

# Inspecting safeguarding in maintained schools and academies

Briefing for section 5 inspections

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This briefing paper aims to support inspectors in reviewing schools' safeguarding arrangements when carrying out section 5 inspections.

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## Introduction

1. This briefing captures overarching points relating to the inspection of safeguarding. It also looks at the relationship between safeguarding and the evaluation schedule as a whole, as set out in the *School inspection handbook*.<sup>1</sup>

## Safeguarding and inspectors' responsibilities

2. Ofsted's aim is to assure safe and secure provision for children, young people and learners across all remits through effective inspection and regulation. Safeguarding the welfare of children is part of Ofsted's core business for all staff, who are expected to be aware of their responsibilities in this regard. Inspectors must be familiar with the document *Ofsted safeguarding policy and procedures*,<sup>2</sup> which covers children, young people and vulnerable adults. All inspectors must be aware of what to do in the event of having concerns about the safeguarding and welfare of an individual child or receiving allegations about safeguarding.
3. Schools and colleges should be safe environments where children<sup>3</sup> and young people can learn. Inspectors should consider how well leaders and managers in schools or colleges have created a culture of vigilance and where children's welfare is promoted and timely and appropriate safeguarding action is taken for children who need extra help or who may be suffering, or likely to suffer, significant harm.
4. Inspectors should evaluate how well schools and colleges fulfil their statutory responsibilities, and how well staff exercise their professional judgement in keeping children safe.
5. It is **essential** that inspectors are familiar with the content of the following key documents:
  - the Department for Education's (DfE's) statutory guidance for schools<sup>4</sup> and colleges<sup>5</sup>, 'Keeping children safe in education',<sup>6</sup> 2014

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<sup>1</sup> *School inspection handbook* (120101), Ofsted, 2014; [www.ofsted.gov.uk/resources/120101](http://www.ofsted.gov.uk/resources/120101).

<sup>2</sup> *Ofsted safeguarding policy and procedures* (100183), Ofsted, 2010; [www.ofsted.gov.uk/resources/ofsted-safeguarding-policy-and-procedures](http://www.ofsted.gov.uk/resources/ofsted-safeguarding-policy-and-procedures).

<sup>3</sup> Children includes everyone under the age of 18.

<sup>4</sup> It applies to all schools (whether maintained, non-maintained or independent), including academies and pupil referral units, governing bodies and headteachers of maintained schools (including aided and foundation schools). It does not include maintained nursery schools.

<sup>5</sup> It applies to further education colleges and sixth form colleges, and relates to young people under the age of 18, but excludes 16–19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

<sup>6</sup> *Keeping children safe in education*, Department for Education, 2014; [www.gov.uk/government/publications/keeping-children-safe-in-education](http://www.gov.uk/government/publications/keeping-children-safe-in-education).

- 'Keeping children safe in education: information for all school and college staff',<sup>7</sup> DfE, 2014
  - 'Working together to safeguard children',<sup>8</sup> 2013.
6. The statutory guidance for schools and colleges, 'Keeping children safe in education', came into force on 3 April 2014. The guidance sets out the responsibilities placed on schools and colleges to safeguard and promote the welfare of children. It replaces 'Safeguarding children and safer recruitment in education'.

## Key telephone numbers

7. In the event of concerns or queries the following telephone number is available:
- Ofsted helpline (0300 123 4234).

## Definition of safeguarding

8. Ofsted adopts the definition used in the Children Act 2004 and in 'Working together to safeguard children'. This can be summarised as:
- protecting children from maltreatment
  - preventing impairment of children's health or development
  - ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
  - taking action to enable all children to have the best outcomes.
9. Safeguarding is not just about protecting children from deliberate harm. It relates to aspects of school life including:
- pupils' health and safety
  - the use of reasonable force
  - meeting the needs of pupils with medical conditions
  - providing first aid
  - educational visits
  - intimate care
  - internet or e-safety

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<sup>7</sup> *Keeping children safe in education, Department for Education, April 2014;*  
[www.gov.uk/government/publications/keeping-children-safe-in-education](http://www.gov.uk/government/publications/keeping-children-safe-in-education)

<sup>8</sup> *Working together to safeguard children, Department for Education, March 2013;*  
[www.gov.uk/government/publications/working-together-to-safeguard-children](http://www.gov.uk/government/publications/working-together-to-safeguard-children)

- appropriate arrangements to ensure school security, taking into account the local context.
10. Safeguarding can involve a range of potential issues such as:
- bullying, including cyberbullying (by text message, on social networking sites, and so on) and prejudice-based bullying
  - racist, disability, and homophobic or transphobic abuse
  - radicalisation and extremist behaviour
  - child sexual exploitation
  - sexting
  - substance misuse
  - issues that may be specific to a local area or population, for example gang activity and youth violence
  - particular issues affecting children including domestic violence, sexual exploitation, female genital mutilation and forced marriage.

