

**Circular Number:**  
2004/21

**Subject:**

**THE USE OF SUBSTITUTE TEACHERS PROVIDED  
BY EMPLOYMENT AGENCIES**

**Date of Issue: 15 December 2004**

**Target Audience:**

- Education and Library Boards
- Council for Catholic Maintained Schools
- Boards of Governors and Principals of all Grant-Aided Schools
- The Northern Ireland Council for Integrated Education
- Governing Bodies Association of Voluntary Grammar Schools
- Comharile na Gaelscolaiochta
- Independent Schools

**Summary of Contents:**

This Circular outlines the statutory obligations relating to vetting of teachers supplied by employed agencies and underlines the need to ensure that such teachers are suitably qualified and have been properly vetted.

**Enquiries:**

Any enquires about the contents of this Circular should be addressed to:-

**Deputy Principal  
Teachers' Pay & Administration Branch  
Department of Education  
Waterside House  
75 Duke Street  
LONDONDERRY  
BT47 6FP**

**Status of Contents:**

Action

Advice

**Governor Awareness:**

Essential

**Related Documents:**

Circular 1990/28

**Superseded Documents:**

Not Applicable.

**Expiry Date:**

Not Applicable.

**DE Website:**

<http://www.deni.gov.uk>

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## **Action Required:**

The practice of using teacher employment agencies or businesses (agencies) to supply substitution cover in schools is now well established and the purpose of this guidance is to ensure, as far as possible, that the teachers employed by agencies, are suitably qualified for the duties they are required to undertake and have been properly vetted.

Accordingly, Employing Authorities should ensure that this guidance is brought to the attention of school principals and the agencies that supply substitution cover to grant-aided schools in their area.

The Department may direct the employing authority or other relevant body not to employ a person or cause or permit a person to act as a substitute teacher, where that person is supplied by an agency, which does not follow this guidance.

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## **Guidance and Other Notes for Teacher Employment Businesses and Agencies**

These notes are meant for employment agencies that provide teachers for schools. The notes contain:

- Background information on the regulations concerning the qualifications to teach in grant-aided schools;
- Guidance on the duties of agencies and questions of good practice;
- Details of the checks agencies should carry out on teachers;
- Suggested procedures for agencies and employing authorities requesting checks on criminal records.

Organisations providing substitute teachers normally call themselves ‘agencies’ and this guidance follows that practice, even though these organisations may be formally registered as “employment agencies” or “employment businesses”. The important issue is the employment status of the teachers who are provided by the agency or business.

All enquiries about this guidance should be addressed to:-

The Deputy Principal  
Teachers’ Pay and Administration Branch  
Department of Education  
Waterside House  
75 Duke Street  
Londonderry BT47 6FP  
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## **Other Notes**

This guidance represents the Department of Education's (Department) interpretation of the duties of employers and others and it cannot, therefore, be an authoritative interpretation of the law as that is entirely a matter for the courts.

It applies only where the teachers providing substitution cover, are supplied by an employment business or agency. It does not apply where the teachers providing substitution cover are recruited via the Northern Ireland Substitute Teacher Register (NITSR).

The Department does not approve or accredit employment agencies.

## Chapter I: Employment Status of Substitute Teachers

### Employment Status, Pay and Conditions

1. The employment status of substitute teachers depends on individual circumstances, including the terms of any agreements made. Generally speaking, teachers recruited through an employment business (agency) to teach in grant-aided schools in Northern Ireland will be employed by the agency or self-employed. The pay and conditions of the teacher will be negotiated between the teacher and the agency.

