

# Prohibition Orders Policy



Leytonstone School

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Signed by Chair of Governors: Kate Lord

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# Pre-employment checks – Prohibition Orders

## Background

Amendments to the School Staffing (England) Regulations 2009, made in 2013, requires Governing Bodies to check that any person to be appointed to work as a teacher is not subject to a prohibition order issued by the Secretary of State for Education.

## What is a Prohibition Order?

Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication Teacher misconduct: the prohibition of teachers. The order is imposed by the Secretary of State and is a lifetime ban from working with children.

<https://www.gov.uk/government/publications/teacher-misconduct-the-prohibition-of-teachers--3>

## How to obtain the check?

The Prohibited List is administered by the NCTL and can be accessed by current and prospective employers of school staff via the Employer Access Online System <https://www.education.gov.uk/employeraccess/LoginAction.do> . Employer Access is available Monday to Friday 9am - 5pm.

Employer Access is a free service available for schools, local authorities and teacher supply agencies in England. The service enables employers and potential employers to view the record of any teacher with Qualified Teacher Status (QTS).<sup>1</sup>

It also provides access to separate lists of:

- Teachers who have been prohibited from teaching.
- Teachers who may be the subject of a suspension or conditional order imposed by the GTCE (prior to its abolition) that is still current.
- Teachers who have failed to successfully complete their induction or probation period.

## What are the relevant offences?

It is likely that all offences that led to a term of imprisonment or that relate to, or involve, any of the following will be considered to be “a relevant offence”:

- violence;
- terrorism;
- fraud or serious dishonesty;
- theft from a person or other serious theft;
- possession of class A drugs;
- supplying of illegal substances of any classification;
- sexual activity;
- arson and other major criminal damage;
- serious driving offences, particularly those involving alcohol or drugs;
- serious offences involving alcohol;
- serious offences involving gambling;
- possession of prohibited firearms, knives or other weapons;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents.

It is less likely that any of the following offences will be considered to be “a relevant offence”:

- minor driving offences;

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<sup>1</sup>(with the exception of teachers who have achieved QTS through holding Qualified Teacher Learning and Skills (QTLS)) or any teacher with an active restriction (including any teacher with QTLS to whom this applies), and any teacher who have been the subject of a decision by the Secretary of State not to impose a prohibition order following a determination by a professional conduct panel of unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence

- minor offences involving personal use of alcohol or class B or C drugs away from children and education contexts;
- minor offences involving gambling;

## Implications

The personal data available on the report is disclosed in order to allow organisations to fulfil its remit and legal obligations. The data must not be passed to any third parties except those fulfilling a service on behalf of and under the expressed instructions of your local authority.

This list contains all people who have a disciplinary sanction prohibiting them from working in the teaching profession. Any person included on this list with a prohibition order that starts prior to 1st April 2012 is ineligible to teach in any maintained school, pupil referral unit or non-maintained special school. Any person included on this list with a prohibition order that starts on or after 1st April 2012 is ineligible to teach in all schools, sixth form colleges, pupil referral units, relevant youth accommodation or children's homes in England. This list does not include people barred from working with children by the Disclosure and Barring Service (DBS). A separate DBS and children's barred list checks must be carried out as well.

Teachers with prohibition orders cannot be employed in schools. Any teacher who applies for and has an order is required to be reported to the local authority immediately. Any LA and/or school found to have engaged a teacher with a prohibition order may be fined.

## Actions required

In order to assist schools to ensure compliance with these changes to safer recruitment regulations the following actions are required.

- 1) **Immediately** – all maintained and voluntary aided schools are required to send a list of all new teachers who began on and between 2 September 2013 and 31 August 2014 and the Schools HR team will then be able to carry out the checks and inform individual schools of the outcome. Schools are required to fully complete Appendix A and return to the Schools HR Team via e-mail [SchoolsHR.Helpdesk@walthamforest.gov.uk](mailto:SchoolsHR.Helpdesk@walthamforest.gov.uk) .
- 2) **Immediately** – schools are required to update their single central record by adding the date and outcome of the check. New template, reviewed FAQs and check list will be sent to all schools with this guidance and further copies will be available on the Hub – <https://thehub.walthamforest.gov.uk>
- 3) **Immediately** – Schools are required to revise their recruitment and Selection policy and procedures to incorporate this check.
- 4) **With effect from 1 September 2014** – all schools must carry out their own prohibition order check for every teacher as part of the pre-employment checks. (see above for “how to obtain a check”)
- 5) Revised DBS guidance will be sent to all schools shortly and will also be available on The Hub – <https://thehub.walthamforest.gov.uk>
- 6) For those schools that have purchased traded HR services from LBWF, a revised model recruitment and selection policy/procedure and templates will be sent shortly.
- 7) Schools wishing to purchase LBWF model policies, procedures and templates please contact Sharon Kerr, Principal HR Adviser, on 0208 496 4737, [Sharon.Kerr@walthamforest.gov.uk](mailto:Sharon.Kerr@walthamforest.gov.uk) .

## Reference

These documents are available on the following websites:

- 1) Keeping children safe in education – statutory guidance for schools and colleagues - April 2014 <https://www.gov.uk/government/publications/keeping-children-safe-in-education>
- 2) Teacher misconduct: the prohibition of teachers – January 2014  
<https://www.gov.uk/government/publications/teacher-misconduct-the-prohibition-of-teachers--3>
- 3) Guidance on managing staff employment in schools – November 2009  
<https://www.gov.uk/government/publications/managing-staff-employment-in-schools>
- 4) Managing staff appointments: supplementary advice for schools – February 2014
- 5) The School Staffing (England) (Amendment) Regulations 2013. August 2013  
<http://www.legislation.gov.uk/uksi/2013/1940/contents/made>
- 6) Copies of model recruitment and selection policy available from the Schools HR Team
- 7) Template Single Central Record, frequently asked questions and check lists available from the Hub. <https://thehub.walthamforest.gov.uk>

