



Department
for Education

Independent schools: change of proprietor guidance

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Introduction

1.1 Who the guidance is for

This non-statutory guidance has been produced to ensure proposed proprietors and chairs of proprietor bodies of independent schools and proposed chairs of the governing body of a Non-Maintained Special School (NMSS), provide the correct information when completing the [Independent schools: change of proprietor application form](#).

The guidance is for proposed proprietors and chairs of proprietor bodies, of independent schools who are subject to checks, carried out on behalf of the Secretary of State, to comply with the Education (Independent School Standards) Regulations 2014 ('the Standards').

It also applies to proposed chairs of the governing body of a NMSS, who are subject to checks carried out on behalf of the Secretary of State, to comply with the Non-Maintained Special Schools (England) Regulations 2015).

Please note: For independent schools an application is not required for changes to the chair of any other body, other than the proprietor body (see paragraph 1.2 below). For NMSS an application is not required for changes to the chair of any other body, other than chair of the governing body (see paragraph 1.2 below).

1.2 Definition of proprietor and chair of proprietor body

The proprietor of an independent school is the individual or the body of persons, corporate or incorporate, that has ownership control over the school and to which school management are accountable.

Where the proprietor is a company or charity, the term proprietor, in the context of this guidance, refers to the individual member of the proprietor body, that has direct oversight (e.g., the chair of the proprietor body or lead director).

Proprietor in relation to a NMSS means the governing body of the school. In the context of this guidance, the chair of the governing body refers to the individual member of the governing body that has direct oversight.

1.3 Background

Under [Part 4](#) of the Standards, the Secretary of State is required to run specified checks on proposed proprietors and chairs of proprietor bodies of independent schools in specified circumstances.

[Part 1, paragraph 6 and Part 2 paragraph 17](#) of [The Non-Maintained Special Schools \(England\) Regulations 2015](#) impose identical obligations on the Secretary of State with regards to the chair of the governing body of a NMSS.

1.4 Expiry or review date

This guidance will be reviewed before July 2026.

Legislative background

2.1 Independent School Standards

Part 4, paragraph 20 of the Standards relates to the suitability of the proprietor of an independent school, whether an individual proprietor or the chair of the proprietor body.

The Standards obligate the Secretary of State to confirm that the proprietor or chair of the proprietor body:

- i. is not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
- ii. does not carry out work, or intend to carry out work, if subject to a section 128 prohibition or direction (Education and Skills Act 2008) made by the Secretary of State, or subject to a prohibition order (Section 142 of the Education Act 2002) issued by the Secretary of State or has a sanction or restriction imposed (that remains current) by the General Teaching Council for England before its abolition in March 2012.

And the following checks are completed before the school is entered on the register of independent schools or, in the case of a registered school, the checks are complete when approval is being sought from the Secretary of State, to amend the registered details in relation to a proprietor, by submitting a material change application, before or as soon as practicable after the individual takes over as proprietor:

- i. an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B of the Police Act 1997;
- ii. checks confirming the individual's identity and their right to work in the United Kingdom;
- iii. in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate.

The Non-Maintained Special Schools (England) Regulations 2015 place identical obligations on the Secretary of State with regards to chair of the governing body of a NMSS.

The results of these checks are used to determine the suitability of the proprietor or chair and support safeguarding requirements set out in statutory guidance contained in Keeping Children Safe in Education.

What the Department does to conduct these checks

3.1 Identity, right to work and prohibition from management

Once the completed [Independent schools: change of proprietor application form](#), (see Sections A-C below for guidance on how to complete the form), and relevant supporting documents (if required), have been received, the Department for Education “the Department”, will use the information provided to process the suitability checks as described at paragraph 2.1 above. Please note, applications which are not fully complete, cannot be processed, and will be returned for all the information required to be provided.

If any of the checks carried out, cause the Department to be concerned about your suitability to be the proprietor or chair of the proprietor body of an independent school, or chair of the governing body of a NMSS, the Department will notify you as soon as possible.

