
STATUTORY INSTRUMENTS

2009 No. 2680

The School Staffing (England) Regulations 2009

PART 3

Provisions relating to foundation, voluntary aided and foundation special schools

Supply staff

30.—(1) The governing body must ensure that no person supplied by an employment business to a school is allowed to begin work as a teacher or member of support staff at the school unless the governing body has received—

- (a) written notification from the employment business in relation to that person—
 - (i) that it has made the checks referred to in paragraph 5(a)(i) of Schedule 2;
 - (ii) that it or another employment business has applied for an enhanced criminal record certificate or has obtained such a certificate in response to an application made by that or another employment business; and
 - (iii) whether, if the employment business has obtained such a certificate before the person is due to begin work at the school, it disclosed any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of PA 1997; and
- (b) where the employment business has obtained such a certificate before the person is due to begin work at the school which disclosed any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of PA 1997, a copy of the certificate.

(2) Subject to paragraph (3), the certificate referred to in paragraph (1)(a)(ii) must have been obtained not more than three months before the person is due to begin work at the school.

(3) Paragraph (2) does not apply in relation to a person who has worked in—

- (a) a school in England in a post—
 - (i) which brought the person regularly into contact with children or young persons; or
 - (ii) 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
- (b) 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,

during a period which ended not more than three months before the person is due to begin work at the school.

(4) Before a person offered for supply by an employment business may begin work at the school the governing body must check the person's identity (whether or not the employment business made such a check before the person was offered for supply).

(5) The governing body must, either in the contract or in other arrangements which it makes with any employment business, require it, in respect of any person whom the employment business supplies to the school—

- (a) to provide the notification referred to in paragraph (1)(a); and
- (b) where the employment business obtains an enhanced criminal record certificate which discloses any matter or information, or if any information is provided to the employment business in accordance with section 113B(6) of PA 1997, to provide a copy of the certificate.