### **Points to consider when evaluating the effectiveness of safeguarding arrangements**

11. Children are safe and feel safe. They know how to complain and understand the process for doing so. There is a strong, robust and proactive response from adults working with children that reduces the risk of harm or actual harm to them. Adults working with them know and understand the indicators that may suggest that a child/young person is suffering or is at risk of suffering harm<sup>9</sup> and they take the appropriate and necessary action in accordance with local procedures and statutory guidance.
12. Staff and other adults working within the setting are clear about procedures where they are concerned about the safety of a child and there is a named and designated lead whose role is effective in pursuing concerns and protecting children.
13. Children can identify a trusted adult with whom they can talk about any concerns. They report that adults listen to them and take their concerns seriously. Where children have been or are at risk, such a trusted adult has been instrumental in helping them to be safe in accordance with agreed local procedures.
14. Written records are made in a timely way and held securely where adults working with children are concerned about their safety or welfare. Those

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<sup>9</sup> This includes the risk of or actual sexual exploitation, running away, bullying, accidents, neglect and abuse

records are shared appropriately where necessary and with the necessary consent.

15. Any child protection and/or safeguarding concerns are immediately shared with the local authority in the area where the concerned professional is working and a record of that referral is retained. There is evidence that the referral has been followed up quickly and that action has been taken to protect the child from further harm.
16. Children are supported, protected and informed appropriately about the action the adult is taking to share their concerns. Parents are made aware of concerns and their consent sought in accordance with local procedures unless doing so would increase the risk of or actual harm to a child.
17. There is a written plan in place with clear and agreed procedures to protect a child or young person. For children who are the subject of a child protection plan or who are looked after, the plan identifies the help that the child should receive and the action to be taken if a professional working with the child has further concerns or information to report.
18. Children who go missing from the school they attend receive well-coordinated responses that reduce the harm or risk of harm to them. Risks are well understood and their impact is minimised. The school is aware of, and implements in full, the requirements of the statutory guidance for children and young people who are missing from home and/or from education. Local procedures for notifying the local authority and parents are available, understood and followed. Comprehensive records are held and shared between the relevant agencies to help and protect children.
19. Any risks associated with children offending, misusing drugs or alcohol, self-harming, going missing or being sexually exploited are known by the adults who care for them and shared with the local authority children's social care service. There are plans and help in place that are reducing the risk of harm or actual harm and there is evidence that the impact of these risks is being minimised. These risks are kept under regular review and there is regular and effective liaison with other agencies where appropriate.
20. Children are protected and helped to keep themselves safe from bullying, homophobic behaviour, racism, sexism and other forms of discrimination. Any discriminatory behaviours are challenged and help and support is given to children about how to treat others with respect.
21. Adults understand the risks posed by adults or young people who use the internet to bully, groom or abuse children and have well-developed strategies in place to keep children safe and to support them in learning how to keep themselves safe. Leaders oversee the safe use of electronic and social media when the children are on site and take action immediately if they are concerned about bullying or risky behaviours.

