



Baroness Barran

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Baroness Morris of Yardley
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Dear Estelle,

I promised to write to you in response to the question you raised regarding the Children Not in School registers during Day 5 of Lords Committee on the Schools Bill. You asked specifically, who has responsibility for checking relevant safeguarding qualifications and whether the parents of home-educated children have a legal duty to do the checking or if that responsibility sits elsewhere (Hansard, column 275, 22 June 2022).

As I mentioned during the debate, it is a criminal offence knowingly to recruit someone to work in a regulated activity with children who has been barred from working with children. This applies to staff and volunteers that are unsupervised workers. Regulated activity is defined in [Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 \(as amended by Part 5 of the Protection of Freedoms Act 2012\)](#).

Getting a Disclosure and Barring Service (DBS) check is an important part of recruitment and safeguarding policies and practice. However, if a provider is also a regulated activity provider, it is especially important that all relevant staff and unsupervised volunteers are DBS checked. There is a legal duty for regulated activity providers to refer to DBS in certain situations, including if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been had they not resigned.

You are right in your assessment that schools would have responsibility for safeguarding their pupils and making sure staff undergo specific checks, including the need for safeguarding training (although there is no requirement for specific safeguarding qualifications). 'Keeping Children Safe in Education' is statutory guidance that all schools and colleges must have regard to when carrying out their duties to safeguard and promote the welfare of children. Amongst other things Keeping Children Safe in Education sets out that all staff should receive safeguarding training.

Governing bodies and proprietors should ensure that all staff undergo safeguarding and child protection training (including online safety) at induction. The training should be regularly updated. All schools and colleges should have a designated

safeguarding lead who should take lead responsibility for safeguarding and child protection.

Outside of mainstream education, children are likely to attend out-of-school settings, which are defined as organisations or individuals that provide tuition, training, instruction or activities to children in England without their parents' or carers' supervision. These settings are not schools, colleges, education settings providing alternative provision, 16 to 19 academies, providers caring for children that are registered with Ofsted or a childminder agency.

To support these out-of-school settings providers to put in place appropriate safeguarding arrangements, the department published guidance on [Keeping children safe during community activities, after-school clubs and tuition](#) in October 2020. Within this guidance there is detailed information regarding recruitment of staff, pre-employment checks, regulated activity, DBS and childcare disqualification, etc.

With regards to whether parents have the responsibility to check providers, there is no legal duty on any parent to do so. However, the department would always encourage parents to consider safeguarding when sending their children to settings that are not regulated. Home educating parents are no different to parents who send their children to mainstream education, and we would advise all parents, regardless of where their child is educated, to follow our guidance published in October 2020: [Guidance for parents and carers on safeguarding children in out-of-school settings - GOV.UK \(www.gov.uk\)](#). This guidance specifically sets out questions parents may wish to ask a provider, examples of the types of good answers parents should expect to hear back alongside warning signs parents may wish to look out for when choosing a provider.

I hope this clarifies the issues you raised. I will place a copy of this letter in the library of the House.

Yours sincerely,



BARONESS BARRAN
PARLIAMENTARY UNDER-SECRETARY OF STATE