Safe Recruitment and Selection Policy



Date Written	September 2026	**By**	Somerset Local Authority
Date of next review	September 2027	**By**	Board of Governors
Review Cycle	This policy will be reviewed annually, approved by the Board of Governors.		

Version Number	2.2
Location	Guidance for Schools Volume 1 Section 4a
Author	HR Advisory – Support Services for Education (SSE)
Published	September 2026
SSE Review Date	September 2027
Effective Date	This guidance relates to Keeping Children Safe in Education (statutory guidance issued by the Department of Education in September 2026) which updated the previous guidance.
Consultation	Since this is guidance extracted from those issues by the DfE this has not been subject to consultation.

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Introduction

Keeping Children Safe in Education is statutory guidance issued by the Department of Education in September 2026 (Keeping children safe in education 2026).

Schools and colleges must have regard to this guidance when carrying out their duties to safeguard and promote the welfare of children. The whole guidance is available as part of Section 23c Guidance for Schools, however the extract related to Safer Recruitment is outlined below.

Unless otherwise specified, 'school' means all schools whether maintained, non-maintained or independent schools, (including academies, free schools, and alternative provision academies, maintained nursery schools and pupil referral units. 'College' means further education colleges and sixth-form colleges, and relates to children 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).

This document contains information on what schools and colleges **should** do and sets out the legal duties with which schools and colleges **must** comply. It should be read alongside Working Together to Safeguard Children which applies to all the schools referred to above, including maintained nursery schools. Paragraph numbers in sections relate directly to the paragraph numbering as in Keeping Children Safe in Education 2026 document and therefore may not be in sequence.

Safer Recruitment

In line with part three of this guidance, 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 any checks beyond what is required; and ensuring volunteers are appropriately supervised. The school or college should have written recruitment and selection policies and procedures in place.

Recruitment, Selection and Pre-employment Vetting (extract)

287. It is vital that as part of their whole school or college approach to safeguarding governors and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment or volunteering opportunities in schools and colleges.

288. Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of this part (Part three) of this guidance

Governing Bodies may choose appropriate training and may take advice from their LSCB in doing so. The training should cover, as a minimum, the content of this guidance.

The Somerset Safeguarding Children's Partnership provide Safer Recruitment training the details of which can be accessed through the SSCP website: Somerset Safeguarding Children Partnership.

Note: It would be good practice for all schools to ensure they meet this requirement.

318. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

317. In summary, a person will be considered to be engaging in regulated activity if they work on a frequent basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children. A person will also be in regulated activity if, as a result of their work or volunteering, they:

- will be responsible, on a frequent basis in a school or college, for teaching, training instructing, caring for or supervising children, providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children; or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

319. For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will

Regulated Activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 The Crime and Policing Act 2026.

Regulated activity includes:

a) paid and unpaid work that involves teaching, training, instructing, caring for or supervising children, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;

b) any other type of paid work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children.

Work under (a) or (b) is regulated activity only if done regularly on more than 3 days in a 30-day period or overnight. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- personal care includes helping a child, with eating and drinking for reasons of illness or disability, in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Considering which type of check is required

318. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

319. For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

320. Barred list information must not be requested on any person who is not engaging in or seeking to engage in regulated activity.

321. Where a DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service (see paragraphs 328-331).

322. Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant must show the original paper DBS certificate to their potential employer before they take up post, or as soon as practicable afterwards. Schools and colleges will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on GOV.UK.

323. Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on the recruitment of ex-offenders.

324. When assessing any disclosure information on a DBS certificate, schools and colleges should take into consideration the explanation from the applicant, including for example:

- the seriousness of any offence and relevance to the post applied for;
- how long ago the offence occurred;
- whether it was a one-off incident or a history of incidents;
- the circumstances around the incident; and
- whether the individual accepted responsibility for their actions.

325. The school or college should also consider the incident in the context of the Teachers' standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.

326. Where a school or college allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that they carry out all other checks, including a separate children's barred list check, see paragraph 340-341. Where schools are also subject to the EYFS framework, individuals must not be permitted to begin working within the settings covered by the EYFS framework until the school or maintained nursery school has received the applicant's enhanced DBS certificate including barred list information

327. Separate barred list checks must only be carried out in the following circumstances:

- for newly appointed staff or volunteers who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks as per paragraph 311 have been carried out); or
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks as per paragraph 311 have been carried out).

If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

Secretary of State Prohibition and Interim Prohibition Orders

332. Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if he considers that it is in the public interest to do so.

333. A person who is prohibited from teaching **must not** be appointed to a role that involves teaching (as defined in the Teachers' Disciplinary (England) Regulations 2012).