If no concerns are identified, your application will be submitted to Verifile, to carry out a Disclosure and Barring Service (DBS) check and digital identity check if required (see Section C below on options to confirm identity). Verifile is a registered umbrella body of the DBS, which has been appointed to carry out DBS checks on the Department’s behalf. Verifile will contact you separately regarding the process it follows and to request more detailed biographic information.

[Information about Verifile](#) and how to use the Verifile service is available.

3.2 Galaxkey

[Galaxkey](#) is a secure system which can be used to transfer files. The Department recommends you utilise this service if you are required to provide identification documents, (see Section C below on options to confirm identity), as it provides a safe way to send documents which contain your personal data.

You will not be required to sign up or create an account when using this service. Please note that by sending your forms to Galaxkey, you accept that you are giving consent for the Department to hold and process your data and use it for the purpose of making the checks outlined in this document.

3.3 Enhanced Criminal Record Check (DBS check)

All new applications to act as the proprietor or chair of the proprietor body of an independent school or chair of the governing body of a NMSS, require the applicant to be subject to an enhanced criminal record check carried out by the DBS. The Department cannot rely on the results of a check carried out on you by another Department or organisation, or on the results of a check carried out on you during a previous application.

The only two exceptions to this rule may be if:

- (i) You are making or have made multiple applications to act as proprietor or chair of the proprietor body of an independent school, or chair of the governing body of a NMSS, in a very short period of time so that the Department has very recently commissioned a DBS check on you; or
- (ii) You are registered with the DBS update service. If this applies, you can grant the Department permission to view your records instead of applying for a new certificate.

You should tell the Department that you are registered for the update service **when you submit your forms** and provide permission for the Department to access the update service. If you are part of the DBS Update Service and you would like the Department to utilise this, please enclose a full copy of the DBS certificate you registered for the service with. The DBS certificate will need to be of the same standard for the Department to make use of this service. If your DBS certificate is of a higher or lower standard, then the Department will not be able to access the Update Service, and a full DBS check through Verifile will be required.

Important: DBS Update Service – If you are subscribed to the DBS update service you are **still** required to have your identification verified digitally or to submit **all** the relevant identification documents required (see Section C below on options to confirm identity).

The Department will consider if an applicant is exempt on a case-by-case basis. If the Department deems that you are not exempt, you will be contacted to advise that your application is subject to a new enhanced criminal record check.

If neither of the above exemptions apply, the Department will pass your information on to Verifile who conduct the checks on the Department's behalf. Verifile will separately contact you with information on how to complete the DBS check and obtain either an enhanced DBS certificate; or an enhanced DBS certificate with barred list information if your role includes regulated activity with children.

What to consider when applying

4.1 When to apply

Proposed proprietors, proposed chairs of the proprietor body of an independent school, or proposed chairs of the governing body of a NMSS, should submit the [Independent schools: change of proprietor application form](#), as soon as possible, once it has been decided the proposed change is to be made. You should allow up to six months, from the date you provide all the initial information to the Department, for your application for approval to be determined. In exceptional circumstances where a change is particularly complex a request may take longer. We will inform applicants where this is the case.

Please note: prior to the application being submitted, where possible the registered proprietor should contact the Department separately to confirm the proposed change.

4.2 Regulated Activity

You are required to inform the Department, at Section B of the [Independent schools: change of proprietor application form](#) whether your role in the school involves engaging in regulated activity.

You should satisfy yourself whether the definition of “regulated activity” will apply to your activity in the school. In the context of a school, you are likely to be engaged in regulated activity if you:

- will be responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children
- will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children, or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once

If you are unsure whether your role includes regulated activity you should review the published guidance [Regulated activity in relation to children: scope](#) and [Keeping Children Safe in Education, Part 3](#) for a fuller explanation.

It is a criminal offence for a person who is barred from working with children to seek, offer or engage in regulated activity.

Any questions about the information needed to pass your information on to Verifile should be directed to registration.enquiries@education.gov.uk.

