] take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State,
- all schools and colleges providing childcare[83] **must** ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations. Further details about the application of these arrangements are provided at paragraphs 342-346, and
- all schools must obtain (via the individual) an enhanced DBS check including children's barred list information for any volunteer who will be working in

[79] See legislation.gov.uk section 60 of the Equality Act 2010.
[80] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should - verify the candidate's mental and physical fitness to carry out their work responsibilities, check the person's right to work in the UK; make further checks if the candidate has lived or worked outside the UK and verify professional qualifications where appropriate.
[81] Each of the following activities is teaching work for the purposes of The Teachers' Disciplinary (England) Regulations 2012: planned and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils.
[82] Where employing teachers 16-19 Academies, Special Post-16 institutions and Independent Training Providers should contact teaching.status@education.gov.uk to check that the individual is not prohibited from teaching.
[83] Childcare Act 2006 (legislation.gov.uk) section 76(2).

regulated activity (see paragraphs 383-386).

## Applicant moving from a previous post

314. 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, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:

- which brought the person regularly into 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 another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

315. For a college[84] there is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked in:

- a school in England in a position which brought him or her regularly into contact with persons aged under 18, or
- another institution within the further education sector in England, or in a 16 to 19 academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.

316. Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, schools or colleges should carefully consider if it would be appropriate to request one, to ensure they have up to date information. Schools and colleges **must** still carry out all other relevant pre-appointment checks (see paragraph 311) including, where the individual is engaging in regulated activity with children, a separate children's barred list check (see paragraphs 340-341 on how to carry out a barred list check).

## Regulated activity

317. In summary, a person will be engaging in regulated activity with children if they work on a frequent basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives

[84] The three-month rule does not apply for 16-19 Academies, Special Post-16 institutions and Independent Training Providers. An enhanced DBS certificate (with barred list information where appropriate) is required.

opportunity for contact with children. A person will also be in regulated activity if, as a result of their work or volunteering, they:

- will be responsible, on a frequent basis in a school or college, for teaching, training instructing, caring for or supervising children, providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children, or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Further details on regulated activity are below.

## 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 and The Crime and Policing Act 2026.

Regulated activity includes:

a) paid and unpaid work that involves teaching, training, instructing, caring for or supervising children, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;

b) any other type of paid work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children.

Work under (a) or (b) is regulated activity only if done frequently, on more than 3 days in a 30-day period or overnight.[85] Some activities are always regulated activities, regardless of frequency. 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 or 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.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve any of the activities in (a) above.

[85] The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

## Considering which type of check is required

318. 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.

319. 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.

320. Barred list information must not be requested on any person who is not engaging in or seeking to engage in regulated activity.

321. Where a DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service (see paragraphs 328-331).

322. Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant must show the original paper 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. DBS guidance on how to check a DBS certificate can be found on GOV.UK.

323. Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on the recruitment of ex-offenders.

324. When assessing any disclosure information on a DBS certificate, schools and colleges should take into consideration the explanation from the applicant, including for example:

- the seriousness of any offence and relevance to the post applied for,
- how long ago the offence occurred,
- whether it was a one-off incident or a history of incidents,
- the circumstances around the incident, and
- whether the individual accepted responsibility for their actions.

325. The school or college should also consider the incident in the context of the Teachers' standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.

326. Where a school or college allows an individual to start work in regulated



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activity relating to children before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that they carry out all other checks, including a separate children's barred list check,[86] see paragraphs 340-341. Where schools are also subject to the EYFS framework, individuals must not be permitted to begin working within the settings covered by the EYFS framework until the school or maintained nursery school has received the applicant's enhanced DBS certificate including barred list information.

327. Separate barred list checks must only be carried out in the following circumstances:

- for newly appointed staff or volunteers who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks as per paragraph 311 have been carried out), or
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks as per paragraph 311 have been carried out).

## DBS Update Service

328. Individuals can join the DBS Update Service[87] at the point that an application for a new DBS check is made, or within 30 calendar days of the issue date on the certificate. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

329. As good practice, many schools and colleges require new staff or volunteers engaged in regulated activity to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

- portability of a DBS check across employers,
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advice whether the individual should apply for a new DBS check, and

[86] 16-19 Academies, Special Post-16 institutions and Independent Training Providers do not have access to standalone barred list check and as such should not allow someone to start work in regulated activity without an enhanced DBS certificate (with barred list information).
[87] DBS Update Service - GOV.UK (www.gov.uk) please note there is an annual fee for applicants using the update service.

- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

330. Before using the Update Service, schools and colleges **must**:

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

331. Further information about the Update Service, including when updated information can be used, can be found on GOV.UK.

## Prohibitions, directions, sanctions and restrictions

### Secretary of State teacher prohibition, and interim prohibition orders[88] [89]

332. 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, 16-19 academies, relevant youth accommodation and children's homes in England. Further information about the duty to consider referring to the Teaching Regulation Agency (TRA) can be found at paragraphs 432-433. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publications "Teacher misconduct: disciplinary procedures for the

[88] Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. The Teachers' Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments. By virtue of their Conditions of Funding in respect of funding received from the Education and Skills Funding Agency, colleges may not employ or engage a person who is subject to a prohibition order to carry out teaching work.

[89] The School Staffing (England) Regulations 2009, the Non-Maintained Special Schools (England) Regulations 2015 and the Education (Independent School Standards) Regulations 2014 require governing bodies or proprietors (of schools and sixth form colleges) to check that a person to be appointed is not subject to an interim prohibition order. By virtue of their Conditions of Funding in respect of funding received from the Education and Skills Funding Agency, before employing a person to carry out teaching work in relation to children, colleges must take reasonable steps to establish whether that person is subject to an interim prohibition order made under section 141B of the Education Act 2002.

teaching profession" and "Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession".

333. A person who is prohibited **must not** be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012) (see footnote 81).

## Historic General Teaching Council for England (GTCE) sanctions and restrictions

334. There are a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012). See paragraphs 340-341 for login details to the Check a teacher's record where GTCE checks can be made.

## Secretary of State section 128 direction

335. A section 128 direction prohibits or restricts an unsuitable individual from participating 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 in a free school as an employee,
- be a trustee of an academy or free school trust; a governor or member of a proprietor body of 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.

336. There is no exhaustive list of roles that might be regarded as 'management' for the purpose of determining what constitutes management in an independent school. The Department's view is that roles involving, or very likely to involve, management of a school include (but are not limited to) headteachers, principals, deputy/assistant headteachers, governors and trustees. It is important to note that the individual's job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be 'taking part in management' depends on the facts of the case.[90]

[90] The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014.

337. The grounds on which a section 128 direction may be made by the Secretary of State are set out in The Independent Educational Provision in England

(Prohibition on Participation in Management) Regulations 2014[91] made under section 128 of the Education and Skills Act 2008.

338. A section 128 direction will be disclosed when an enhanced DBS check with children's barred list information is requested, provided that 'child workforce independent schools' is specified on the application form as the position applied for. Where a person is not eligible for a children's barred list check but will be working in a management position in an independent school, a section 128 check should be carried out using GOV.UK.

339. A person subject to a section 128 direction is also disqualified from holding or continuing to hold office as a governor of a maintained school.[92]

## How to check DfE's Check a teacher's record for prohibitions, directions, sanctions and restrictions

340. Schools and colleges[93] can use the DfE's Check a teacher's record to make prohibition, direction, restriction, and children's barred list checks. The service is free to use and is available via the DfE's web page. Users will require a DfE Sign-in account to log onto the service.

341. Further information about obtaining a DfE Sign-in account and using Check a teacher's record to carry out a range of 'teacher status checks'[94] including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found on GOV.UK.

## Childcare disqualification

342. Childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children.

343. The childcare disqualification arrangements apply to staff working with

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[91] See the 2014 Regulations: https://www.legislation.gov.uk/uksi/2014/1977/regulation/1/made See the 2014 Regulations: https://www.legislation.gov.uk/uksi/2014/1977/regulation/1/made

[92] As barred list information is required to be requested only for those school governors who are engaging in regulated activity, when proposing to recruit a governor who will not work in regulated activity, schools and colleges should use the GOV.UK website to check whether the person is barred as a result of being prohibited under s.128.

[93] Where employing teachers 16-19 Academies, Special Post-16 institutions and Independent Training Providers should contact teaching.status@education.gov.uk to check that the individual is not prohibited from teaching. They must also obtain an enhanced DBS with barred list information for those working in regulated activity.

