

STEP BY STEP GUIDE TO FULFILLING THE REQUIREMENTS FOR SUITABILITY OF STAFF, SUPPLY STAFF AND PROPRIETORS IN INDEPENDENT DAY SCHOOLS IN ENGLAND

This guidance goes further than the strict legal requirements in some respects. Whenever this happens, it is in order to make things simpler.

1. Draw up a central register of checks (also called a Single Central Record).
2. Use the model format from the DCSF guidance *Safeguarding Children and Safer Recruitment in Education 2007* (SCSRE) page 48

Identity				Qualifications		List 99	CRB	Right to work in UK	Overseas checks	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Name	Address	Date of birth	Evidenced & date	Qualifications required: yes/no	Qualifications evidenced & date	Check evidenced & date	Check evidenced & date	Check evidenced & date	Checks required yes/no	Checks carried out yes/no

3. In column (1), put the names of all staff (anyone working at the school, including volunteers and any supply staff that the school employs directly, but not including supply staff supplied by an agency).
4. In column (1), also put the names of the proprietors (including all members of the 'body of persons named as the proprietor').
5. Ask everyone named in column (1) to bring in evidence of name, address and date of birth (passport is acceptable evidence of name and date of birth; utility bill, bank statement or paper driving licence is acceptable evidence of address; photo-card driving licence is acceptable evidence of name, address and date of birth). These must be originals not copies.

6. Fill in column (4) by noting the type of evidence produced and the date on which it was seen. Fill in columns (2) and (3) at the same time.
7. The head teacher, in consultation with the proprietor, should decide which of the people named in column (1) need to have qualifications. It is not a government requirement that all teachers at independent schools should have qualified teacher status (QTS), but the school may decide to appoint some people because they have appropriate professional or academic qualifications. This can apply to volunteers as well as paid staff: for example, the school may decide to accept the services of particular volunteers because they have degrees in science, or some other subject. There are government requirements about the qualifications of some members of staff who work in the Early Years Foundation Stage (see *Statutory Framework for the Early Years Foundation Stage* page 50).
8. In column (5), write 'yes' against the names of all the people that the school requires to have a qualification, and 'no' against the names of everyone else.
9. Ask everyone with a 'yes' in column (5) to bring in evidence of their qualifications.
10. Fill in column (6) by noting the type of evidence produced (eg degree certificate, QTS letter) and the date on which it was seen.
11. In column (8), for all people whose enhanced CRB check has been completed, write the number of the disclosure, the date of issue and the date on which it was seen. CRB checks include a check against List 99 (described on the disclosure as 'Information from the list held under Section 142 of the Education Act 2002'). Where the disclosure says 'none recorded' in this section, fill in column (7) with 'CRB' and the date on which the disclosure was seen. Note: while many disclosures say 'none recorded' in all categories, some disclose matters which should be taken into consideration when deciding whether or not to appoint a particular person. Where matters are disclosed, the head teacher should consult the proprietor to decide what action to take. Further guidance can be found in SCSRE page 99.
12. Proprietors are required to make an enhanced CRB check in respect of new members of staff 'before or as soon as practicable after' their appointment, although they are not required to obtain a new CRB clearance for newly appointed staff who have come from a similar post in another school and have had no more than three months' break in service. These staff must provide evidence of their most recent CRB clearance; if they cannot do so then a new CRB check must be carried out prior to confirmation of appointment. For those needing a new CRB check, the form must be sent off before they take up post. While waiting for a CRB check, staff may start at the school provided they have been checked against List 99 to ensure that they are not currently barred

from working with children. In these cases, column (8) should state that the CRB check is pending, and should note the date on which it was sent off. **A separate check against List 99 is needed and must be completed before the people concerned start work.** Schools can apply for on-line access to List 99, by downloading a form from www.teacherspensions.co.uk (search for 'List 99' on the website), at an annual cost of £50 plus VAT. Where column (8) states that the CRB check is pending, column (7) should state the date on which a List 99 check was made. Appointments for new staff should not be confirmed until a satisfactory CRB certificate has been seen.

13. In column (9), note the evidence that has been produced to demonstrate that the people named in column (1) have the right to work in the UK and the date on which it was seen. In many cases, this will be a UK passport, which may have been seen to confirm identity in column (4). Citizens of Gibraltar and of countries in the European Economic Area also have a right to work in the UK, though some of them may need to register under the Worker Registration Scheme. For further details, and for information about citizens of other countries, see SCSRE Appendix 8 pages 93 – 95.

14. The head teacher, in consultation with the proprietor, should decide which people named in column (1), if any, should be subject to further overseas checks. SCSRE page 52 states 'In the case of staff who have lived abroad, if, in the opinion of the local authority, school, or FE college, the CRB Disclosure is unlikely to provide sufficient information, based on how long the individual has been in the UK, then other checks, including obtaining certificates of good conduct from relevant embassies or police forces as appropriate, must be completed prior to the individual starting work or volunteering activity. Further information about the criminal record information which may be obtained from overseas police forces and countries, is available from the CRB at www.crb.gov.uk

15. Fill in column (10) stating 'yes' against the names of anyone who in the school's judgement should be subject to further overseas checks, and 'no' in all other cases.