## Chapter II: Guidance for Agencies Providing Substitute Teachers

### Statutory Duties

2. Agencies are bound by general employment law. In addition, they are required to ensure that each teacher provided to grant-aided schools in Northern Ireland, is able to satisfy the provisions of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 as to age, qualifications and health. Schools have a general responsibility to ensure that any teacher employed by an agency and deployed in their school meets the eligibility requirements for teaching.
3. Agencies providing teachers to grant-aided schools in Northern Ireland, must have procedures in place to:-
  - (i) obtain adequate information from the school about their requirements in order to be able to select a suitable teacher to act as a substitute;
  - (ii) obtain information about the teacher's qualifications and experience in order to determine whether he or she is suitable for the post to be filled;
  - (iii) make enquiries to ensure that the teacher possesses any additional or necessary qualifications that are required by law, where for example, he or she will be required to teach pupils who are visually or hearing impaired;
  - (iv) ensure that the teacher and school are aware of any conditions imposed by law;
  - (v) ensure that the employment is legal, for example, that the teacher has the necessary work permit/visa etc.; and,
  - (vi) enable them to carry out a criminal records check on the teacher.
4. Agencies providing teachers to schools should ensure that the checks detailed in this guidance are carried out and schools should be aware of the nature and extent of the checks to be carried out.
5. Agencies should inform the relevant employing authority, for the school they are supplying, about their terms of business. The main employing authorities in Northern Ireland are:-
  - Controlled Schools – The Education and Library Boards (ELBs)
  - Catholic Maintained Schools – The Council for Catholic Maintained Schools (CCMS)
  - Other Maintained Schools, Voluntary Grammar Schools and Grant Maintained Integrated Schools – the Board of Governors of the schools concerned. Agencies should also send copies of their terms of business to the organisations that represent these sectors (CnaG, GBA and NICIE).
6. An agency needs to ensure that its recruitment interviewers are adequately trained, and are aware of the statutory requirements of general employment law, equal opportunities legislation, and those concerning the employment of teachers. Interviewers should also have an understanding of the educational and other demands made upon teachers under current legislation and practice.

## **Qualifications for Teaching**

7. The Department's Circular 1997/11 gives guidance on the teaching qualifications that are required for teaching in grant-aided schools in Northern Ireland. A teacher who has a teaching qualification, awarded later than 21 August 1984, must also have attained at least a grade C in Mathematics and English in the General Certificate of Secondary Education or an equivalent qualification.
8. Teachers who have obtained Qualified Teacher Status (QTS) from the Department for Education and Skills (DfES); or, the General Teaching Council for Scotland, are eligible to teach in grant-aided schools in Northern Ireland.
9. Teachers who are recognised as being eligible to teach in another Member State of the European Union; and who satisfy certain criteria, will be qualified to teach in grant-aided schools in Northern Ireland. Such teachers are required to complete Form TR 261 and send it to the Department along with a written statement from the appropriate education authority of the Member State concerned, confirming they are eligible to teach and entitled to practice as qualified teachers in that Member State. *Form TR 261 can be obtained from and returned to the Department of Education, Teachers' Pay & Administration Branch, Waterside House, 75 Duke Street, Londonderry BT47 6FP.*
10. Teachers who have gained teaching qualifications in non-European Union countries and who wish to teach in grant-aided schools in Northern Ireland, should complete form OQ14 and return it to the Department. *This form can also be obtained from and returned to Teachers' Pay and Administration Branch.*
11. To be eligible to teach visually impaired pupils or pupils suffering from hearing impairment, the teacher must, in addition to having the necessary teaching qualifications, have successfully completed one of the approved courses listed in Annex B of Circular 1997/11.

## **Independent Schools**

12. Although the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 do not apply to teachers in independent schools, such schools have responsibilities as employers with respect to health, barring and criminal records. As a matter of good practice, they should ensure that the necessary checks are carried out (as described in Chapter III below) on all teachers whatever the employment status of the teachers concerned.

## **Records**

13. The agency, as employer, should keep a confidential and up to date record of information about the teachers they provide to grant-aided schools in Northern Ireland. This record should include:-
  - details of next of kin or other suitable contact;
  - qualifications, including certificates held by the teacher and evidence of their verification;
  - the teacher's initial and later training including details of completion of induction and early professional development, and the age-ranges and subjects to which it relates;
  - results of List 99, criminal background and PECS checks (see Chapter III);
  - service and salary

This information, and any other information that the agency considers to be relevant, should be made available to the school in which the teacher is to serve. Agencies must ensure that the teachers they supply to grant-aided schools in Northern Ireland are capable of fulfilling the particular curricular requirements that have been made known by the school; and can satisfy the requirements of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 as to health qualifications and age.

