

Response from the Department of Education

Dear Mr Wyllie,

Thank you for your email regarding the DBS system.

You are correct in stating that an individual cannot access the barred list through the DBS unless they are also requesting an enhanced DBS certificate. Separate barred list checks can be completed through Teachers' Pensions Online. You can access further information about this using the following links:

<https://www.teacherspensions.co.uk/employers/tp-online-page.aspx>

<https://www.teacherspensions.co.uk/news/employers/2017/01/tponline-service-the-barred-list.aspx>

You also asked whether there are any circumstances in law when an employer must carry out a check of the barred list and the list maintained under section 142 of the Education Act 2002. When appointing new staff who will be working in regulated activity, it is a statutory requirement for schools and colleges to obtain (via the applicant) an enhanced DBS certificate including barred list information. If an individual will start work in regulated activity before the DBS certificate is available, they must obtain a separate barred list check, which can be completed through Teachers' Pensions Online. Where an individual has worked in a school with regular contact with children within the previous three months, there is no requirement to obtain a new DBS certificate, however a separate barred list check must be completed. You can find more information on these requirements in the department's statutory guidance [Keeping Children Safe in Education](#) (KCSIE) on pages 27 and 28.

Similarly, schools must ensure they are not employing an individual to teach who is prohibited from teaching by the Secretary of State under section 142 of the Education Act 2002, they can do this using the Teacher Services system. This requirement is set out in the School Staffing Regulations 2012 and again, you can find more information about this on pages 26-28 of KCSIE.

I hope this information is helpful, but if you need any further information to help with your research, please contact us again.

Your correspondence has been allocated reference number 2017-0033256. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: <http://www.smartsurvey.co.uk/s/YBK10/>

Yours sincerely,