22. Clear risk assessments and a consistent response by staff protect children, while enabling them to take age-appropriate and reasonable risks as part of their growth and development.
23. Children feel secure and, where they may present risky behaviours, they experience positive support from all staff. Staff respond with clear boundaries about what is safe and acceptable and they seek to understand the triggers for children's behaviour. They develop effective responses as a team and they review those responses to assess their impact, taking into account the views and experiences of the child.
24. Positive behaviour is consistently promoted. Staff use effective de-escalation techniques and creative alternative strategies that are specific to the individual needs of children. Force and restraint<sup>10</sup> are only used in strict accordance with the legislative framework to protect the child and those around them. Children do not have their liberty restricted. All incidents are reviewed, recorded and monitored and the views of the child are sought and understood. Monitoring of the management of behaviour is effective, and the use of any restraint significantly reduces or ceases over time.
25. Staff and volunteers working with children are carefully selected and vetted, and there is monitoring to prevent unsuitable people from being recruited and having the opportunity to harm children or place them at risk.
26. There are clear and effective arrangements for staff development and training in respect of the protection and care of children. Staff and other adults receive regular supervision and support if they are working directly and regularly with children where there are concerns about their safety and welfare.
27. The physical environment for children is safe and secure and protects them from harm or the risk of harm.
28. All staff and carers have a copy of and understand the written procedures for managing allegations of harm to a child. They know how to make a complaint and how to manage whistleblowing or other concerns about the practice of adults in respect of the safety and protection of children.

## **Leadership and management**

29. Governing bodies and proprietors must ensure that they comply with their safeguarding duties under legislation. They must ensure that the policies, procedures and training in their schools and colleges are effective and comply with the law at all times.

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<sup>10</sup> *Use of reasonable force in schools*, Department for Education, July 2014;  
[www.gov.uk/government/publications/use-of-reasonable-force-in-schools](http://www.gov.uk/government/publications/use-of-reasonable-force-in-schools).



30. The responsibilities placed on governing bodies and proprietors include:
- their contribution to inter-agency working, which includes providing a coordinated offer of early help when additional needs of children are identified
  - ensuring that an effective child protection policy is in place, together with a staff behaviour policy
  - appointing a designated safeguarding lead who should undergo child protection training every two years
  - prioritising the welfare of children and young people and creating a culture where staff are confident to challenge senior leaders over any safeguarding concerns
  - making sure that children are taught about how to keep themselves safe.
31. Governing bodies and proprietors should prevent people who pose a risk of harm from working with children by:
- adhering to statutory responsibilities to check staff who work with children
  - taking proportionate decisions on whether to ask for checks beyond that which is required
  - ensuring that volunteers are appropriately supervised
  - making sure that at least one person on any appointment panel has undertaken safer recruitment training<sup>11</sup>
  - ensuring there are procedures in place to handle allegations against members of staff and volunteers
  - making sure that there are procedures in place to handle allegations against other children
  - putting in place appropriate safeguarding responses to children who go missing from education settings, particularly on repeat occasions.
32. Governing bodies and proprietors should ensure that allegations against members of staff and volunteers are referred to the Local Authority Designated Officer (LADO). There must be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been had they not resigned. This is a legal duty and failure to refer when the criteria are met is a criminal offence. For example, it is a criminal offence for an employer:

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<sup>11</sup> Subject to parliamentary procedure, from September 2014, safer recruitment training will no longer need to be provided by a person approved by the Secretary of State. Schools may choose appropriate training and may take advice from their Local Safeguarding Children Board (LSCB) in doing so. The training should cover, as a minimum, the content of *Keeping children safe in education*.

to take on an individual in a DBS regulated activity (such as schools or childcare) who has been barred from such an activity; or to fail to make a referral to DBS in the circumstances described above.

33. Governing bodies must appoint a designated teacher to promote the educational achievement of children who are looked after and ensure that this person has appropriate training. Governing bodies and proprietors should ensure that staff have the skills, knowledge and understanding necessary to keep looked after children safe.
34. Schools and colleges should create a culture of safe recruitment, which include the adoption of recruitment procedures that help deter, reject or identify people who might abuse children. Governing bodies and proprietors must act reasonably in making decisions about the suitability of prospective employees.
35. It is the governing body's responsibility to ensure that safe recruitment checks are carried out in line with statutory requirements, set out in the DfE guidance. There is no requirement for schools to carry out retrospective checks on current staff – the necessary checks are those that were in force at the time the appointment was made.
36. Schools and colleges **must** keep a single central record. The record must cover the following people:
  - all staff (including supply staff) who work in the school; in colleges, this means those providing education to children
  - all others who work in regular contact with children in the school or college, including volunteers
  - for independent schools, including academies and free schools, all members of the proprietor body.
37. Where a school has recruited volunteers who are not checked, inspectors should explore with senior leaders and governors how the school has reached this decision – for example, how it has assessed the level of supervision provided.
38. Ofsted expects schools to be able to demonstrate that they meet all regulations and duties for the purposes of the safeguarding judgement under leadership and management in the *School inspection handbook*.<sup>12</sup> Inspectors will check the school's single central record early in the inspection with the expectation that it will be complete and meet statutory requirements.

