

Prohibition Checks

All schools must ensure that an applicant to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State.

What is a Prohibition Order?

A Prohibition Order prevents a person from carrying out teaching work in schools. Teacher prohibition orders are made by the Secretary of State following consideration by a professional misconduct panel convened by the Teaching Regulation Agency (TRA).

A person who is prohibited must not be appointed to a role that involves teaching work.

Who requires a Prohibition Check?

A prohibition check is required for all those carrying out teaching work.

Each of the following activities is defined as teaching work as per [The Teachers' Disciplinary \(England\) Regulations 2012](#):

- Planning and preparing lessons and courses for pupils
- Delivering lessons to pupils
- Assessing the development, progress and attainment of pupils
- Reporting on the development, progress and attainment of pupils

These activities are not teaching work for the purposes of the Regulations if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the head teacher to provide such direction and supervision.

Should a Prohibition Check be carried out on other staff?

Whether a prohibition check is required will depend on the role and duties of an individual.

There is no statutory requirement for a prohibition check to be made on those that do not meet the description of 'teaching work'. This means that generally, when appointing support staff, such as a teaching assistant, a prohibition check will not be required. However, schools do need to consider whether some support roles meet the criteria, for example a HLTA or cover supervisor, and conduct the appropriate checks.

Should the check be carried out retrospectively for existing staff?

For maintained schools, the duty to undertake a prohibition check was introduced on 2 September 2013. Therefore, any individual recruited to undertake teaching work since this date must have a prohibition check in place.

For academy schools, they must adhere to the Education Independent Schools Standards Regulations. In order to meet these standards, academies must not employ an individual in a teaching position if they are prohibited. Therefore, academy schools must undertake a prohibition check on all relevant roles irrespective of the date that they started in post.

For a maintained school that is converting to academy status, you must ensure that prohibition checks are completed in line with the regulations outlined above for academy schools, as part of the conversion.

The guidelines do not state whether you need an individual's consent to perform the check. Our recommendation is that it would be best practice, at a minimum, to let an individual know that you will be performing this check.

How do we request a Prohibition Check?

Schools are able to carry out prohibition checks directly via the DfE Sign-In Teacher Services portal - <https://services.signin.education.gov.uk/>

Alternatively, the Employment Vetting Team are able to conduct this check on a school's behalf. Please email employmentvetting@cornwall.gov.uk for details.

Further Information about Prohibition Checks

Paragraphs 253 and 254 of [Keeping Children Safe in Education](#) confirms the requirements for schools on conducting prohibition checks.

If you have any queries about prohibition checks, please contact the Employment Vetting Team for advice – employmentvetting@cornwall.gov.uk