335. A section 128 direction prohibits or restricts an unsuitable individual from taking part in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy or free school as an employee;
- be a trustee of an academy or free school trust; a Governor or member of a Proprietor Body for an independent school; or
- be a Governor on any Governing Body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A check for a section 128 direction can be carried out using the TRA's Employer Access service. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

NOTE: It is the individual schools responsibility to ensure a check against Prohibition Orders is made and this can be done through the following website once the school is registered https://www.gov.uk/teacher-status-checks-information-for-employers. Those schools who receive a payroll service through Somerset Council Payroll & Compliance Service should be aware that as part of this service new starters are checked against this list at the same time that QTS status is checked, however this check will often take place after a member of staff has started work and should not negate schools undertaking their own checks.

Pre-appointment Checks

All new appointments

313. All offers of appointment should be conditional until satisfactory completion of the **mandatory pre-employment checks.**

When appointing new staff, schools and colleges must:

- verify a candidate's identity. it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Identification checking guidelines can be found on the DBS and Gov.UK website;
- obtain (via the applicant) an enhanced DBS check (including children' barred list information, for those who will be engaging in regulated activity with children);
- obtain a separate children's barred list check if an individual will start work in regulated activity before the DBS certificate is available see paragraphs 340-341 on how to obtain a separate children's barred list check;

This does not apply to 16-19 academies, special post-16 institutions, independent training providers or any settings subject to the EYFS framework, including maintained nursery schools

- check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State, using the Teacher Services System;
- independent schools, including academies and free schools, check that a person taking up a management position as described at paragraph 335-339 is not subject to a section 128 direction made by the Secretary of State;
- verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, should follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see paragraphs 359-363); and
- verify professional qualifications, as appropriate. The DfE's Check a teacher's record should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.

Where an enhanced DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment.

314. There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked in a school in England in a post:

- which brought them into regular contact with children; or
- 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
- in 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.

All other 'pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a children's barred list check. Schools or colleges **may** also choose to request an enhanced DBS certificate should they wish to do so.

The DBS cannot provide barred list information on any individual, including volunteers, who are not engaging in regulated activity.

DBS Update Service

328. Individuals can join the DBS Update Service at the point an application for a new DBS check is made, or within 30 calendar days of the issue date on the certificate. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

330. Before using the Up-date Service schools or colleges must:

a) obtain consent from the applicant to carry out an online check to view the status of an existing standard or enhanced DBS check;

b) confirm the DBS certificate matches the individual's identity; and

c) examine the original certificate to ensure that it is for the children's workforce and level of check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including barred list information.

The school or college can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account. Further information about the update service can be found at GOV.UK.

Shortlisting.

296. Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records; further information can be found on GOV.UK. For example:

- if they have a criminal history;
- if they are included on the children's barred list;
- if they are prohibited from teaching;
- if they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children's local authority social care;
- if they have been disqualified from providing childcare (see paragraphs 342 346); and
- any relevant overseas information.

297. This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

298. Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

299. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

300. Schools and colleges should:

- ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach);
- consider any inconsistencies and look for gaps in employment and reasons given for them; and
- explore all potential concerns.

301. In addition, as part of the shortlisting process schools and colleges should consider carrying out a search (via an online search engine) as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview. Schools and colleges should inform shortlisted candidates that online searches may be done as part of due diligence checks.

Employment History and References

302. The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges should obtain references before interview, where possible, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

303. Schools and colleges should:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;

- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

304. When asked to provide references schools and colleges should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/ allegations that meet the harm threshold. They should not include information about concerns/ allegations which are unsubstantiated, unfounded, false, or malicious. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference

Single Central Record

347. Schools and colleges **must** maintain a single central record of pre-appointment checks, referred to in the regulations as "the register" and more commonly known as the "single central record".

348. The single central record must cover the following people:
- **For schools**, all staff including teacher trainees on salaried routes, agency and third-party supply staff, even if they work for one day;
- **For colleges**, details of staff, including agency and supply staff providing education to children under the age of 18; and
- **For independent schools**, all members of the proprietor body. In the case of academies and free schools, this means, members and trustees of the academy trust.

349. The minimum information that **must** be recorded in respect of staff members (including teacher trainees on salaried routes) is set out below. For agency and third-partysupply staff, schools **must** also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

350. The single central record **must** indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:
- an identity check;
- a standalone children's barred list check;
- an enhanced DBS check (with children's barred list check) requested/certificate provided;
- a prohibition from teaching check;
- a Section 128 check (for management positions as set out for independent schools (including academies and free schools));
- further checks on people who have lived or worked outside the UK;
- a check of professional qualifications where required; and
- a check to establish the person's right to work in the United Kingdom.

Where checks are carried out on volunteers, schools should record this on the single central record.

For details of records that must be kept, see:
- for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);
- for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014, applies;

- for colleges: Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006; [71] and
- for non-maintained special schools: Regulation 3 and Paragraph 7 of Part 1 and Paragraph 18 of Part 2 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2015.

355. Copies of documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on their personnel file as per the advice at paragraph 313.