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<sup>12</sup> <sup>12</sup> *School inspection handbook* (120101), Ofsted, 2014; [www.ofsted.gov.uk/resources/120101](http://www.ofsted.gov.uk/resources/120101).

39. However, if there is a **minor** administrative error such as the absence of a date on the record, and this can be easily rectified **before** the final team meeting, schools will be given the chance to resolve the issue.
40. Ofsted has established a definition for 'administrative errors' in relation to the single central record (see below). No allowance will be made, for example, for breaches to the requirements for the DBS disclosures.
41. Administrative errors may be defined as follows:
  - failure to record one or two dates
  - failure to record the name/s of the person/s that carried out the checks
  - individual entries that are illegible
  - one or two omissions where it is clear that the information is already held by the school but the school has failed to transfer over the information in full to the single central record.
42. On all inspections, the lead inspector **must** check whether there have been any safeguarding incidents or allegations since the last inspection that have either been resolved or are ongoing. The purpose of this is to establish whether there is any information that could impact on the judgement of leadership and management or any other aspect of the inspection that needs to be included in the report. Of particular relevance are the questions as to: (a) whether the school has responded in a timely and appropriate way to concerns/allegations; and (b) how effectively the school has worked in partnership with external agencies regarding any concerns. This should be done early in the inspection, if possible.

## Behaviour and safety

43. The impact of safeguarding arrangements will be tested under the framework judgement on behaviour and safety. Judgements on behaviour and safety **must not** be made solely on the basis of what is seen during the inspection. Inspectors must take into account a range of evidence to judge behaviour and safety over an extended period. The range of evidence that inspectors should consider is set out in the *School inspection handbook*.
44. Inspectors need to plan inspection activities to ensure that they gather sufficient evidence to make an explicit judgement on the school's work to keep pupils safe and secure. Much of this evidence – for example, bullying – will contribute to the separately written judgements on 'behaviour' and 'safety'.
45. School staff need to be particularly sensitive to signs that may indicate possible safeguarding concerns. This could include, for example, poor or irregular attendance, persistent lateness, children missing from education, forced marriage or female genital mutilation.

46. The designated safeguarding lead should be aware of the guidance that is available in respect of female genital mutilation (FGM) and should be vigilant to the risk of it being practised. Inspectors should be also alert to this when considering a school's safeguarding arrangements and, where appropriate, ask questions of designated staff such as:
- how alert are staff to the possible signs that a child has been subject to female genital mutilation or is at risk of being abused through it; what sort of training have they had?
  - has the school taken timely and appropriate action in respect of concerns about particular children?
47. The *School inspection handbook* sets out how Ofsted will report on the way that schools make pupils aware of how they can keep themselves safe and what behaviour towards them is not acceptable. Inspectors should include e-safety in their discussions with pupils (covering topics such as safe use of the internet and social networking sites, cyber bullying, including by text message) and what measures the school takes to promote safe use and combat unsafe use, both proactively (by preparing pupils to engage in e-systems) and reactively (by helping them to deal with a situation when something goes wrong).

## Inspecting and reporting on safeguarding concerns

48. Safeguarding concerns may arise during an inspection or may be brought to the attention of an inspector or Ofsted about a school being inspected. Particular concerns may include the following:
- issues where a school was aware of information about a child at risk of or suffering significant harm and where the staff or governor(s) were negligent or slow in passing these concerns on to the relevant agencies
  - circumstances where a member of staff is suspended and there is currently a safeguarding investigation taking place
  - all schools and colleges should have procedures for dealing with allegations against staff; it may be the case that these procedures are not in place or that they are in place but have not been followed in specific incident(s)
  - there may have been a failure to adhere to the legal duty to refer to the DBS a member of staff who has harmed, or poses a risk of harm, to a child.
49. This is an area that requires considerable care in terms of what is reported. It is important to also be mindful of the fact that where a particular matter is under investigation it is not proven. It is important that Ofsted is mindful that a reference in an inspection report to an alleged incident could inadvertently lead to the identification of a teacher who is the subject of an allegation. Writing about the detail of specific concerns, for example failure of the school to act in

relation to a specific child protection issue about a pupil, may raise undue concerns among parents and the wider public that the pupils in general are unsafe. There are instances when a member of staff may be absent because s/he has been suspended pending a safeguarding investigation. Parents or other staff may not be aware of these circumstances and are most unlikely to be aware of any detail.

