

2006 No. 1067

EDUCATION, ENGLAND

The School Staffing (England) (Amendment) Regulations 2006

<i>Made</i> - - - -	<i>8th April 2006</i>
<i>Laid before Parliament</i>	<i>20th April 2006</i>
<i>Coming into force</i> - -	<i>12th May 2006</i>

The Secretary of State for Education and Skills makes the following Regulations, in exercise of the powers conferred by sections 72 and 138(7) of the School Standards and Framework Act 1998(a) and sections 35(4) and (5), 36(4) and (5) and 210(7) of the Education Act 2002(b):

1. These Regulations may be cited as the School Staffing (England) (Amendment) Regulations 2006 and shall come into force on 12th May 2006.

2. These Regulations apply only in relation to England.

3.—(1) The School Staffing (England) Regulations 2003(c) are amended in accordance with this regulation.

(2) At the end of regulation 11 insert—

“(3) An enhanced criminal record certificate issued pursuant to Part V of the Police Act 1997(d) must be obtained in respect of any person so appointed before or as soon as practicable after his appointment.

(4) Paragraph (3) does not apply to—

- (a) a person who has worked in a school or institution within the further education sector during a period which ended not more than three months before his appointment; and
- (b) any foreign national for whom obtaining a criminal record certificate is inappropriate.

(5) A person falling within paragraph (4)(b) shall before appointment be subjected to such checks as the authority thinks appropriate having regard to any guidance issued by the Secretary of State.”.

(3) After regulation 11 insert the following—

“**11A.** Regulation 11(3) to (5) also apply in relation to any person appointed by a local education authority for the purpose of working at a school to which this Part or Part 3 applies in the temporary absence of a member of staff of the school.”.

(a) 1998 c.31.
(b) 2002. c.32.
(c) S.I. 2003/1963.
(d) 1997 c.50.

(4) At the end of regulation 20 insert—

“(3) An enhanced criminal record certificate issued pursuant to Part V of the Police Act 1997^(a) must be obtained in respect of any person so appointed before or as soon as practicable after his appointment.

(4) Paragraph (3) does not apply to—

- (a) a person who has worked in a school or institution within the further education sector during a period which ended not more than three months before his appointment; and
- (b) any foreign national for whom obtaining a criminal record certificate is inappropriate.

(5) A person falling within paragraph (4)(b) shall prior to appointment be subjected to such checks as the governing body thinks appropriate having regard to any guidance issued by the Secretary of State.”.

8th April 2006

Maria Eagle
Parliamentary Under Secretary of State
Department for Education and Skills

^(a) 1997 c.50.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the School Staffing (England) Regulations 2003 (“the School Staffing Regulations”).

The School Staffing Regulations require that teachers and support staff in maintained schools meet specified requirements as to qualifications, health, physical capacity and the absence of any bar from working with children. The amendments made to regulations 11 and 20 of the School Staffing Regulations by these Regulations add an additional requirement that subject to exceptions a person appointed to be a teacher or member of the support staff must, prior to or as soon as practicable after, his appointment be subject to an enhanced Criminal Records Bureau check made under the Police Act 1997. The same requirement is imposed in relation to supply teachers employed by local education authorities.

The requirements do not apply to persons who have worked in a school or an institution within the further education sector not more than three months before their appointment, nor to foreign nationals for whom a Criminal Records Bureau check is not appropriate. In the case of foreign nationals the employer (the local education authority or governing body, depending on the type of school) must carry out such checks as they think appropriate having regard to any guidance from the Secretary of State.

STATUTORY INSTRUMENTS

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