16. Where column (10) says 'no', column (11) should say 'not applicable' or 'n/a'. Where column (10) says 'yes', column (11) should say 'yes' if the checks have been carried out and state the date when they were completed; 'pending' if the checks have been requested but not yet received; or 'no' if no checks have been made. If column (11) says 'pending' or 'no', the person concerned should not have begun working or volunteering.

17. If your school uses supply staff (defined as 'any person working at the school supplied by an employment business') then for each member of the supply staff, fill in the following details as an integral part of the school's single central record:

Record of written notification received from employment business in respect of supply staff							
Identity		Qualifications	List 99	CRB	Right to work in UK	Overseas checks	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Name	Checked & date	Qualifications checked & date	Checked & date	Checked & date	Checked & date	Checks required yes/no	Checks carried out yes/no

18. In column (1), put the names of all supply staff.

19. In column (2), put 'yes', if written notification has been received from the employment business that the person's identity has been checked by them and the date on which the written notification was received. **Note: the school must also carry out its own identity check as well.** The relevant regulation states: 'Before a person offered for supply by an employment business may begin work at the school his identity shall be checked by the proprietor of the school (irrespective of any such check carried out by the employment business before the person was offered for supply).' In other words, anyone turning up to do supply should be asked to produce photo ID.

20. In column (3), put 'yes', if written notification has been received from the employment business that the person's qualifications have been checked by them and the date on which the written notification was received.

21. In column (4), put 'yes', if written notification has been received from the employment business that the person has been checked against List 99 by them and the date on which the written notification was received. If written notification has been received that an enhanced CRB check has been made, then a check against List 99 has also been made.

22. In column (5), put 'yes', if written notification has been received from the employment business that the person has had an enhanced CRB check and the date on which the written notification was received. Make a further note in this column if the

enhanced CRB check disclosed any matter or information and, if it did, state whether the employment business has supplied a copy of the certificate to the school.

23. In column (6), put 'yes', if written notification has been received from the employment business that the person's right to work in the UK has been checked by them and the date on which the written notification was received.

24. In column (7), put 'yes', if written notification has been received from the employment business that the person requires further overseas checks and the date on which the written notification was received, or 'no' in all other cases.

25. Where column (7) says 'no', column (8) should say 'not applicable' or 'n/a'. Where column (7) says 'yes', column (8) should say 'yes' if written notification has been received from the employment business that the further overseas checks have been carried out and should state the date on which the written notification was received.

26. The Single Central Record may be kept in electronic form provided it can be reproduced legibly.

27. As well as compiling the Single Central Record, the personnel files of recently appointed staff should contain evidence that appropriate checks have been carried out to confirm medical fitness and previous employment history, and that character references and, where appropriate, professional references have been taken up.

28. Schools have a duty to report individuals in certain circumstances. From 20 January 2009, the duty is to make these reports to the Independent Safeguarding Authority, PO Box 181, Darlington DL1 9FA. DCSF guidance is as follows:

'The Education (Prohibition from Teaching or Working with Children) (Amendment) Regulations 2007 require that a report is made to the Independent Safeguarding Authority in respect of anyone who has ceased to provide their services to a school as a teacher, or in a role involving regular contact with children because the person is considered unsuitable to work with children, or because of a medical condition that raises a possibility of risk to the safety or welfare of children. This requirement applies to: persons employed by the school as teachers, teaching assistants, caretakers and any other staff whose work involves regular contact with children (persons under the age of 18); student teachers, and other trainees; persons not employed by the school but employed by a third party such as supply teachers provided by employment agencies and other staff provided by contractors whose work involves regular contact with children; volunteers, including parents, who have regular contact with children at the school.

In this context, ceasing to use a person's services includes: dismissal; non-renewal of a fixed term contract; no longer engaging/refusing to engage a supply teacher provided by an employment agency; terminating the placement of a student teacher or other trainee; no longer using staff employed by contractors; no longer using volunteers; resignation, and voluntary withdrawal from supply teaching, contract working, a course of Initial Teacher Training, or volunteering.

Reports should be made within a month of the person leaving. It is important that reports include as much evidence about the circumstances of the case as possible. It is important to note that the fact that a person resigns or ceases to provide services of his or her own volition does not prevent an employer or agent making enquiries, investigating allegations, or collecting evidence. Paragraph 5.9 of SCSRE says: "By the same token so called "compromise agreements" by which a person agrees to resign, the school or FE college agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to List 99 where circumstances require that."

The proprietor of an Independent School, who fails to make a report, will be committing an offence, and the school may be removed from the register.'