[94] The Check a teacher's record system can also be used to check for the award of qualified teacher status (QTS) and the completion of teacher induction or prohibition.

young children in childcare settings, including primary schools, nurseries and other registered settings, such as childcare provision on college sites.

344. The arrangements predominantly apply to individuals working with children aged 5 and under, including reception classes, but also apply to those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care.

345. For staff who work in childcare provision, or who are directly concerned with the management of such provision, employers need to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations 2018.

346. Further information on the staff to whom these Regulations apply, the checks that should be carried out, and the recording of those checks can be found in statutory guidance Disqualification under the Childcare Act 2006.

## Recording information

### Single central record

347. Schools and colleges must[95] maintain a single central record of pre-appointment checks, referred to in the Regulations[96] as "the register" and more commonly known as "the single central record".

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

- **for schools, all** staff, including teacher trainees on salaried routes (see paragraphs 374-376), agency and third-party supply staff, even if they work for one day, (see paragraphs 364-367),
- **for colleges**, 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 the members and

[95] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should maintain a single central record. Information they should record is set out at paragraph 312. As with other schools and colleges they may record the information as set out at paragraph 347.
[96] 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); Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014; Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006; and Regulation 3 and paragraph 7 of Part 1 and paragraph 18 of Part 2 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015.



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trustees of the academy trust.

349. 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 and colleges **must** include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.[97]

350. 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, (identification checking guidelines can be found on the GOV.UK website),
- a standalone children's barred list check[98],
- an enhanced DBS check (with children's barred list check) requested/certificate provided,
- a prohibition from teaching check[99],
- further checks on people who have lived or worked outside the UK (see paragraphs 359-363),
- a check of professional qualifications, where required, and
- a check to establish the person's right to work in the United Kingdom.

In addition:

- colleges[98] **must** record whether the person's position involves 'relevant activity', i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18, and
- independent schools (including academies and free schools) **must** record details of the section 128 checks undertaken for those in management positions.

351. The details of an individual should be removed from the single central

[97] Independent schools and non-maintained special schools should also include the date on which any certificate was obtained.
[98] 16-19 Academies, Special Post-16 institutions and Independent Training Providers cannot carry out a separate barred list check and as such, in relation to regulated activity, must always obtain an enhanced DBS with barred list check where required.
[99] There is no requirement for colleges to record this information, however, as part of the funding agreement colleges must have robust record keeping procedures in place.

record once they no longer work at the school or college.

### Non statutory information

352. Schools and colleges are free to record any other information they deem relevant. For example:

- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements,
- checks made on volunteers,
- checks made on governors,
- dates on which safeguarding and safer recruitment training was undertaken, and
- the name of the person who carried out each check.

353. The single central record can be kept in paper or electronic form.

### Multi-academy trusts (MATS)

354. MATs **must** maintain the single central record 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 should be recorded in such a way that allows for details for each individual academy to be provided separately, and without delay, to those entitled to inspect that information, including by inspectors.

### Retention of documents

355. Copies of documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on their personnel file as per the advice at paragraph 313.

356. Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10. To help schools and colleges comply with the requirements of the data protection laws, when a school or college chooses to retain a copy, there should be a valid reason for doing so and it should not be kept 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.

357. Schools and colleges do not have to keep copies of DBS certificates, in order to fulfil the duty of maintaining the single central record. Further information on handling DBS information can be found on GOV.UK.

## iii. Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings

358. This section sets out other legal requirements, i.e. **'must'** do or as appropriate **'should'** do for individuals who have lived or worked outside the UK; agency and third-party staff; contractors; trainee teachers; volunteers; governors and proprietors. It also sets out responsibilities placed on schools and colleges in relation to other settings, including alternative provision, work experience and host families.

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

359. Individuals who have lived or worked outside the UK **must**[100] undergo the same checks as all other staff in schools or colleges (set out in paragraph 304). 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**[101] 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, and
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) 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. Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

360. Where this information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that

[100] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure individuals undergo the same checks

[101] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should make any further checks.

supports informed decision making on whether to proceed with the appointment.

361. 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.

362. 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.

363. Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available here. It is important to 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.

