

SCHEDULE

PART 4

Suitability of staff, supply staff, and proprietors

- 20.**—(1) The standard in this paragraph relates to the suitability of the proprietor of the school.
- (2) Sub-paragraph (3) relates to the suitability of the proprietor where the proprietor is an individual.
- (3) The standard in this paragraph is met if—
- (a) the individual—
 - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
 - (ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction; and
 - (b) the Secretary of State makes the following checks relating to the individual before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor—
 - (i) where relevant to the individual, an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B(1) of the 1997 Act;
 - (ii) checks confirming the individual’s identity and their right to work in the United Kingdom; and
 - (iii) in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual’s suitability to work in a school, such further checks as the Secretary of State considers appropriate;and, where an enhanced criminal record check is made, the Secretary of State obtains an enhanced criminal record certificate relating to the individual.
- (4) Sub-paragraphs (5) to (8) relate to the suitability of the proprietor where the proprietor is a body of persons corporate or unincorporate.
- (5) The standard in this paragraph is met in relation to an individual who is the Chair of the school if—
- (a) the individual—
 - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
 - (ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction; and

Status: This is the original version (as it was originally made).

- (b) subject to sub-paragraphs (7) and (8), the Secretary of State makes the following checks relating to the individual—
 - (i) where relevant to the individual, an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B(1) of the 1997 Act;
 - (ii) checks confirming the individual’s identity and their right to work in the United Kingdom; and
 - (iii) in the case of an individual for whom, by reason of the individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual’s suitability to work in a school, such further checks as the Secretary of State considers appropriate;and, where an enhanced criminal record check is made, the Secretary of State obtains an enhanced criminal record certificate relating to the individual.
- (6) The standard in this paragraph is met in relation to an individual (“MB”), not being the Chair of the school, who is a member of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register, if—
 - (a) MB—
 - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
 - (ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;
 - (b) subject to sub-paragraphs (7) to (8), the Chair of the school makes the following checks relating to MB—
 - (i) where relevant to the individual, an enhanced criminal record check;
 - (ii) checks confirming MB’s identity and MB’s right to work in the United Kingdom; and
 - (iii) where, by reason of MB’s living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish MB’s suitability to work in a school, such further checks as the Chair of the school considers appropriate, having regard to any guidance issued by the Secretary of State;and, where an enhanced criminal record check is made, the Chair obtains an enhanced criminal record certificate relating to the individual; and
 - (c) subject to sub-paragraph (8), where the Secretary of State makes a request for an enhanced criminal record check relating to MB countersigned by the Secretary of State to be made, such a check is made.
- (7) In a case where—
 - (a) the suitability of the proprietor is being considered in response to an application by the governing body of a maintained school to enter the school on the register, and
 - (b) the local authority maintaining the school has made one or more of the checks referred to in sub-paragraph (5)(b) or (6)(b) in relation to the Chair of the school or MB,sub-paragraph (5)(b) or (6)(b) (as the case may be) is treated as complied with so far as relating to that check.
- (8) In the case of a registered school—

- (a) sub-paragraph (5)(b) is met where the checks referred to in that sub-paragraph are completed before or as soon as practicable after the Chair of the school starts acting as such;
 - (b) sub-paragraph (6)(b) is met where the checks referred to in paragraph (b)(i) and (iii) are completed before or as soon as practicable after MB starts acting as a member of the body of persons corporate or unincorporate named in the register as the proprietor of the school; and
 - (c) sub-paragraph (6)(c) is met where the enhanced criminal record check is made as soon as practicable after the Secretary of State's request.
- (9) In this paragraph a reference to the Chair of the school is a reference to an individual who is the Chair of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register and includes a reference to a similar officer.