### **Some suggestions for inspection practice**

50. If an issue is already known by Ofsted, for example through the Provider Information Portal (PIP) or through the inspection service providers' own portals, the lead inspector, if unsure of what action to take, should seek guidance in advance of the inspection as to the trail to follow and what line to take.
51. Information about investigations should be available to Her Majesty's Inspectors (HMI) through PIP or to Additional Inspectors via the relevant inspection service providers' own portals.
52. If an issue is already known by Ofsted through other sources, for example through correspondence with Ofsted, the lead inspector should check this information in advance of the inspection to determine the trail to follow and what line to take.
53. Inspectors should ensure that they are aware of information available to the public, reported in the press or accessible on the internet, including that available on the school's website. This may contain information related to safeguarding. Inspectors should therefore do a check on the internet as part of their pre-inspection planning to see whether there are any safeguarding issues that may need to be followed up during inspection.
54. Inspectors should give careful consideration to the judgements relating to behaviour and safety, and leadership and management, when it is known that a member of staff has been convicted of sexual offences.
55. If there are issues regarding safeguarding and this is reflected, for example, in a judgement of inadequate leadership and management, inspectors should give careful consideration to the judgement on behaviour and safety.

### **Reporting on evidence or allegations of child abuse, including serious incidents**

56. On a very small number of occasions, inspectors may come across evidence or allegations of child abuse within a school. When such allegations have been made, the lead inspector should report the concerns using the following wording: 'Concerns raised by some pupils/a pupil/some parents/one parent during the inspection are being examined by the appropriate bodies.'

57. There have been a small number of instances in recent years when Ofsted has become aware of an investigation by another agency into a serious incident or serious allegations involving a setting or provider that Ofsted is inspecting. Where relevant and appropriate, given the particular circumstances, inspection reports should make a brief reference to such a situation, without going into such detail that it would risk prejudicing the outcome of the investigation or identifying individuals who may be wholly innocent of the alleged wrongdoing. Any references will be confined to the most serious incidents, such as the death of a child or a serious safeguarding failure. Inspectors should avoid making any reference to a serious incident if there is any possibility that doing so would prejudice such an investigation or prejudice the outcomes or breach confidentiality or where the reference could risk identifying individuals subject to or related to the investigation. If reference is to be made it should be clear that Ofsted is not coming to any determination on the concerns raised.
58. Inspectors should note that the restrictions in this guidance apply to what may be reported in the published inspection report about active, external investigations, not to what may be included as lines of enquiry in the inspection. Inspectors are required and remain free to comment on any matter they think is relevant to the quality of the care provided as long as it is based on the inspection evidence.

### **Qualifying concerns/incidents and the sentence to include in the report**

59. Where relevant and appropriate, given the particular circumstances, the lead inspector should give careful consideration to and seek advice about the insertion of specific text in the 'Information about this school' section of the report template. Before using the sentences below, inspectors must give consideration **to the information set out in paragraph 58 above**. For example, would doing so cause prejudice to an ongoing investigation or inappropriately identify an individual? If there is any doubt, inspectors must seek advice on the wording to be used.

### **A serious case review that involves the setting**

'Inspectors were aware during this inspection that a serious incident which occurred at the setting since the previous inspection is under investigation by the appropriate authorities. While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting in response to the incident(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors' judgements.'

## **An investigation into the death or serious injury of a child at the setting or elsewhere**

'Inspectors were aware during this inspection that a serious incident which occurred at the setting/while in the care of staff employed by the setting (for example, during an educational visit – amend as appropriate) since the previous inspection is under investigation by the appropriate authorities. While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting in response to the incident(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors' judgements.'

In situations where the incident concerns a pupil or former pupil of the school but the incident did not take place in the setting the following form of words could be used:

'Inspectors were aware during this inspection of a serious incident concerning a pupil/former pupil (delete as appropriate). While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting in response to the incident(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors' judgements.'

