

**Subject:****CHILD PROTECTION: CRIMINAL BACKGROUND CHECKING OF STAFF IN SCHOOLS – PROGRAMME TO EXTEND COVERAGE****Circular Number:**  
2006/09**Date of Issue:**  
3 March 2006**Target Audience:**

- Principals and Boards of Governors of all grant-aided schools;
- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Association of Governing Bodies of Voluntary Grammar Schools;
- Northern Ireland Council for Integrated Education;
- Comhairle na Gaelscolaíochta;
- Teacher Unions, NIPSA and UNISON

**Summary of Contents:**

This Circular recommends that all staff, paid or unpaid, in a school should have been subject to a criminal background check to ensure suitability to have access to children. This Circular details how this position may be achieved, the timetable for employing authorities to commission checks for staff and volunteers who have not been through the process and advice on related matters.

**Enquiries:**

Any enquiries about the contents of this Circular should be addressed to:  
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**Governor Awareness:**  
Essential**Status of Contents:**  
Guidance and  
Implementation

Information for schools

**Related Documents:**  
Circular 2006/06**Superseded Documents:****Expiry Date:**  
1 September 2006**DE Website:**  
<http://www.deni.gov.uk>Tel: 028 9127 9749  
Fax: 028 9127 9100**Additional Copies:**  
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## **Introduction**

1. You will be aware of the recent concerns about unsuitable persons working with children and the action taken by the Department to confirm the position that no-one required to register as a sex offender is employed in a school. While the action confirmed that current arrangements for the employment of persons in schools are working satisfactorily, a number of areas in which the current arrangements could be further improved were identified.
2. One of these areas concerns persons currently employed in schools who have not been subject to a criminal background check. The arrangements for the checking staff were introduced in 1990 by means of DENI Circular 1990/28 'Disclosure of criminal background of persons with access to children' and they were not retrospective. The Department required that all new employees, both paid and unpaid, working with children should be subject to a criminal background check prior to employment or when they moved posts with a break in service. The Department is aware that many employers have taken action in the intervening years to ensure that all staff have been checked, however, there are staff in schools who have not been through the process.

## **What is proposed?**

3. It is the Department's view and a view shared by key education partners that all staff who work in a school should be checked. A position where all staff have been checked is the only way to ensure that the confidence of parents and the public, in our arrangements to protect children, is sustained. The Department now recommends that the system of criminal background checks should be extended to cover all staff who work in schools and has set a target of 1 September 2006 for completion of this programme.

## **How will the process start?**

4. All staff who work in schools – teaching, non-teaching and regular volunteers – should be contacted by the employing authority/employer and asked if they are willing to be subject to a criminal background check. The form to be used (Form DOR O2) is attached and must be completed and signed by the person who will be undergoing the check.

## **What is the timetable for action?**

5. The completed form must be returned to the nominated person at the employing authority or the Department (for Voluntary Grammar Schools, Grant-maintained Integrated Schools and Grant-maintained Irish Medium Schools) by specified dates. A schedule setting out the dates and the appropriate nominated officers is attached at Appendix A. Details about how the criminal background checking process operates are contained in DE Circular 2006/06 'Child Protection: Recruitment of people to work with children and young people in an educational setting'.
6. The timetable of dates has been agreed with the employing authorities and with the PSNI, Criminal Backgrounds Office. The phased approach is necessary to ensure

that the additional work which this programme of checking will generate, can be managed in an orderly manner and not disrupt the on going pre-employment checking process.

### **What happens if a member of staff refuses to undergo a check?**

7. **It must be stressed that, at this time, agreement of staff to be subject to the checking process is voluntary.** While it is likely that criminal background checks may soon become mandatory, for the present staff can refuse to give permission for the check if they so wish.
8. Employing authorities should make every effort to re-assure staff that the information provided on the form will be treated in a confidential manner and that outcome of the check will be treated in the same way. The results of the criminal background check will be returned in a confidential manner to the employing authority or the Department (for Voluntary Grammar Schools, Grant-maintained Integrated Schools and Grant-maintained Irish Medium Schools).

### **What happens if a check identifies no issues of concern?**

9. If the outcome of the check is negative – nothing of concern – then the employment record is duly noted and any information provided is destroyed.

### **What happens if a check identifies issues of concern?**

10. If the checking process does identify issues of concern then the employing authority or the Department will seek full details from the PSNI of the relevant offence and the circumstances.
11. The employing authority will review this additional information and decide:
  - either that no further action is necessary and advise the member of staff of the outcome: or
  - if concerns remain, seek assistance from the Designated Officer for Child Protection at the relevant Education and Library Board in arranging a formal risk assessment and advise the member of staff.
12. If it is necessary to have a formal risk assessment then appropriate procedures should be followed so that the member of staff is informed about the process and have an opportunity to present their views.
13. If the outcome of the risk assessment is that the member of staff does pose risk to children then the normal disciplinary procedure should be followed.

### **What about other persons who work regularly in schools?**

14. The programme to extend criminal background checking will be broadened cover to other staff who visit schools and who work with pupils later in 2006.