## Agency and third-party staff (supply staff)[102]

364. Schools and colleges **must**[103] obtain written notification from any agency, or third party organisation, that they have carried out the same checks as the school or college would otherwise perform on any individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery).[104] In respect of the enhanced DBS check, schools and colleges **must**[105] ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

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[102] Further advice on safer recruitment for schools and colleges using recruitment and supply agencies can be found within the Better Hiring Institute's Education Supply Chains A better Hiring Toolkit' advice.
[103] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should obtain written notification regarding checks when they use agency or third-party staff.
[104] Colleges must comply with regulations 11 to 19 of The Further Education (Providers of Education) (England) Regulations 2006 in respect of agency workers; maintained schools must comply with regulations 18 and 30 of the School Staffing (England) Regulations 2009; non-maintained special schools must comply with paragraphs 5 and 16 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015; and independent schools (including academies and free schools) must comply with paragraph 19 of the Schedule to The Education (Independent School Standards) Regulation 2014.
[105] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

365. 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[106] obtain a copy of the certificate from the agency.

366. Where the position requires a children's barred list check, this must[107] be obtained by the agency or third party by obtaining an enhanced DBS certificate with children's barred list information, prior to appointing the individual.

367. 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.

## Contractors

368. Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college.

369. 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).

370. For all other contractors who are not engaging in regulated activity relating to children, 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.[108] In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several 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 check would be appropriate.

371. Under no circumstances should a contractor on 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

[106] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should obtain a copy of the certificate in such circumstances.
[107] Where using a third party 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure a DBS with barred list information is obtained for those engaging in regulated activity.
[108] It will only be possible to obtain an enhanced DBS certificate for contractors in colleges which are exclusively or mainly for the provision of full-time education to children.

of supervision depending on the circumstances.

372. If an individual working at a school or college is self-employed, the school or college should either obtain the DBS check, or request to see the certificate if the self-employed person has obtained their own check and ensure that the DBS check is at the level required by the school.

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

## Trainee/student teachers

374. Where applicants for initial teacher training are salaried by the school or college, the school or college must[109] ensure that all necessary checks are carried out including an enhanced DBS check (including children's barred list information).

375. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools and colleges should obtain written confirmation from the provider that it has carried out all pre-appointment 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.

376. There is no requirement for the school or college 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, see paragraphs 352-353.

## Visitors

377. Schools and colleges receive a range of visitors. These include professionals such as educational psychologists, social workers, and other education-related practitioners, as well as educational visitors like guest speakers or performers. They may also host individuals connected to the site, including contractors working on the building or grounds, children's family members, or others attending school events such as sports days. For visitors provided through a third party, see paragraphs 364-367.

378. 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.

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[109] 16-19 Academies, Special Post-16 institutions and Independent Training Providers should ensure all necessary checks are carried out.

379. Headteachers and principals should use their professional judgement about the need to escort or supervise such visitors.

380. For visitors who are there in a professional capacity, schools and colleges should check ID and be assured that the visitor has had the appropriate DBS check depending on the activity they are there to carry out (or that 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). Where a visitor will have no contact with children, it is unlikely that a DBS check will be required.

381. Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help schools and colleges enrich children's education, careful consideration should be given to the suitability of any external organisations.

382. School and college safeguarding policies should set out the arrangements for individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

## Volunteers

### Regular or overnight volunteers

383. The Crime and Policing Act 2026 made changes to regulated activity, meaning that any person volunteering in a school or college in a role that involves teaching, training, instructing or supervising children frequently or on more than 3 days in a 30-day period or overnight is now in regulated activity (see paragraph 317 for more information on regulated activity). Where this applies, schools or colleges should obtain an enhanced DBS check with children's barred list information.[110]

384. Where an individual meets the period condition (more than 3 days in a 30-day period) by volunteering at multiple settings, the school or college should work with the other settings to decide who should apply for the enhanced DBS check with barred list information, and that information should then be supplied by the individual to each setting. Volunteers may also choose to join the DBS Update Service at the point that a DBS check is applied for. This is free for volunteers and allows portability of a DBS check across different education settings (see paragraphs 328-331 for more information on the Update Service).

[110] 16-19 Academies, Special Post-16 institutions and Independent Training Providers must ensure an enhanced DBS check with barred list information is obtained as per their funding agreement.