## **Tax and National Insurance**

14. Where teachers are provided by an agency acting as the employer of the teacher, that agency is responsible for the income tax and national insurance arrangements. Some teachers may be registered as self-employed and will therefore be responsible for making their own arrangements for tax and national insurance. Further information can be provided by the Tax Office or the local Social Security Office.

## **Insurance**

### **(a) Employer's Liability**

15. Employers may be liable for the costs of injury sustained by their employees in the course of their employment. The Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972, requires most employers to take out insurance to cover this risk. Agencies are responsible for ensuring that they comply with the applicable insurance legislation.
16. Questions of employment status, as described in paragraph 1, should not cause problems in relation to insurance. Advice obtained in the mid-1990s by the then Department for Education and Employment from the Association of British Insurers (ABI) in England, is that a typical employers' liability insurance policy incorporates a reasonably wide definition of "employee".
17. Because of the complexities surrounding the legal definition of employee, it would be in the interests of agencies to insure accordingly.

### **(b) Public Liability**

18. School authorities may be liable for the costs of any injury to third parties (including pupils) if this can be shown to be caused by their negligence. The ELBs and other employing authorities may act as insurer or arrange external insurance to cover the potential liabilities of school authorities.
19. Advice from the ABI is that a typical public liability insurance policy will cover the school's liability for the consequences of acts undertaken by all teachers, regardless of their employment status.

### **Chapter III: Checks on Substitute Teachers**

20. This chapter covers the checks that are considered essential when any teacher, including one provided by an agency, is employed to work in a school. It covers -
- identity
  - permission to work
  - qualifications
  - health
  - references
  - prohibited/restricted teachers; ie, “List 99 cases”
  - criminal records
21. Agencies should provide a clear written statement to schools, confirming the recruitment and vetting procedures, which they apply to all teachers. On each occasion an agency supplies a teacher to a school, it must first provide the school with a document setting out which checks have been applied for and which have been completed in respect of that teacher.

#### **Responsibility for carrying out or ensuring checks are carried out**

22. Schools are legally responsible for making sure that they do not employ teachers -
- whose names are on List 99
  - who do not have permission to work in this country
  - who are not eligible to teach
  - who are not registered as a teacher with the GTC

The employing authority or other relevant body must be satisfied that the agencies supplying teachers to its schools are complying with the guidance contained in this circular. For this purpose, it should audit the agencies at regular intervals. Compliance with this guidance may also be monitored during school inspections.

#### **Identity**

23. The agency should verify the teacher’s identity, using at least one piece of photographic evidence, from, for example, his or her passport or driving licence and provide a clear copy of the photographic evidence to the school or schools in which he or she will be employed.

If it doesn’t already do so, the copy of the photographic evidence that is provided by the agency to the school or schools; should also show

- (i) the teacher’s date of birth, which the agency should have verified beforehand from the teacher’s birth certificate;

and,

- (ii) the teacher’s current address, which the agency should have verified beforehand from, for example, the teacher’s utility bill or bills.

The teacher should be required to give the agency details of all previous addresses in the UK and elsewhere as these will be required for the Criminal Records Check (see paragraphs 36 and 37 below).

Schools must be satisfied as to the identity of the teacher and should, for this purpose, use the copy of the photographic evidence provided by the agency. Schools may wish to check other forms of identification in addition to, but not instead of, the evidence provided by the agency.

