

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 Education (Non-Maintained Special Schools) (England) Regulations 2011*. 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](#)

PROSPECTIVE

SCHEDULE

PART 1

CONDITIONS OF APPROVAL UNDER SECTION 342 OF THE 1996 ACT

Supply staff

5.—(1) Where at the time that an application for approval of a school is made, a person supplied by an employment business to the school is working as a teacher or member of support staff at the school, the requirements in sub-paragraphs (2) to (7) have been complied with.

(2) The proprietor must have received—

(a) a written notification from the employment business in relation to that person—

(i) that the checks referred to in paragraph 6(5)(a) have been made,

(ii) that an application for an enhanced criminal record certificate has been made, or an enhanced criminal record certificate has been obtained by that or another employment business, and

(iii) if the employment business has obtained an enhanced criminal record certificate before the person is due to begin work at the school, whether it disclosed any matter or information, or any information was supplied to the employment business, in accordance with section 113B(6)(b) of the 1997 Act;

(b) where the employment business has obtained an enhanced criminal record certificate before the person is due to begin work at the school, and it discloses any matter or information, or any information was provided to the employment business in accordance with section 113B(6)(b) of the 1997 Act, a copy of the certificate and the information supplied;

(c) in the case of a person who has lived outside the United Kingdom, for whom obtaining such a certificate is not sufficient to establish suitability to work in a school, written notification of such further checks made by the employment business as it considered appropriate, having regard to any guidance issued by the Secretary of State and the information disclosed by such checks.

(3) Except in the case of a person to whom sub-paragraph (4) applies, the certificate referred to in sub-paragraph (2)(a)(ii) must have been obtained not more than three months before the date on which the person is due to begin work at the school.

(4) This sub-paragraph applies to a person who has worked in—

(a) a school in England in a position involving regular contact with children or young persons,

(b) a maintained school in England in a position to which the person was appointed on or after 12th May 2006 and which did not involve regular contact with children or young persons, or

(c) an institution within the further education sector in England in which the position involved regular contact with children or young persons in the provision of education,

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during a period which ended not more than three months before the date on which the person is due to begin work at the non-maintained special school in question.

(5) Before a person who is offered for supply by an employment business may begin work at the school the person's identity must be checked by the proprietor (irrespective of whether any such check was carried out by the employment business before the person was offered for supply).

(6) Sub-paragraph (7) applies to a person (other than a person to whom sub-paragraph (4) applies) who is offered for supply by an employment business to begin work at the school to care for, supervise or be in charge of children for whom accommodation is provided.

(7) Before a person to whom this sub-paragraph applies may begin work at the school, the proprietor must make a check to ensure that the person is vetted in accordance with the National Minimum Standards.

Commencement Information

II Sch. para. 5 in force at 1.9.2011, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Sch. para. 5 coming into force by [S.I. 2011/1627 reg. 1\(1\)](#)
- Sch. para. 5(2)(a)(ii) substituted by [S.I. 2015/387 reg. 4\(3\)](#)
- Sch. para. 5(2)(a)(i) words inserted by [S.I. 2015/387 reg. 4\(2\)](#)
- Regulations revoked by [S.I. 2015/728 reg. 8](#)

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. Pt. 1 para. 4(6)(c) words inserted by [S.I. 2012/979 Sch. para. 32\(2\)](#)
- Sch. Pt. 1 para. 5(4)(c) words inserted by [S.I. 2012/979 Sch. para. 32\(2\)](#)
- reg. 2(4)(c)(d) substituted for reg. 2(4)(c) by [S.I. 2015/387 reg. 3\(4\)](#)
- reg. 2(5) inserted by [S.I. 2015/387 reg. 3\(5\)](#)