356. To help schools and colleges comply with the requirements of the Data Protection Act 2018, where a school or college chooses to retain a copy, there should be a valid reason for doing so and they should not be retained for longer than six months. When the information is destroyed a school or college may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to.

357. Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record.

Individuals who have lived or worked outside the UK

359. Individuals who have lived or worked outside the UK **must** undergo the same checks as all other staff in schools or colleges. This includes obtaining (via the applicant) an enhanced DBS certificate (including children's barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges **must** make any further checks **they think appropriate** so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks **could** include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions;
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place therefore applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

360. **Where this information is not available** schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

361. Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: Recruit teachers from overseas.

362. Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Schools and colleges should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found on GOV.UK.

363. Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

Agency and Third-Party Staff (Supply)

364. Schools and colleges **must** obtain written notification from any agency, or third-party organisation, that they have carried out the same checks as the school or college would otherwise perform on an individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery). In respect of the enhanced DBS check, schools and colleges **must** ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

365. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college must obtain a copy of the certificate from the agency.

366. Where the position requires a children's barred list check, this **must** be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.

367. The school or college should also check that the person presenting themselves for work is the same person on whom the checks have been made

Trainee/Student Teachers

374. Where applicants for initial teacher training are salaried by the school or college, the school or college **must** ensure that all necessary checks are carried out. including an enhanced DBS check (including children's barred list information).

375. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, schools and colleges should obtain written confirmation from the provider that it has carried out all pre-employment checks that the school or college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

376. There is no requirement for the school to record details of fee-funded trainees on the single central record. However, schools and colleges may wish to record this information under non statutory information.

Existing Staff and Volunteers

425. There are limited circumstances where schools and colleges will need to carry out new checks on existing staff. These are when:

- an individual working at the school or college moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity **must** be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

428. There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults, and/or
- satisfied the harm test in relation to children and/or vulnerable adults; and/ or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

429. This duty applies equally to paid staff and volunteers where they were engaged in regulated activity

430. The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information must be provided, can be found on GOV.UK.

431. Referrals should be made as soon as possible when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned (or for a volunteer, ceased to volunteer at the school). It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided by the school or college when considering the referral made.

432. Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **must** consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

433. The Secretary of State may investigate the case, and if there is a case to answer**, must** then decide whether to make a prohibition order in respect of the person. Details about how to make a referral to the TRA can be found on GOV.UK.

Volunteers

Regular or Overnight Volunteers

383. The Crime and Policing Act 2026 made changes to regulated activity, meaning that any person volunteering in a school or college in a role that involves teaching, training, instructing or supervising children frequently or on more than 3 days in a 30-day period or overnight is now in regulated activity (see paragraph 317 for more information on regulated activity). Where this applies, schools or colleges should obtain an enhanced DBS check with children's barred list information

384. Where an individual meets the period condition (more than 3 days in a 30 day period) by volunteering at multiple settings, the school or college should work with the other settings to decide who should apply for the enhanced DBS check with barred list information, and that information should then be supplied by the individual to each setting. Volunteers may also choose to join the DBS Update Service at the point that a DBS check is applied for. This is free for volunteers and allows portability of a DBS check across different education settings (see paragraphs 328-331 for more information on the Update Service).

Existing Volunteers in Regulated Activity

385. Where a school or college has an existing volunteer who will now be in regulated activity from 1 September 2026 because of the changes brought in by the Crime and Policing Act 2026, they must check their children's barred list status. This should be done by obtaining an enhanced DBS check with children's barred list information. Schools and colleges are able to obtain a standalone barred list check.

They may do this where either:

- the school or college wishes to allow the volunteer to undertake regulated activity prior to obtaining the enhanced DBS check certificate; or
- the school or college has recently obtained an enhanced DBS check without children's barred list information, and there has been no break in service since that certificate was issued.

386. Where schools are also subject to the EYFS framework, volunteers must not be permitted to begin working within the settings covered by the EYFS framework until the school or maintained nursery school has received the volunteer's enhanced DBS certificate including barred list information.

Volunteers Not in Regulated Activity

387. Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

388. Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies. The school or college should undertake a written risk assessment and use their professional judgement and experience when deciding what checks if any are required.

389. The risk assessment should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- where the role is not regulated activity, whether another level of DBS check might be appropriate, such as an enhanced DBS check without barred list information, for volunteers who would be in regulated activity but do not volunteer frequently, or a basic DBS check for any other volunteer who may have access to children.

390. Details of the risk assessment should be recorded.

Maintained School Governors

391. Governors in maintained schools are required to have an enhanced DBS check. It is the responsibility of the governing body to apply for the certificate for any governors who do not already have one.

392. Governance is not a regulated activity relating to children, so governors do not need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity.