### Existing volunteers in regulated activity

385. Where a school or college has an existing volunteer who will now be in regulated activity from 1 September 2026 because of the changes brought in by the Crime and Policing Act 2026, they must check their children's barred list status. This should be done by obtaining an enhanced DBS check with children's barred list information. Schools and colleges are able to obtain a standalone barred list check. They may do this where either:

- the school or college wishes to allow the volunteer to undertake regulated activity prior to obtaining the enhanced DBS check certificate; or
- the school or college has recently obtained an enhanced DBS check without children's barred list information, and there has been no break in service since that certificate was issued.

386. Where schools are also subject to the EYFS framework, volunteers must not be permitted to begin working within the settings covered by the EYFS framework until the school or maintained nursery school has received the volunteer's enhanced DBS certificate including barred list information.

### Volunteers not in regulated activity

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

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

389. The risk assessment should consider:

- the nature of any work with children,
- 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 their suitability, and
- where the role is not regulated activity, whether another level of DBS check might be appropriate, such as:
    - an enhanced DBS check without barred list information, for volunteers who would be in regulated activity but do not volunteer frequently, or

- a basic DBS check for any other volunteer who may have access to children.

390. Details of the risk assessment should be recorded[111].

## Maintained school governors

391. Governors in maintained schools are required to have an enhanced DBS check.[112] It is the responsibility of the governing body to apply for the certificate for any governors who do not already have one.

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

393. Schools should also carry out a section 128 check for school governors, because a person prevented from participating in the management of an independent school by a section 128 direction, is also disqualified from being a governor of a maintained school. Using GOV.UK schools can check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. There is no requirement for schools to record this information on the single central record, but they can if they choose to.

394. Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which make enhanced DBS checks mandatory for maintained school governors do not apply to associate members, and so there is no requirement for them to be checked unless they also engage in regulated activity at their school.

## Sixth form college governors

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

396. An enhanced DBS check with children's barred list information should only be requested if the governor will be engaging in regulated activity relating to children.

## Proprietors of independent schools, including academies and free schools and proprietors of alternative provision academies[113]

[111] Schools and colleges are free to determine where to store this information.

[112] The School Governance (Constitution) (England) Regulations 2012 were amended by the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 to include this requirement.

[113] The proprietor of an academy or free school or alternative provision academy or free school is the academy trust.

397. 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:[114]

- 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),[115] [116]
- 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.

398. The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools.[117]

399. The requirement for an enhanced DBS check and 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.[118]

400. 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 that identity checks are completed before, or as soon as practicable after, any individual takes up their position.

401. 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).

402. 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.

403. In the case of an academy trust, including those established to operate a free school, the trust must require enhanced DBS checks on all members of the

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[114] Paragraph 20 of the Schedule to the Education (Independent Schools Standards) Regulation 2014.
[115] This will include an academy trust of any academy or free school, other than for 16-19 academies or free schools.
[116] Regulation 2(5) of the Education (Independent School Standards) Regulations 2014 sets out when such checks are considered relevant.
[117] Paragraphs 6 and 17 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015.
[118] Paragraph 20(7) of the Schedule to the Education (Independent School Standards) Regulations 2014.

academy trust, individual charity trustees, and the chair of the board of charity trustees.[119] Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS checks for permanent and supply staff.[120]

404. Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust must require an enhanced DBS check on all delegates and all members of such committees.[121] 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.

## Alternative Provision

405. Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, (further information provided in Part two). Schools should obtain written confirmation from the alternative provision 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. This includes written confirmation that the alternative provider will inform the commissioning school of any arrangements that may put the child at risk (i.e. staff changes), so that the commissioning school can assure itself that appropriate safeguarding checks have been carried out on new staff.

## Adults who supervise children on work experience

406. Schools and colleges organising work experience placements should ensure that the placement provider has policies and procedures in place to protect children from harm.[122] Health and safety expectations for employers hosting young people on work experience can be found here: Young people at work: Work experience - HSE.

407. If the person providing the teaching, training, instruction or care or supervision to the child on a work experience placement or activity will be doing so frequently or for more than three days in a 30-day period, or overnight, this is a regulated activity. You must not allow someone on the barred list to take part in regulated activity.

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[119] As required in the Academy Trust Handbook which academy trusts must comply with as a condition of their funding agreement.
[120] The Education (Independent School Standards) Regulations 2014. The regulations do not apply to 16-19 free schools and academies.
[121] As required in the Academy Trust Handbook which academy trusts must comply with as a condition of their funding agreement.
[122] 16-19 study programmes guidance: guide for providers.

