Subject:
DISCLOSURE AND BARRING ARRANGEMENTS:
VETTING REQUIREMENTS FOR PAID STAFF WORKING
IN OR PROVIDING A SERVICE FOR SCHOOLS.

GUIDANCE FOR SCHOOLS AND EMPLOYING
AUTHORITIES ON PRE-EMPLOYMENT VETTING
CHECKING AND SAFER RECRUITMENT PRACTICES

Target Audience:
- Principals and Boards of Governors of all grant-aided schools (including Voluntary Grammar, Integrated and Irish Medium Schools)
- Education and Library Boards
- Council for Catholic Maintained Schools
- Northern Ireland Council for Integrated Education
- Comhairle na Gaelscolaiochta
- Proprietors of Independent Schools
- Council for Curriculum, Examinations and Assessment
- Governing Bodies Association
- Recognised Teacher Unions

SUMMARY OF CONTENTS
Vetting requirements for paid staff working in or providing a service to schools

The purpose of this circular is to remind schools and Employing Authorities of the pre-employment vetting requirements for paid staff who work in, or provide services for schools.
Changes to the definition of “Regulated Activity”, introduced from 10 September 2012, resulted in volunteers working in schools no longer being viewed as in “Regulated Activity”, providing a school can ensure reasonable supervision. However, paid staff working in or, for schools, are still subject to pre-employment vetting checks conducted by AccessNI.

**Guidance**
This guidance sets out the pre-employment vetting requirements for the different types of paid staff who, either work in or provide services to schools. It also offers guidance in respect of pupils undertaking work experience/shadowing. Lastly, it advises schools on record keeping in respect of vetting checks.

**Enquiries**
This circular explains where schools can obtain advice and guidance from in respect of vetting and child protection matters.
DISCLOSURE AND BARRING ARRANGEMENTS  
PRE-EMPLOYMENT VETTING REQUIREMENTS  
FOR PAID STAFF WORKING IN AND PROVIDING SERVICES  
TO SCHOOLS

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1. Introduction

DE Circular 2012/19 (available on the DE website) explains how the Protection of Freedoms Act 2012 introduced new Disclosure and Barring Arrangements from 10 September 2012, including changes to the definition of Regulated Activity in schools and the repeal of Controlled Activity.

However, the Department wishes to emphasise that, while these changes primarily affect the vetting requirements of school volunteers and members of Boards of Governors, the pre-employment vetting requirements for paid staff who work in, or for, schools remain in place as before.

The purpose of this Circular (2013/01) is to reiterate to schools that pre-employment vetting checks remain a key preventative measure in denying an unsuitable individual access to children and vulnerable adults through the education system.

It sets out the types of paid staff who should continue to be vetted before being allowed to work or provide services to schools.

In addition this circular provides schools with guidance on the recording of vetting checks carried out.

It also explains the vetting requirements for pupils who undertake work experience/shadowing.

PRE-EMPLOYMENT VETTING CHECKS ARE STILL REQUIRED FOR THE FOLLOWING GROUPS OF STAFF:

2. Paid Teaching and Non-Teaching Staff

The Department wishes to stress that it remains DE’s policy that all new paid teaching and non-teaching staff, being appointed to posts in schools, must undergo a pre-employment vetting check before taking up their post. The process for doing so, through AccessNI remains unchanged.
Under the new Disclosure and Barring Arrangements, teachers and non-teaching staff are regarded as undertaking *unsupervised* Regulated Activities in a specified place such as a school. Consequently, the type of staff listed below, continue to require a vetting check to be carried out before they are employed in a school:

- Full and part-time teachers; and
- Non-teaching staff such as:
  - school class-room assistants
  - school technical/lab assistants
  - school librarians
  - school office staff
  - school caretakers
  - school catering staff
  - school cleaning staff
  - school grounds staff
  - school nurses
  - school bursars
  - modern language assistants

Pre-employment vetting checks should therefore continue to be carried out as part of the recruitment process for those staff being offered a post in a school and applications to AccessNI should continue to be made through your relevant AccessNI Registered Body as before.

Enhanced Disclosure Certificates (EDCs) issued by AccessNI are valid for each recruitment process that an individual undertakes.

The information contained in EDCs is only accurate on the date of issue and therefore is not valid for subsequent recruitment processes.

From April 2011 DE does not fund the cost of vetting checks for *paid* employees working in/for schools. Paid employees are expected to pay the charge for an EDC.
3. Previous employment in the education sector

Due to the unique features of the education sector, where staff move between schools, the academic year and its vacation periods (in particular the extended summer break), a school may be in a position where it recruits a paid member of staff who had previously worked at another school until the end of the preceding term. In such circumstances schools should obtain advice from their Employing Authority as to the vetting requirements for these individuals.