### **Permission to Work in this Country**

24. Agencies need to be sure that nationals of non-EU states have permission to work in the UK. Nationals of Gibraltar and of countries within the European Economic Area (EEA) do not need permission to take employment here and can be employed on the same basis as UK nationals.
25. Work permits are issued only for specific temporary or permanent teaching jobs. They are not issued for casual or ad hoc work as a substitute teacher.
26. Commonwealth nationals who have been admitted to the UK as working holidaymakers are permitted, without a work permit, to finance their stay by taking casual work incidental to their holiday. This means that they may work as a substitute teacher on a part-time basis for most of their holiday, or full-time for up to half of their holiday (subject to a maximum of 1 year). However, on expiry of their working holiday visa, they will not be permitted to continue working in the UK.

### **Qualifications**

27. Agencies should ensure that substitute teachers have the necessary qualifications and experience to meet the requirements of the school and they should be clear about the basis on which the substitute teacher is being employed.
28. Agencies should ask persons who are teaching sensory impaired pupils to produce evidence of an approved qualification to teach sensory-impaired pupils.
29. A teacher who qualified overseas in a non EU or non EEA state, who is recognised as a fully qualified teacher by the competent authority overseas but who cannot satisfy the requirements of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 as to qualifications, age or health; may be employed as a substitute teacher but only for a limited period which normally should not exceed 4 weeks in any one teaching post. The agency should check what age ranges and subjects were covered in the teacher's initial training; what practical experience the teacher has gained on or following the training course; and, provide such information to schools.

### **Health**

30. Substitute teachers supplied by agencies must satisfy the requirements of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 as to health.

### **References**

31. In deciding whether or not to employ a particular teacher, an agency should, like any other employer, take references from his or her previous employers and should not employ him or her unless satisfactory references are received.

Agencies are reminded that teachers who are supplied to grant-aided schools in Northern Ireland for the purposes of providing substitution cover, must satisfy the requirements of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 as regards health, qualifications and age.

## **Restricted or Prohibited Teachers**

### **List 99**

32. Persons whose employment as a teacher has been prohibited by the Department on misconduct grounds, must not be provided to a school by an agency. The names of such persons, and those whose employment has been restricted by the Department on health grounds, are recorded on List 99 (see also paragraph 35 below).
33. Agencies must check substitute teachers against List 99 and they can do so by registering, in the first instance, with the Child Care Policy Directorate (CCPD), Department of Health, Social Services and Public Safety, Room D1.4, Castle Buildings, Stormont Estate, Belfast, BT4 3SQ.
34. When requesting a check on a substitute teacher, agencies must use the standard form provided by the CCPD, quoting the teacher's full name, date of birth, his or her teacher reference number (if he or she has one); and, his or her current and previous addresses. The CCPD will check the appropriate sections of "List 99"; the "PECS" register; and, they will also arrange for a criminal records check to be carried out. Where a teacher remains on the agency's books or other record of possible substitutes, the agency should repeat this check every year or earlier if he or she has a break in service of 3 months or more.
35. If a check of List 99 reveals that a teacher is not totally prohibited from teaching, but is subject to restrictions on his or her employment on health grounds; that teacher must not in any circumstances be placed in a school which would contravene those restrictions. If an agency supplies a school with such a teacher, it should inform the school principal of the restrictions which the Department has imposed on the teacher's employment.

### **Criminal Records Checks**

36. Anyone applying to teach in grant-aided schools in Northern Ireland, is exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that they are obliged to give written details of all cautions, bind over orders, pending prosecutions and criminal convictions, including those which normally would be regarded as 'spent' under this legislation. Agencies recruiting substitute teachers must make all applicants aware of these obligations and obtain a written declaration from them as to whether or not they have ever been; or are now subject to, any caution, bind over order or pending prosecution or whether they have any criminal convictions, regardless of where or when incurred.
37. Agencies are required, in each case, to check applicants' declarations about their criminal record against police records and they must use the service provided by CCPD for this purpose. (See paragraphs 33 and 34 above). The onus is on agencies to ensure that a criminal records check is carried out in each case.
38. Where an applicant remains on an agency's books, but is not employed in consecutive months, he or she should be required, at intervals of no more than 1 year, to make a written declaration as to whether or not he or she has any cautions or warnings or convictions and his or her declaration should be checked, by arranging for a criminal records check to be carried out, as in paragraph 37 above.
39. There are no formal arrangements for checking police records in countries outside the UK and the Republic of Ireland if done through CCPD. However, citizens of some countries can obtain official statements giving details of convictions or confirming a clean record (see Annex C). Overseas applicants should be asked either to provide such a document, or to confirm that such

a document is not available in their country. Where it is not available, meticulous care must be taken with other checks such as references.