393. Schools should also carry out a section 128 check for school governors, because a person prevented from participating in the management of an independent school by a section 128 direction, is also disqualified from being a governor of a maintained school. Using GOV.UK schools can check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. There is no requirement for schools to record this information on the single central record, but they can if they choose to.

394. Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which make enhanced DBS checks mandatory for maintained school governors do not apply to associate members, and so there is no requirement for them to be checked unless they also engage in regulated activity at their school.

Sixth Form College Governors

395. Governing bodies in sixth form colleges can request an enhanced DBS check without a children's barred list check.

396. An enhanced DBS check with children's barred list information should only be requested if the governor will be engaging in regulated activity relating to children.

Proprietors of Independent Schools, including Academies and Free Schools and Proprietors of Alternative Provision Academies

397. Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate);

- confirm the individual's identity, and if the individual lives or has lived outside of the UK, where applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate;

398. The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools.

399. The requirement for an enhanced DBS check and certificate is disapplied for the chair of an academy trust if the academy is converting from a maintained school and the person has already been subject to a check carried out by the local authority.

400. Where the proprietor is a body of people (including a governing body in an academy or free school), the chair must ensure that enhanced DBS checks are undertaken, for the other members of the body, and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and the chair must ensure that identity checks are completed before, or as soon as practicable after, any individual takes up their position.

401. The chair must also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an independent school (including academies and free schools).

402. Further checks, as the chair considers appropriate, should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish an individual's suitability to work in a school.

403. In the case of an academy trust, including those established to operate a free school, the trust must require enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS checks for permanent and supply staff.

404. Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust must require an enhanced DBS check on all delegates and all members of such committees. Academy trusts must also check that members are not disqualified from taking part in the management of the school as a result of a section 128 direction.

Alternative Provision

405. Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, (further information provided in Part two). Schools should obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff. This includes written confirmation that the alternative provider will inform the commissioning school of any arrangements that may put the child at risk (i.e. staff changes), so that the commissioning school can assure itself that appropriate safeguarding checks have been carried out on new staff.

Contractors

368. Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college.

369. Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).

370. For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites. In cases where the contractor does not have opportunity for regular contact with children, schools and colleges should decide on whether a basic DBS disclosure would be appropriate

371. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.

372. If an individual working at a school or college is self-employed, the school or college should consider obtaining the DBS check, or request to see the certificate if the self-employed person has obtained their own check and ensure that the DBS check is at the level required by the school.

373. Schools and colleges should always check the identity of contractors and their staff on arrival at the school or college.

Visitors

378. Schools and colleges should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

379. Headteachers and Principals should use their professional judgment about the need to escort or supervise visitors.

380. For visitors who are there in a professional capacity check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks. Schools and colleges should not ask to see the certificate in these circumstances). Where a visitor will have no contact with children, it is unlikely that a DBS check will be required.

Adults who supervise children on work experience

406. Schools and colleges organising work experience placements should ensure that the placement provider has policies and procedures are in place to protect children from harm.

407. If the person providing the teaching, training, instruction or care or supervision to the child on a work experience placement or activity will be doing so frequently or for more than three days in a 30-day period, or overnight, this is a regulated activity. You must not allow someone on the barred list to take part in regulated activity.

408. Other individuals in the workplace who are not involved in teaching, training, instructing or caring for or supervising the child on a work experience placement or activity are not in regulated activity.

409. Schools and colleges are not able to request that a work experience provider obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.

410. Activity undertaken by a person aged 16 plus on work experience which takes place in a 'specified place, such as a school or sixth form college, and gives the opportunity for contact with children, may itself be considered to be regulated activity relating to children. In these cases, the work experience provider e.g. school or sixth form college should consider whether a DBS enhanced check should be requested for the child in question. DBS checks cannot be requested for children under the age of 16.

Children staying with host families (homestay)

411. Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements.

412. In circumstances where a school or college arrange for a visiting child to be provided with care and accommodation in the UK (including where they engage a company to make those arrangements) in the home of a family to which the child is not related the responsible adults will be engaging in regulated activity for the period of the stay. In such cases and where the school or college has the power to terminate such a homestay the school or college would be the regulated activity provider. Schools and colleges should obtain a DBS enhanced certificate with children's barred list information. This check will not only establish whether the adults are barred from engaging in regulated activity relating to children, but where criminal record information is disclosed, it will also allow the school or college to consider, alongside all other intelligence that it has obtained, whether the adults would be suitable hosts for a child. In addition to those engaging in regulated activity, schools and colleges are free to decide whether they consider it necessary to obtain a DBS enhanced certificate in respect of anyone aged 16 or over in the household where the child will be staying.

413. Where the child's parent(s) or a student themselves arranges their own homestay, this would be a private arrangement therefore the school or college would not be the regulated activity provider.

416. In some circumstances, the arrangements where children stay with UK families could amount to "private fostering" under the Children Act 1989.