Depending on an individual’s circumstances and employment history a new vetting check may not be required for paid teaching and non-teaching staff, if their previous employment history within the education sector can be verified, their break in employment in the education sector is not longer than three months and it can be confirmed that a vetting check was in place before they finished working at their previous school.

As both Employing Authority and employer, principals and Board of Governors of Voluntary Grammar and Grant Maintained Integrated schools must consider the circumstances of each individual carefully and if an immediate previous period of employment within the education sector, together with evidence of a vetting check for that period, cannot be verified from the previous employer then a new EDC must be obtained.

The safeguarding of pupils is paramount and if a school is in any doubt about whether to vet a new member of paid staff, it should always err on the side of caution and obtain a new EDC.

4. Substitute Teachers

Principals are reminded that teachers employed from the Northern Ireland Substitute Teachers Register (NISTR) are normally vetted every 2 years as part of their registration with NISTR, as it would simply not be practical for new EDCs to be issued given the often short notice of their engagement in schools. Principals engaging the services of substitute teachers from the NISTR should therefore expect that they have been appropriately vetted by virtue of being on the Register.
5. Emergency Cover for Non-Teaching Staff

In addition, situations will arise unexpectedly, where non-teaching staff are required to cover for permanent staff in the case of an emergency. It may be necessary that, in these circumstances, temporary arrangements have to be quickly put in place for such staff before a vetting check can be carried out.

In situations where it is not possible to obtain a vetting check in advance, principals must carry out a risk assessment and in such circumstances all necessary steps should be taken to ensure the safeguarding of children and young people.

6. Examination Invigilators

Principals should note that it is their responsibility to ensure that examination invigilators and scribes are vetted appropriately before they take up their post. Principals are reminded that from April 2011, as paid employees, invigilators are required to pay for their own vetting checks.

Schools engaging the services of invigilators who work in a number of examination centres during one examination series (eg the summer GCSE/A Level exams) should carry out a risk assessment to consider whether they are satisfied that an EDC issued to the invigilator in advance of that particular examination session is sufficient. (Appendix 1 sets out in full the roles and responsibilities for the vetting of invigilators)

7. Transport to schools

- Private arrangements made by schools

Schools are reminded that only taxi/bus/private coach firms and their named and vetted drivers, contracted to the relevant Employing Authority to provide home to school transport services, should be used to transport pupils. Voluntary Grammar and Grant Maintained Integrated schools must ensure that named drivers working for taxi/bus/private firms contracted to provide home to school transport services are vetted appropriately each time a contract is renewed or
awarded. Private arrangements between parents/guardians/relatives are not subject to formal vetting requirements.

- **Transport services provided by the Education and Library Boards**

Drivers and assistants providing ELBs transport services to schools are vetted by the ELBs.

8. **Sports Coaches and Assistants**

Sporting organisations such as the Irish Football Association, Gaelic Athletic Association and Irish Rugby Football Union often provide coaches to work in schools. Schools should use appropriately vetted sports coaches in line with your Employing Authority’s guidelines and procedures. Where schools enter into a private voluntary arrangement with a parent providing coaching for example, the guidance for volunteers in DE Circular 2012/19 would apply in this situation. Whether such coaching is regarded as Regulated Activity or not would depend on the level of supervision provided by the school.

9. **Republic of Ireland residents working in/for companies providing services to schools in Northern Ireland**

Republic of Ireland (ROI) residents working in/for companies providing services to schools in Northern Ireland (NI) must undergo an AccessNI vetting check. For an individual who resides or has resided in the ROI within the last five years, in addition to checking the prescribed UK databases, AccessNI has an agreement with the PSNI that it will ask An Garda Síochána, to check and disclose details of criminal history information that it holds on an individual. Any relevant information passed to the PSNI by An Garda Síochána, is added to the EDC by AccessNI.

Any information from the ROI can then be considered by the employer along with any relevant UK information.
10. Non-UK Nationals from Outside NI/ROI working in/for companies providing services to schools in Northern Ireland

Staff from outside the UK/ROI (overseas) working in/for companies providing services to schools in NI must undergo an AccessNI vetting check. However, AccessNI will only be able to provide details of criminal history information held on prescribed UK databases. In limited circumstances, AccessNI will be able to obtain information on convictions for offences committed outside the UK. For the most part, these will be offences committed by UK nationals in other European Union Member States (EU), and only where that information has been shared with UK authorities. A person who has recently moved to the UK may not appear on any of the records searched by AccessNI.