40. When an agency supplies a teacher to a school, it should inform the principal, using a means of communication that is acceptable to the principal, of any criminal record the teacher has disclosed and whether a police check has been satisfactorily completed. The final decision on whether or not to accept that teacher rests with the school.

### **Procedures for Criminal Records Checks**

41. The Department requires that agencies recruiting substitute teachers, should follow the procedures below.

### **Action by the Agency**

42. The agency must inform applicants, in writing, of their obligation to disclose any criminal record they may have and that this information will be checked by reference to police records. An example of the statement the agency should make to applicants is at Annex A.
43. The agency must also ensure that all applicants complete a form agreeing to a police check and to give details of any criminal record including convictions, cautions, bind over orders, and pending prosecutions he or she has incurred.
44. The agency should verify the applicant's identity and the information given on this form by reference to appropriate documents, for example, birth and marriage certificates, passport, driving licence etc. At the same time the agency should complete the necessary checks detailed in this guidance.
45. The agency should consider an applicant's suitability for appointment in the light of all the information revealed by the above process before seeking a police check. While any criminal record the applicant has declared will be relevant to that consideration, it should be borne in mind that a criminal record does not automatically make someone unsuitable to teach. Accordingly, each case should be considered on its merits. Guidance about judging the relevance of criminal record information is contained in Annex B.
46. It will not be necessary to request a criminal records check where the applicant is deemed unsuitable for employment as a teacher, or has produced a letter from an employing authority or other relevant body, certifying that a check has been satisfactorily completed within the last year. In other cases the agency should forward the completed request form and details of any declared criminal record to the CCPD (see paragraphs 33, 34 and 37 above).

### **Reporting Misconduct**

47. For the purposes of safeguarding children, an agency should report to the Department, any case of misconduct by a teacher in its employ that involved the harm; or, risk of harm, to a child for which the teacher was dismissed or resigned. This applies even if the agency would have considered dismissing the teacher concerned were it not for his or her resignation. Reports should be made, in writing, to the Department of Education, Teachers' Pay & Administration Branch, Waterside House, 75 Duke Street, Londonderry, BT47 6FP.
48. A report should be made promptly and should include as much information as possible about the person's misconduct and all the circumstances surrounding his or her dismissal or resignation.

49. Where the misconduct did not result in the teacher being convicted of a criminal offence, the report to the Department should include copies of any available supporting evidence such as, for example, documents containing statements or notes that are related to the misconduct and any findings arising from disciplinary hearings conducted by the agency.

## **Chapter IV: Payment of Agency Teachers**

50. Funding Authorities will have issued guidance to their schools on the processes to be followed in making payment for agency teachers.

### **Avoiding Duplication of Payments**

51. In order to prevent the duplication of payments, Employing Authorities should ensure that their guidance also includes the following;
- (i) schools should complete the weekly time sheet, which is issued by the agency for each teacher employed. On receipt of an invoice from the agency, the dates and/or times shown should be checked for accuracy and, if in order, the invoice should be authorised in accordance with the usual procedures and forwarded to the funding authority for payment;
  - (ii) schools should complete form TR140 as usual ensuring that “Agency Teacher”, followed by the name of the agency, is written under the heading “Temporary Teacher-Full Name”, in column 1. The teacher’s reference number should be written in column 2 and the relevant information entered in columns 3 to 10;
  - (iii) if the agency teacher’s name appears on the TR140 that is sent to the Department, the teacher will be paid twice and the school’s budget will be debited twice.

