

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Staffing (England) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2009 No. 2680

The School Staffing (England) Regulations 2009

PROSPECTIVE

PART 2

Provisions Relating to Community, Voluntary Controlled, Community Special and Maintained Nursery Schools

Supply staff

18.—(1) The governing body must ensure that no person supplied by an employment business to a school is allowed to begin work as a teacher or member of support staff at the school unless the authority or (as the case may be) the governing body has received—

- (a) written notification from the employment business in relation to that person—
 - (i) that it has made the checks referred to in paragraph 5(a)(i) of Schedule 2;
 - (ii) that it or another employment business has applied for an enhanced criminal record certificate or has obtained such a certificate in response to an application made by that or another employment business; and
 - (iii) whether, if the employment business has obtained such a certificate before the person is due to begin work at the school, it disclosed any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of PA 1997; and
- (b) where the employment business has obtained an enhanced criminal record certificate before the person is due to begin work at the school which disclosed any matter or information or any information was provided to the employment business in accordance with section 113B(6) of PA 1997, a copy of the certificate.

(2) Subject to paragraph (3), the certificate referred to in paragraph (1)(a)(ii) must have been obtained not more than three months before the person is due to begin work at the school.

(3) Paragraph (2) does not apply in relation to a person who has worked in—

- (a) a school in England in a post—
 - (i) which brought the person regularly into contact with children or young persons; or
 - (ii) 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
- (b) an institution within the further education sector in England in a post which involved the provision of education which brought the person regularly into contact with children or young persons,

during a period which ended not more than three months before the person is due to begin work at the school.

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(4) Before a person offered for supply by an employment business may begin work at the school the governing body must check the person's identity (whether or not the employment business made such a check before the person was offered for supply).

(5) The authority or (as the case may be) the governing body must, either in the contract or in other arrangements which it makes with any employment business, require it, in respect of any person whom the employment business supplies to the school—

- (a) to provide the notification referred to in paragraph (1)(a); and
- (b) if any enhanced criminal record certificate which the employment business obtains contains any matter or information, or if any information was provided to the employment business in accordance with section 113B(6) of PA 1997, to provide a copy of the certificate.

Commencement Information

II Reg. 18 in force at 2.11.2009, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- reg. 12-22 applied (with modifications) by SI 2007/2979 Sch. 1 para. 28 (as substituted) by [S.I. 2012/3158 reg. 3\(9\)](#)
- reg. 18 coming into force by [S.I. 2009/2680 reg. 1\(1\)](#)
- reg. 18(1)(a)(i) words inserted by [S.I. 2015/887 reg. 5\(1\)](#)
- reg. 18(1)(a)(i) words substituted by [S.I. 2013/1940 reg. 2\(5\)](#)
- reg. 18(1)(a)(ii) word omitted by [S.I. 2015/887 reg. 5\(3\)\(a\)\(ii\)](#)
- reg. 18(1)(a)(ii) words inserted by [S.I. 2015/887 reg. 5\(3\)\(a\)\(i\)](#)
- reg. 18(2) words inserted by [S.I. 2015/887 reg. 5\(4\)\(a\)](#)
- reg. 18(2) words inserted by [S.I. 2015/887 reg. 5\(4\)\(b\)](#)
- reg. 18(3)(b) words inserted by [S.I. 2012/979 Sch. para. 26](#)
- reg. 18(5)(a) word omitted by [S.I. 2015/887 reg. 5\(5\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 5(1) Sch. 2 para. 5 renumbered as Sch. 2 para. 5(1) by [S.I. 2015/887 reg. 6\(2\)\(a\)](#)
- Sch. 2 para. 4A inserted by [S.I. 2013/1940 reg. 2\(7\)\(a\)](#)
- Sch. 2 para. 5A inserted by [S.I. 2013/1940 reg. 2\(7\)\(b\)](#)
- Sch. 2 para. 5(1)(a)(iii)(iv) inserted by [S.I. 2015/887 reg. 6\(2\)\(d\)](#)
- Sch. 2 para. 5(2) inserted by [S.I. 2015/887 reg. 6\(2\)\(e\)](#)
- Sch. 2 para. 6A inserted by [S.I. 2015/887 reg. 6\(4\)](#)
- Sch. 2 para. 5(1)(a)(ii) word omitted by [S.I. 2015/887 reg. 6\(2\)\(c\)](#)
- Sch. 2 para. 5(1)(a)(i) words omitted by [S.I. 2015/887 reg. 6\(2\)\(b\)](#)
- Regulations applied (with modifications) by [S.I. 2012/1035 reg. 25Sch. 7](#)
- reg. 3(3)(c)(d) substituted for reg. 3(3)(c) by [S.I. 2015/887 reg. 3\(2\)\(b\)](#)
- reg. 3(6)(7) inserted by [S.I. 2015/887 reg. 3\(4\)](#)
- reg. 4(2)(ba) inserted by [S.I. 2015/883 reg. 5\(2\)\(a\)](#)
- reg. 4(5) inserted by [S.I. 2015/883 reg. 5\(2\)\(b\)](#)
- reg. 8A inserted by [S.I. 2012/1740 reg. 2\(3\)](#)
- reg. 12(3A) inserted by [S.I. 2015/887 reg. 4\(2\)](#)
- reg. 18(1)(a)(iv) inserted by [S.I. 2015/887 reg. 5\(3\)\(b\)](#)
- reg. 18(1)(c) and word inserted by [S.I. 2015/887 reg. 5\(3\)\(c\)](#)
- reg. 18(5)(c) and word inserted by [S.I. 2015/887 reg. 5\(5\)\(b\)](#)
- reg. 24(3A) inserted by [S.I. 2015/887 reg. 4\(2\)](#)
- reg. 30(1)(a)(iv) inserted by [S.I. 2015/887 reg. 5\(3\)\(b\)](#)
- reg. 30(1)(c) and word inserted by [S.I. 2015/887 reg. 5\(3\)\(c\)](#)
- reg. 30(5)(c) and word inserted by [S.I. 2015/887 reg. 5\(5\)\(b\)](#)