

SCHEDULE 1

PART 4

Suitability of staff, supply staff, and proprietors

19.—(1) The standard in this paragraph relates to the suitability of persons appointed as members of staff at the school, other than the proprietor and supply staff.

(2) The standard in this paragraph is met if—

- (a) no such person is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006⁽¹⁾ or carries out work, or intends to carry out work, at the school in contravention of any direction made under section 142 of the 2002 Act⁽²⁾ or any disqualification, prohibition or restriction which takes effect as if contained in such a direction;
- (b) the proprietor carries out appropriate checks to confirm in respect of each such person—
 - (i) the person’s identity;
 - (ii) the person’s medical fitness;
 - (iii) the person’s right to work in the United Kingdom; and
 - (iv) where appropriate, the person’s qualifications;
- (c) an enhanced criminal record check is made by the proprietor in respect of any such person and the resulting enhanced criminal record certificate is obtained before or as soon as practicable after the person’s appointment;
- (d) in the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person’s suitability to work in a school, such further checks are made as the proprietor considers appropriate, having regard to any guidance issued by the Secretary of State; and
- (e) in the case of staff who care for, train, supervise or are in charge of boarders, in addition to the matters specified in paragraphs (a) to (d), the proprietor checks that Standard 38 of the National Minimum Standards for Boarding Schools or, where applicable, Standard 27 of the National Minimum Standards for Residential Special Schools, is complied with,

and in the light of the information from the checks referred to in paragraphs (b) to (e) the proprietor considers that the person is suitable for the position to which the person is appointed.

(3) The checks referred to in sub-paragraphs (2)(b) and (except where sub-paragraph (4) applies) (2)(d) must be completed before a person’s appointment.

(4) The checks specified in sub-paragraphs (2)(c), (d) and (e) do not need to be carried out where the new member of staff (“M”) has worked in—

- (a) a school in England in a position which brought M regularly into contact with children or young persons;
- (b) a maintained school in England in a position to which M was appointed on or after 12th May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) an institution within the further education sector in England in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

(1) 2006 c.47.

(2) 2002 c.32.

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during a period which ended not more than three months before M's appointment.