### **Reimbursement from Centre Budgets**

52. Where an agency teacher is to be paid from centre budgets, for example, where the absent teacher is on long-term sick leave, the school will be funded in accordance with LMS arrangements. These will provide that the total cost of the agency teacher should not exceed the amount that would be payable if the teacher were placed on point M4 of the Main Scale for teachers. Excess costs (above M4) will be charged to the school’s budget.

**DISCLOSURE OF CRIMINAL RECORD**

Agencies should provide a statement to applicants for work as substitute teachers on the following lines:

“The work for which you are applying is exempt from the Rehabilitation of Offenders Act 1974, because it involves substantial opportunity for access to children. This means that you are obliged to give written details of all cautions, bind over orders, pending prosecutions and criminal convictions, including those which normally would be regarded as “spent” under this legislation. The information you give will be regarded as confidential and will only be disclosed in relation to teaching appointments.

The Agency will arrange with the Child Care Policy Directorate (CCPD) of the Department of Health, Social Services and Public Safety, for a check to be made with the police for the existence and content of any criminal record in your name. Any information received by the CCPD from the police will be kept in strict confidence and will be destroyed immediately the selection process is completed.

The disclosure of a criminal record, or other information, will not debar you from appointment unless the agency considers that it renders you unsuitable for appointment. In making this decision the agency will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors, which may be relevant.

Failure to declare a conviction, caution, bind-over order or pending prosecution, may well disqualify you from appointment, or result in your appointment being terminated when the discrepancy comes to light.”

## USE OF CRIMINAL RECORD INFORMATION

1. The fact that a person has a criminal record does not automatically render him or her unsuitable for work with children. Research has shown that one adult male in three will have a criminal conviction (excluding motoring offences) by the time he is thirty. It is for the employing body to make a judgement as to suitability taking into account only those offences that may be relevant to the particular job or situation in question. On the other hand, it is not only sexual offences that may render a person unsuitable. A person's suitability should be looked at as a whole in the light of all the information available.
2. In deciding the relevance of convictions, a number of points should be considered:-
  - a. **The nature of the offence.** In general convictions for sexual, violent or drug offences will be particularly strong contra-indications for work with children.
  - b. **When did the offence occur?** Offences that took place many years in the past may have less relevance than recent offences. However, convictions for serious violent or sexual offences, or serious offences involving substance abuse are more likely to give cause for continuing concern than, say, an isolated case of dishonesty committed when the person was young. The principle of rehabilitation must be weighed against the need to protect children.
  - c. **Frequency of offence.** A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

**CHECKS ON APPLICANTS FROM ABROAD**

1. Other than in exceptional circumstances, the police cannot:
  - Make enquiries about the antecedents of people from other countries; or
  - Establish details of convictions acquired outside the United Kingdom.
2. Practice in other countries varies considerably, but certificates of good conduct may be obtainable from overseas applicants. The level of information disclosed varies from country to country in that some give complete extracts from the criminal record while others are partial. Further information about obtaining certificates of good conduct from citizens of EC countries and some other countries is given below.
3. While certificates of good conduct are not available in the Republic of Ireland, the police, when carrying out a criminal records check at the request of CCPD, will, where appropriate, make a check with the police in the Republic of Ireland. If the person worked, trained or lived in the UK for some years, checks can be made with the police for the regions of the UK in which they resided.
4. Where an applicant is from a country where criminal record checks cannot be made, extra care must be taken in the taking up of references and conducting other checks on background.

**Obtaining criminal record information on citizens from other members of the European union and a number of other countries****Austria**

Certificates of good conduct are available from the Austrian local police or council offices. Austrian Citizens residing in the UK can obtain copies from the Austrian Embassy.

Various offences are covered. However, offences attracting a sentence of up to one year are deleted after five years; offences attracting a sentence between one and three years are deleted after ten years.