Employers/Registered Bodies who intend to employ applicants from overseas may wish to contact the country’s representatives in the UK/ROI. Many countries, including most other EU countries, allow their citizens to obtain certificates of good contact or extracts from their criminal records, which can be presented to employers. The level of information disclosed in this way varies from country to country; some provide complete criminal records, others only extracts. AccessNI advises that such certificates should be treated with caution, as it is difficult to confirm that the information is genuine or complete.

Consequently, it is the responsibility of the employer to consider and evaluate the risks involved in the circumstances outlined above.

Further guidance on vetting non-UK nationals from outside NI is available from AccessNI:

Access NI
PO Box 1085
Belfast
BT5 9BD
Helpdesk: 0300 200 7888
accessni@ani.x.gsi.gov.uk
11. Visitors to schools

Visitors to schools to attend meetings or events such as parents or to deliver goods or carry out maintenance tasks do not routinely need to be vetted before being allowed onto school premises. However, such visitors should be managed by school staff and their access to areas and movement within the school should be restricted as needs require. They should be (as required):

- met/directed by school staff/representatives;
- signed in and out of the school by school staff;
- if appropriate, be given restricted access to only specific areas of the school;
- where possible, they should be escorted around the school premises by a member of staff;
- if left unattended, they should be clearly identified with visitor/contractor passes; their access to pupils restricted to the purpose of their visit, and
- if delivering goods or carrying out building, maintenance or repair tasks their work area should be cordoned off from pupils for health and safety reasons.

12. Professional Services provided by the Education and Library Boards such as:

**Education Welfare Officers**

ELB Education Welfare Officers who work in schools are vetted by their Board.

**Peripatetic Teachers**

ELB Peripatetic Teachers who work in schools are vetted by their Board.

**Education Psychologists**

ELB Education Psychologists who work in schools are vetted by their Board.

**Music Tutors**

ELB Music Tutors who work in schools are vetted by their Board.
13. Careers Service provided by the Department for Employment and Learning

Careers Advisers

Careers Advisers who work in schools are vetted by the Department for Employment and Learning.

14. Pupil exchange arrangements/host families

It is recommended that schools should ensure that vetting checks are undertaken for members of local host families who will be responsible for caring for or supervising the exchange pupil(s) in the host home for the duration of the school exchange arrangement. This would normally be the parent(s)/guardian(s) of the host pupil. Under the new Vetting and Barring Arrangements this caring/supervisory function qualifies as Regulated Activity and as such, vetted parent(s)/guardian(s) would be responsible for supervising other children in the household. Consequently, other children in the household do not need to be vetted, so long as they do not perform a caring/supervisory function during the visit. However, other adults in the household may need to be vetted, if they perform a caring/supervisory function during the exchange arrangement. Otherwise, vetted parent(s)/guardian(s) should ensure that all family members/visitors observe appropriate behaviours for the duration of the visit and that suitable privacy arrangements for visiting pupils are in place in the home.

The Department of Education views parent(s)/guardians(s) as volunteers and as such the Department will meet the costs of their vetting checks. These checks should be processed, as those for other volunteers are.

Schools arranging exchange trips for their pupils with other families should ensure, as far as possible, that appropriate safeguarding measures are put in place in the host country, by the host school/facilitator. These may vary from country to country so close liaison between the “sending” and “receiving” schools and/or facilitator in advance and during the exchange is essential.
It is stressed that vetting is only one of a number of measures that can help safeguard pupils taking part in school pupil exchanges, which can include:

- exchange pupils having a daily opportunity to contact their parents/home;
- exchange pupils should be given a telephone number through which they have 24/7 access to a supervising teacher(s);
- exchange pupils should be visited by a teacher/exchange organiser at the home where they are staying in the presence of the host family;
- all pupils on the exchange visit should meet together with the supervising teacher(s) during the visit on more than one occasion if possible;
- the school should meet parents, hosting pupils in their homes, in advance of the visit to outline do’s and don’ts, what’s expected, responsibilities, appropriate behaviour, possible religious/cultural differences, lines of communication, visits etc. Written guidance can be provided, and
- parents are responsible for their households not schools, including the suitability of visitors who may visit their homes during the school exchange. Such visitors are not required to be vetted, so parents must be responsible for visitors’ behaviour while in their home.

15. Pupils on Work Experience/Shadowing placements

DE does not require pupils who are on work experience/shadowing placement (eg for a week) in a social care/health setting to have an AccessNI check carried out. This is on the basis that pupils on such placements are neither qualified nor experienced to undertake any duties which would constitute Regulated Activity and should not be left unsupervised with children or vulnerable adults.