## **An investigation into alleged child protection failings**

'Inspectors were aware during this inspection that serious allegations of a child protection nature were being investigated by the appropriate authorities. While Ofsted does not have the power to investigate allegations of this kind, actions taken by the setting in response to the allegations(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors' judgements.'

## **A police investigation into the use of restraint/restriction of liberty at the setting**

'Inspectors were aware during this inspection of a police investigation into serious allegations about restriction of liberty at the setting. While Ofsted does not have the power to investigate allegations of this kind, actions taken by the setting in response to the allegation(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors' judgements.'

## **Annex 1. Disclosure and Barring Service<sup>13</sup> (DBS) checks, Secretary of State prohibition orders and pre-appointment checks**

The level of DBS check required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school or college. For most appointments, an enhanced DBS check with barred list information will be appropriate as the majority of staff will be engaging in regulated activity<sup>14</sup>.

In a school or college, a supervised volunteer who regularly teaches or looks after children is not in regulated activity. The DfE has published separate statutory guidance on supervision and regulated activity which schools and colleges should have regard to when considering which checks should be undertaken on volunteers.<sup>15</sup>

When the DBS has completed its check a DBS certificate is sent to the applicant. The applicant must show the certificate to their potential employer before they take up post or as soon as practicable afterwards. Alternatively, if the applicant has subscribed to it and gives permission, the school or college may undertake an online update check through the DBS Update Service.

If a school or college allows an individual to start work in regulated activity before the DBS certificate is available then it should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

No further checks are required for any staff unless the person has a break in service of more than three months.<sup>16</sup> However, a school or college may request an enhanced DBS check with barred list information should there be concerns and bearing in mind the duty schools and colleges are under not to allow a barred person to work in regulated activity.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

An offer of appointment to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of pre-employment checks. These checks are set out in the DfE guidance.

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<sup>13</sup> For more information see the DBS website:

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service).

<sup>14</sup> For a definition of 'regulated', see *Keeping children safe in education*, paragraphs 48-49

<sup>15</sup> See Annex D of *Keeping children safe in education*

<sup>16</sup> Please note that extended sickness/maternity leave does not constitute a break of service.



## Annex 2. The single central record

Generally, the information to be recorded by schools on individuals is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:

- an identity check
- a barred list check
- an enhanced DBS check
- a prohibition from teaching check
- further checks on people living or working outside the United Kingdom (UK)
- a check of professional qualifications
- a check to establish the person's right to work in the UK.

Details of the records that must be kept are contained:

- for maintained schools, in Schedule 2 to the School Staffing (England) Regulations 2009<sup>17</sup> and the School Staffing (England) Amendment Regulations 2013 for pupil referral units through the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007
- for independent schools, (including academies and free schools and alternative provision academies and free schools), under the Education (Independent School Standards) (England) Regulations 2010<sup>18</sup>, as amended by the Education (Independent School Standards) (England) (Amendment) Regulations 2012<sup>19</sup>
- for colleges, in the Further Education (Providers of Education) (England) regulations 2006.<sup>20</sup>

If a school or college has concerns about an existing staff member's suitability to work with children, it should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity into work which is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, the school or college is not required to request a DBS check or barred list check. The only requirement for those appointed before March 2002 is that they must have been List 99 checked. DBS checks became mandatory for the entire

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<sup>17</sup> [www.legislation.gov.uk/ukxi/2009/2680/contents/made](http://www.legislation.gov.uk/ukxi/2009/2680/contents/made). The regulations were amended by the School Staffing (England) (Amendment) Regulations 2012 (SI 2012/1740) but the amendments do not relate to the keeping of a single central record.

<sup>18</sup> [www.legislation.gov.uk/ukxi/2010/1997/contents/made](http://www.legislation.gov.uk/ukxi/2010/1997/contents/made)

<sup>19</sup> [www.legislation.gov.uk/ukxi/2012/2962/contents/made](http://www.legislation.gov.uk/ukxi/2012/2962/contents/made)

<sup>20</sup> [www.legislation.gov.uk/ukxi/2006/3199/contents/made](http://www.legislation.gov.uk/ukxi/2006/3199/contents/made)

maintained schools' workforce from 12 May 2006 (September 2003 for independent schools, including academies).