**Belgium**

Individuals can obtain certificates of good conduct (Certificat de bonnes vies et moeurs) from the Communes where they live.

Individuals living and working abroad can obtain them from their Embassy.

**Denmark**

Individuals can obtain certificates of good conduct from their police.

## Finland

Any citizen can apply for a certificate of good conduct from the Ministry of Justice which operates an agency called the Crime Register Office (RIKOSTREKISTERT).

If a person has been convicted in a court of law, the offence is stated in the certificate. If not, the certificate establishes a person's good reputation and mentions that the person has no criminal record.

## France

Individuals may produce certificates containing a print-out of basic information relating to them from the National Criminal Records.

There is no provision for direct disclosure by French authorities to foreign employers.

## Germany

Under federal law, individuals may obtain certificates of good conduct or apply for extracts from the penal register.

Agencies should in the first instance request to see a German national's certificate of good conduct. In very exceptional cases and when more information is required, the PECS may approach the Federal Minister of Justice in Bonn. It is at his discretion whether further information may be disclosed.

## Greece

In Greece all prospective employees whether in the public or private sector are expected to submit evidence of a clean criminal record obtainable from the Public Prosecutor.

There are no arrangements for UK authorities/employers to have direct access to criminal record information about Greek nationals.

## Ireland

Checks are requested by the Criminal Records Office, PSNI, through the Central Garda Vetting Unit.

There are no arrangements for disclosure to prospective UK employers.

## Italy

Individuals may obtain a certificate of good conduct from the relevant Ufficio Casellario. This would show offences which resulted in a term of imprisonment.

Individuals living and working abroad may obtain such certificates through their Embassy.

## Luxembourg

Any employer may require potential employees to obtain an “Extrait du Casier Judiciaire” from the authorities. This would show sentences which resulted in a term of imprisonment.

Non-Luxembourg employers may also require such a document.

## Netherlands

Agencies may require individuals to obtain a certificate of good conduct from the Burgemesiter. This would contain details of convictions and process-verbal reports. In practice the Burgemesiter would also consult the local Parket (ie court district) for the area in which the applicant was born.

There is no provision for direct disclosure by Dutch authorities to foreign employers.

## Portugal

Individuals may obtain “criminal records” (including clean sheets) to show to prospective employers.

There is no provision for direct disclosure by Portuguese authorities to foreign employers.

## Spain

Many job applicants volunteer certificates of good standing obtained from the Ministry of Justice.

There is no provision for direct disclosure by Spanish authorities to foreign employers.

## Sweden

Individuals may obtain a certificate of good conduct from the Swedish Police. The certificate confirms that an individual has no criminal record.

Selected other countries

#### Australia

Individuals can obtain from their authorities information concerning their criminal background (if any) under the country's Freedom of Information Act.

#### Canada

Certificates of good conduct are not generally available. Individuals can obtain information as to whether a criminal offence is recorded against them on the National Police Information Database.

#### Japan

Individuals can obtain a police certificate. If the applicant resides abroad, the certificate is issued by the Japanese National Police Agency. If the applicant resides in Tokyo, the certificate is issued by the Metropolitan Police Department.

#### New Zealand

Individuals can obtain from their authorities information concerning their criminal background (if any) under the country's Freedom of Information Act.

#### Norway

Individuals may obtain a certificate of good conduct from local police in Norway. Discretion as to whether or not details of custodial sentences are included lies with the police.

#### Switzerland

Certificates of good conduct are not available. However, individuals should be able to obtain a document similar to a Casier Judiciaire from the Swiss Police.

#### United States of America

Individuals can obtain a certificate called a "Criminal Record Check" from their local police but this statement of convictions (if any) covers only the state in which the individual resides. There is no central point where an individual can obtain a certificate which covers the whole of the United States.

*Note:*

*Information on checks in foreign countries may also be sought from the Criminal Records Bureau, Customer Services, PO Box 110, Liverpool, L69 3EF (Information Line: 0870 9090811).*