However, social care and health settings may require an EDC, in which case schools should ensure that their pupils’ EDCs are applied for through their AccessNI Registered Body in advance of the placement. DE currently funds the cost of EDCs for these pupils. Schools/pupils should check if an EDC is required with the placement provider when arranging the placement.
• **Pupils on a long-term placement as part of a vocational course**

However, pupils undertaking a regular placement, as part of a vocational course, over the duration of a term or an academic year in a social care/health setting, are required to have an EDC. This is because the pupil is likely to be engaged in Regulated Activity due to the regular nature of the placement and the likelihood that the pupil will, over the longer period of time, with experience, be asked to undertake some duties that would constitute Regulated Activity and is more likely than not to be unsupervised. DE also funds the EDCs for these pupils.

However, EDCs required for voluntary placements, arranged privately outside of the curriculum, are not funded by the Department.

16. **Retention and recording of vetting checks**

- AccessNI’s Code of Practice advises employers not to retain EDCs or record any disclosure information contained within them for longer than is required for the purpose they were sought. In general, this should be no later than **6 months** after the date on which recruitment or other relevant decisions have been taken or after the date on which any dispute has been resolved. This period should only be exceeded in very exceptional circumstances which justify retention for a longer period.

- **DE recommends that for each member of staff, schools should keep a note of:**
  - the date an EDC application is sent to their Employing Authority/DE (Waterside) for processing;
  - the date the EDC is received from AccessNI; and
  - the EDC reference number,

- In the event of the school being asked for evidence that a member of staff has been appropriately vetted, the school can use the record of the date and EDC reference number to confirm when a vetting check was obtained.
17. Other safeguarding measures

Schools are reminded that while pre-employment vetting is of critical importance, it is only one of a number of measures that schools can use to help safeguard pupils in their care. Advice, guidance and training about appropriate behaviour, escorts around schools, clear identification of visitors in schools, a named person to report concerns or incidents to and observable working areas, where possible, all contribute to making safer working environments for both pupils, staff and visitors.

18. Advice

The ELB Child Protection Support Service for Schools (CPSSS) is available to offer principals advice about child protection concerns, while Employing Authority HR departments can advise about vetting requirements, procedures and issues.
Appendix 1

Pre-Employment Vetting Checks of Examination Invigilators

1. The purpose of this guidance is to clarify who is responsible for vetting both Chief and Assistant Invigilators (invigilators) that are engaged by schools for examinations and to explain how and when vetting checks are carried out.

2. While CCEA is the payment body for invigilators, employed to invigilate its examinations, CCEA does not recruit invigilators. Schools recruit their own invigilators, often from an established pool, unique to each school, which they regularly call upon.

3. Schools provide CCEA with the identification details of those invigilators recruited and advise CCEA of their hours worked, so that CCEA can make the appropriate payment to each invigilator at the completion of each examination series.

4. However, CCEA is not a registered body with AccessNI and therefore CCEA does not undertake the vetting of invigilators.

5. **Responsibility for the vetting of invigilators rests solely with the schools that recruit invigilators.**

6. Schools that use invigilators should apply for an Enhanced Disclosure Certificate (EDC) for their invigilators and the invigilator should provide the school with a £30 payment for their EDC. Schools should forward the payment, together with the application form, to their Employing Authority (ELB/CCMS/TPPT – DE Waterside), which sends the application to AccessNI to be processed. When the EDC is issued, AccessNI invoices the Employing Authority, who then makes the payment for all EDCs processed. A copy of the EDC is issued to the school and the invigilator.

7. Schools should check with their Employing Authority as to which payment method is to be used as this can vary between authorities.

8. Schools should note that it usually takes a minimum of 20 working days for AccessNI to process an EDC, so applications for EDCs should be made well in
advance of the start of an examination series. It is an unacceptable risk to let an invigilator work in schools without an appropriate vetting check having been undertaken.

9. EDCs do not have a set lifespan and are only accurate on the date of issue. Schools should consider whether it is appropriate to obtain a new EDC for an invigilator for each separate examination series worked (the cost of which should be met by the individual invigilator each time) or whether an EDC for each invigilator per academic year, to cover the series of examination sessions worked during that period (September–June), is adequate based on a risk assessment of their particular circumstances and needs.

10. However, it is stressed that previous employment as an invigilator in your school, or personal or past knowledge of individuals alone is not sufficient evidence of suitability for child protection and safeguarding purposes.

11. Schools should advise their invigilators of the need for pre-employment vetting checks and the cost of an EDC in advance of their recruitment for the next examination series, particularly if vetting checks have not been obtained in the past or recently. If, as a result of this requirement, some invigilators withdraw their services, schools should take appropriate steps to expand their pool of potential invigilators.

12. Schools employing invigilators to invigilate examinations set by other awarding bodies should ensure that those invigilators are vetted appropriately and to their satisfaction too.