
STATUTORY INSTRUMENTS

2015 No. 387

**The Education (Non-Maintained Special Schools)
(England) (Amendment) Regulations 2015**

Amendments

4.—(1) For paragraph 4(3) of Part 1 of the Schedule substitute—

“(3) The proprietor must ensure that, where relevant to the person, an enhanced criminal record check is made in respect of that person and an enhanced criminal record certificate is obtained before or as soon as practicable after the person’s appointment.”.

(2) In paragraph 5(2)(a)(i) of Part 1 of the Schedule, after “have been made” insert “to the extent relevant to that person”.

(3) For paragraph 5(2)(a)(ii) of Part 1 of the Schedule, substitute—

“(ii) that, where relevant to that person, an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate, in response to such a check;”.

(4) For paragraph 6(5) of Part 1 of the Schedule, substitute—

“(5) In relation to supply staff, the register must show whether written notification has been received from the employment business that—

- (a) it has made checks corresponding to those referred to in paragraphs 5(2)(a)(i) and (7), to the extent relevant to any such person; and
- (b) an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check,

together with the date the written notification that each such check was made, or certificate obtained, was received.”.

(5) For paragraph 7 of Part 1 of the Schedule, substitute—

“7.—(1) No person is to be appointed chair of the governing body of a school unless the requirements of sub-paragraphs (2) and (3) have been complied with.

(2) Checks must have been made that the individual—

- (a) is not barred from regulated activity relating to children or vulnerable adults in accordance with section 3 of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
- (b) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order or an interim prohibition order.

(3) The Secretary of State must make the following checks relating to the individual—

- (a) where relevant to the individual, an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B(1) of the 1997 Act,

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- (b) checks confirming the individual's identity and their right to work in the United Kingdom, and
 - (c) in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate, and where an enhanced criminal record check is made, the Secretary of State obtains an enhanced criminal record certificate relating to the individual.”
- (6) In paragraph 17 of Part 2 of the Schedule, for “to (4)” substitute “and (3)”.