

Headteachers & Chairs of Governors

Dear Colleagues

Update Re. Employment Checks and the Single Central Record

Please find below updated information regarding the checks it is necessary for school to undertake for staff and for governors. In particular, please note the recent addition, detailed in section 6 below.

1. Disclosure and Barring Service (DBS) Update Service

When an application for a new DBS check is made individuals can join the DBS Update Service, enabling future status checks to be carried out to confirm that no new information has been added since its issue. There is a fee to join, which is paid by the individual, not the employer. Therefore, schools cannot require employees to access the service. However, where a new employee has previously joined the update service this allows for the portability of a certificate across employers. Before using the service the schools must obtain consent from the applicant, confirm the certificate matches the individual's identity and ensure that the level of the original check is appropriate for the post in question.

A new application for a DBS check through Derbyshire County Council (DCC), is **not** required in these circumstances. As use of this service spreads among those working with children it will prove of great benefit in speeding up the completion of recruitment checks.

Please ask new recruits whether they have already joined the DBS update service before requesting a DBS check and where they have done so please utilise this service, which is free to employers, to complete the check.

2. Individuals who have lived or worked outside the UK

Schools may be aware that there is no legal requirement to obtain an enhanced DBS certificate, or carry out checks, for events that may have occurred outside the

UK if, in the 3 months prior to their appointment, the applicant has worked continuously in a school since 12 May 2006 or in the further education sector, (giving them regular contact with children/young people). All other checks are still required, including Barred List check for those in regulated activity.

However, **it is DCC policy to require an enhanced DBS check** in such circumstances and it is made clear in the guidance (Keeping Children Safe in Education 2016) that schools/colleges may choose to request the enhanced DBS certificate should they wish to do so. This is to ensure that any additional information that is included in the check is received and available for consideration when assessing whether the individual is suitable to work with children in the particular role. It should be remembered that information from outside the UK about the individual may be very limited so it is important to seek relevant information from whatever appropriate sources are available.

3. Disqualification Under the Childcare Act

Headteachers will remember that it is still important for staff working with the relevant age groups of children, to be reminded on an **annual** basis of the requirements of the act for a declaration to be made if the individual has been the subject of any of the convictions or other orders listed. (*see guidance previously issued, DBS section of the new Derbyshire net*). There is no need for employees to sign a new declaration form each year, it is just necessary to ensure that relevant staff sign a record to show that they have been informed/reminded of this requirement of their employment. (eg a staff message book that is circulated or copy of relevant staff meeting minutes etc)

4. Cessation of Routine 3 year DBS re-checks

The Council's DBS team ceased routinely re-checking school employees, on a three yearly basis at the end of December 2015, unless a school notified the team that the Governing Body wished to continue. A letter was issued in August 2016 to provide schools with further details relating to this decision.

Schools that have not opted to continue with the 3 yearly re-checks of employees will remember that contracts of school staff, as employees who hold posts subject to DBS clearance, require staff to notify the employer of any subsequent cautions or convictions. Therefore, staff should be advised and reminded annually, as above, of the requirement to inform their Headteacher of any change to their criminal record status. Please note that all volunteers are still subject to 3 yearly recheck requirements.

5. Maintained School Governors

As notified earlier in the year, Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the Governing Body to apply for the certificate for any governor that does not already have one. Unless a governor, in addition to their governance duties, engages in regulated activity, they do not qualify for a Barred List check.

DCC has set up a new service to request DBS checks for governors, as the existing service is not part of the recruitment package for employees. Details can be found by following this link (<http://services.derbyshire.gov.uk/>).

6. Prohibition Check for those undertaking teaching duties

Schools will already be aware of the requirement to carry out a check to ascertain whether a candidate for a teaching post is subject to a Secretary of State Prohibition order, through 'Teacher Services' system' (previously Employer Access Online), and to record this on the Single Central Record.

It has come to our attention, through the experience of schools who have received Ofsted Inspections this academic year, that inspectors are regarding it as good practice for schools to also undertake the check on those being considered for a position as a Teaching Assistant (TA).

Although TAs are not referenced in the regulations that set out the staff that are covered by this statutory requirement, it would be particularly appropriate to undertake this check where someone applying for a TA position indicates that they have qualified teacher status or have previously worked as a teacher, or where the post is a Higher Level Teaching Assistant with some teaching duties. If schools are intending to do this, they should inform candidates as part of the application process, so that it is seen as fair and transparent.

Schools are able to undertake a prohibition check for all TA appointments, if they wish to do so but, as the check is not mandatory, there is also no statutory requirement for it to be recorded on the SCR. Again, schools can, however, choose to add this information to their SCR if they have undertaken these checks on TAs. Given the emphasis on the value of carrying out such checks, experienced by schools recently during inspections, schools are advised to amend their policy to include these checks.

Prohibition checks for teaching assistants are performed through the secure access website, as for teachers, by clicking on the link on the right hand side and choosing 'teachers and others prohibited from the profession'. This brings up all individuals that are prohibited and it is necessary to trawl through the names to discover where the individual is on the list. Schools undertaking the check are advised to record on the SCR, even though it is not a requirement.

However schools should remember that prohibition from teaching would not automatically bar someone from being considered for a TA role. The reasons for prohibiting someone from teaching will not necessarily relate to safeguarding matters. Schools can also carry out general risk assessments, which they might want to do in such instances, to assure themselves that there are no concerns about appointing an individual to a TA role.

If a Teaching Assistant is being considered for a teaching role, in an academy, it is a mandatory requirement for a prohibition check to be made and the normal statutory requirements apply. In independent schools, academies and free schools, teachers do not need to have QTS, so must carry out the Prohibition check for both people with QTS and those without which includes Teaching Assistants. The check should be done retrospectively, and cover staff who have been appointed since 1st April 2012

Schools are reminded that restrictions on teachers imposed by an European Economic Area country's regulatory authority from 18 January 2016 can also be accessed through the Teacher Services' system. This is for any teacher who has trained or worked in the EEA. The EEA is the countries of the EU, plus Iceland, Liechtenstein and Norway.

7. Section 128 Direction from the Teacher Services' system

A section 128 direction check is also required for anyone taking up a management position in an independent school or academy

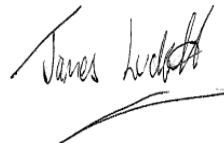
Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction that prohibits or restricts a person from taking part in the management of an independent school, including academies. A person who is prohibited is unable to participate in any management position in an academy as an employee; a trustee of an academy; a governor or member of a proprietor body for an independent school; or 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 Teacher Services' system.

The guidance on the Single Central Record will be updated to reflect these developments in the near future.

Yours sincerely



Emma Crapper
HR Service Partner (Children's Services)



James Luckraft
HR Service Partner – Corporate Resources