408. Other individuals in the workplace who are not involved in teaching, training, instructing or caring for or supervising the child on a work experience placement or activity are not in regulated activity.[123]

409. Schools and colleges are not able to request that a work experience provider obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.[124]

410. Activity undertaken by a person aged 16 plus on work experience which takes place in a 'specified place[125], such as a school or sixth form college, and gives the opportunity for contact with children, may itself be considered to be regulated activity relating to children. In these cases, the work experience provider e.g. school or sixth form college should consider whether a DBS enhanced check should be requested for the child in question. DBS checks cannot be requested for children under the age of 16.[126]

## Children staying with host families (homestay)

411. Schools and colleges quite often make arrangements for children receiving education at their institution 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 might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements.

412. In circumstances where a school or college arrange for a visiting child to be provided with care and accommodation in the UK (including where they engage a company to make those arrangements) in the home of a family to which the child is not related the responsible adults will be engaging in regulated activity for the period of the stay. In such cases and where the school or college has the power to terminate such a homestay the school or college would be the regulated activity provider. Schools and colleges should obtain a DBS enhanced certificate with children's barred list information. This check will not only establish whether the adults are barred from engaging in regulated activity relating to children, but where criminal record information is disclosed, it will also allow the school or college to consider, alongside all other intelligence that it has obtained, whether the adults would be suitable hosts for a child. In addition to those engaging in regulated

[123] Schools and work experience providers may seek other levels of DBS checks for individuals in contact with children but not in regulated activity, if they deem them necessary – Find out which DBS check is right for your employee - GOV.UK.

[124] The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 so that employers may no longer request checks in these circumstances.

[125] See page 8 of DBS guidance: Regulated activity with children England which can be found at: Regulated activity with children in England and Wales - GOV.UK (www.gov.uk) DBS Guidance leaflets.

[126] Under the Police Act 1997, an individual must be 16 or over to be able to make an application for a DBS check.

activity, schools and colleges are free to decide whether they consider it necessary to obtain a DBS enhanced certificate in respect of anyone aged 16 or over in the household where the child will be staying.

413. Where the child's parent(s) or a student themselves arranges their own homestay, this would be a private arrangement therefore the school or college would not be the regulated activity provider.

## Homestay – suitability of adults in host families abroad

414. It is not possible for schools and colleges to obtain criminality information from the DBS about adults who provide homestays abroad. Schools and colleges should liaise with partner schools abroad, to establish a shared understanding of, and agreement to the arrangements in place for the visit. Parents should be aware of the agreed arrangement.

## During the visit

415. Pupils should understand who to contact during a homestay should an emergency occur, or a situation arise which makes them feel uncomfortable.

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

## Private fostering – local authority notification when identified

417. Private fostering[127] occurs when a child under the age of 16 (under 18 for children with a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

418. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of school and college staff through the normal course of their interaction, and promotion of learning activities, with children.

419. Where the arrangements come to the attention of the school or college (and the school or college is not involved in the arrangements), they should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child. Schools and colleges who are involved (whether or

[127] The Children Act 1989 (legislation.gov.uk).

not directly) in arranging for a child to be fostered privately must notify local authorities of the arrangement as soon as possible after the arrangement has been made. Notifications must contain the information specified in Schedule 1 of The Children (Private Arrangements for Fostering) Regulations 2005 and must be made in writing.

420. Comprehensive guidance on private fostering can be found here: Private fostering: local authorities.

## iv. How to ensure the ongoing safeguarding of children and the legal reporting duties on employers

421. This section explains the importance of safeguarding vigilance beyond the recruitment process and as part of the whole school or college approach to safeguarding.

422. Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from governing bodies, proprietors, and all staff to ensure the safety and welfare of children is embedded in all of the organisation's processes and procedures and consequentially enshrined in its ethos. See Part one and Part two of this guidance for information about providing a coordinated whole school and college approach to safeguarding.

### Ongoing vigilance for all staff

423. Governing bodies and proprietors should ensure they have processes in place for continuous vigilance, maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour.

424. To support this, it is important that school and college leaders create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace (including online), which may have implications for the safeguarding of children. As set out in Part one, Part two and Part four of this guidance it is important that all staff understand the process and procedures to follow if they have a safeguarding concern about another staff member. This can assist employers to support staff, where there is a need, and help them manage children's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard children in their care.