

|                          | <b>Enhanced DBS</b>  | <b>Barred list</b>   | <b>s.128*</b>   | <b>Prohibition check</b>                             | <b>Identity**</b>  | <b>Right to work</b>   | <b>Lived or worked outside UK check</b>                              | <b>Include on SCR</b> |
|--------------------------|--|--|---|--|--|--|--|-----------------------|
| <b>Reference</b>         | <i>The Education (Independent School Standards) Regulations 2014</i>                                     | <ul style="list-style-type: none"> <li><i>The Education (Independent School Standards) Regulations 2014</i></li> <li><i>DBS Service: Guidance on referrals</i></li> <li><i>Keeping Children Safe in Education</i></li> </ul> | <ul style="list-style-type: none"> <li><i>The Education (Independent School Standards) Regulations 2014</i></li> <li><i>Paragraph 99 of Keeping Children Safe in Education</i></li> </ul> | <i>Keeping Children Safe in Education (Para 103)</i> | <i>The Education (Independent School Standards) Regulations 2014</i> | <i>The Education (Independent School Standards) Regulations 2014</i> | <i>The Education (Independent School Standards) Regulations 2014</i> | N/A                   |
| <b>Chair of trustees</b> | Yes – countersigned by SoS (follow advice from independent education and boarding team on 01325 340 405) | Only if engaged in regulated activity  | Yes   | No   | Yes – but this is included in enhanced DBS check                     | Yes  | Where deemed necessary   | Yes                   |
| <b>Trustees</b>          | Yes (application should be made within 21 days of appointment)   | Only if engaged in regulated activity  | Yes   | No   | Yes – but this is included in enhanced DBS check                     | Yes  | Where deemed necessary   | Yes                   |
| <b>Local governors</b>   | Yes (application should be made  | Only if engaged in regulated   | Yes (as LGB   | No   | Yes – but this is  | Yes  | Where deemed necessary   | Yes                   |

|                      |                                |                                       |   |                             |  |     |                        |     |
|----------------------|--------------------------------|---------------------------------------|---|-----------------------------|--|-----|------------------------|-----|
|                      | within 21 days of appointment) | activity, but note Arts of Ass<br>*** | delegated decision-making powers)             |                             | included in enhanced DBS check                   |     |                        |     |
| <b>Academy staff</b> | Yes                            | Yes                                   | Only if delegated management responsibilities | Yes (including TAs)<br>**** | Yes – but this is included in enhanced DBS check | Yes | Where deemed necessary | Yes |
| <b>Central staff</b> | Yes                            | Only if engaged in regulated activity | Yes   | Where deemed appropriate    | Yes – but this is included in enhanced DBS check | Yes | Where deemed necessary | Yes |
| <b>Contractors</b>   | Yes                            | Only if engaged in regulated activity | No  | No                          | Yes  | No  | No                     | No  |

\*S.128 check included in barred list check

\*\*identity check included in enhanced DBS

\*\*\*The regulations do not apply to local governors – they only relate to the trustees on the board. However, the Articles of Association for The Elliot Foundation Academies Trust states that local governors need an enhanced DBS check (ref. Articles 78 and 80). A barred list check should be obtained if the governor is going to be in regulated activity. Further, the Articles also state a local governor must not be on a barred list so, although there is no explicit duty to do a barred list check if the local governor is not in regulated activity, the cautious approach would be to do a barred list check in respect of local governors.

\*\*\*\* Any support staff who currently take part in formal teaching work or have done so in the past will need a prohibition from teaching check, according to representatives from the DfE. The DfE representative said there is no requirement to carry out prohibition from teaching checks on all teaching assistants (TAs) as a matter of course. However, he recommended doing so, as TAs may have past teaching experience and so would have had the chance to be banned from teaching (Advice taken from the Key)

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| <b>Further guidance</b>                                    |   |
| <b>Section 128 direction</b>                               | <p>Section 128 direction checks can be conducted through the Teacher Services system, run by the National College for Teaching and Leadership (National College). To check whether an individual who does not have a teacher reference number is subject to a section 128 direction, you will need to manually check for the individual's name against the relevant restrictions list on the Teacher Services system.</p> <p>There are five lists of prohibitions, restrictions and sanctions on the Teacher Services system. You should use the list of "individuals who have been barred from taking part in the management of an independent school (including academies and free schools)" to check for section 128 directions.</p> |
| <b>Prohibition check</b>                                   | Checks can be conducted through the Teacher Services system   |
| <b>Right to Work</b>                                       | <p>R2W check may use same documentation as enhanced DBS (eg passport) but documentation should be kept separately for R2W as DBS documentation will be destroyed.</p> <p>Please follow R2W process using guidance from TEFAT website documents page:<br/> <a href="http://www.elliottfoundation.co.uk/resources/academy-documents/">http://www.elliottfoundation.co.uk/resources/academy-documents/</a></p>   |
| <b>Lived or worked outside UK check</b>                    | <p>This check should be carried out if the individual has worked or lived abroad for 3 months or more in last 3 years. The school should obtain a certificate of good conduct from the embassy of the country or countries where the individual has lived or worked</p> <p>(Use NCTL Teacher Services System for check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed – para 114 Keeping Children Safe in Education)</p>   |
| <b>Regulated activity</b>                                  | Work that includes close and unsupervised access to children. Assessment of this by the school should be carried out in accordance with guidance in 'Keeping Children Safe in Education' (see p24)  |
| <b>Starting in regulated activity before DBS available</b> | Ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, has been completed (Keeping Children Safe in Education para 94)   |

NB

Academy staff – also check professional qualifications, as appropriate, and mental and physical fitness to carry out work (para 102 of Keeping Children Safe in Education). Also use the Teacher Services' system to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by

the Secretary of State (para 103 Keeping Children Safe in Education).