Any questions about the process of completing the DBS check should be directed to Verifile on service@verifile.co.uk.

4.3 Fees

You may be charged for the DBS check according to fees set by the DBS. As of October 2023, the fee is £50.50¹ excluding VAT. Volunteers are not charged. The Police Act 1997 (Criminal Records) Regulations 2002 defines a volunteer as:

- any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative

To qualify for a free-of-charge criminal record check, the applicant must not:

- benefit directly from the position for which the DBS application is being submitted
- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full-time role/qualification

If this applies to your position, you should inform the Department when completing the application form.

¹ This is the fee as of the 20th of November 2023 and is subject to change.

Once your DBS check is complete

5.1 Contents of the certificate

Once your DBS check is complete, the Department receives notification from Verifile as to whether your certificate contains any disclosure information.

The Department will use the contents of that certificate, to determine your suitability to act as a proprietor or chair of the proprietor body of an independent school, or chair of the governing body of a NMSS.

5.2 If the certificate contains no relevant disclosure information

The Department will write to you, to confirm that your name has been added to the Register of Independent Schools as either the proprietor or chair of the proprietor body of an independent school or the chair of the governing body of an NMSS.

5.3 If the certificate contains relevant disclosure information

If the Department is informed by Verifile that your DBS certificate contains disclosure information, you will be contacted by the Department and asked to provide a copy of that certificate. Since these forms and attachments will contain your personal information, the Department recommends using a secure file transfer system (see paragraph 3.2 above).

You will be asked to provide representations on what is shown on the certificate. This is your opportunity to give the Department information about the circumstances of the relevant information, and any mitigating factors. The Secretary of State will use all available evidence to reach a decision on your suitability.

All information is considered in line with relevant legislation, including the Rehabilitation of Offenders Act 1974.

This is a case-by-case decision, and it is not possible to provide guidance on information which if returned, will see the Secretary of State assess you as unsuitable.

If the Secretary of State considers you unsuitable to be the proprietor or chair of the proprietor body of an independent school, or chair of the governing body of a NMSS, the Department will write to you to confirm this as soon as possible.

Completing the form

Section A - Personal Information

6.1 Personal Information

Section A asks you to provide your name, date of birth, national insurance number and contact details, your citizenship, right to work in the UK and time spent outside of the UK.

The Department will check the information you provide against our internal records to confirm that you are not in receipt of a prohibition order, an interim prohibition order, or any direction made under section 128 of the Education and Skills Act 2008 or section 142 of the Education and Skills Act 2002, or any disqualification, prohibition or restriction which takes effect as if contained in either such direction.

If you are in receipt of such an order your application may be refused.

6.2 Right to work in the UK

You must confirm your right to work in the UK. This right to work is granted either through citizenship or through your immigration status.

[Part 4](#) of the Standards, and [Part 1, Paragraph 6 of The Non-Maintained Special Schools \(England\) Regulations 2015](#), sets out that the Secretary of State may conduct further checks, as appropriate, for individuals living or who have lived outside the United Kingdom. The Department will therefore, where appropriate, request that you provide a criminal records certificate or equivalent from the country or countries that you lived in.

There is guidance available from the DBS on how to obtain a [Criminal Record Overseas Check](#).

If you are a foreign national with the right to work in the UK, you are required to provide your immigration status and right to work. The Department requests that you provide a [Share Code](#) in the first instance. If for any reason you are not able to produce a Share Code then please provide your [Immigration Documents](#) to prove your right to work in the UK.

Section B – School Information

7.1 Position Held

You must provide the name of the school of which you will be proprietor or chair and confirm what position you will hold (see paragraph 1.2 above).

Please note: An application is not required for changes to the chair of any other body, other than the proprietor body of an independent school or chair of governors for NMSS

7.2 Definition of a volunteer

You must confirm whether your role will be paid or as a volunteer (see paragraph 4.3 above) and whether your role in the school involves engaging in regulated activity (see paragraph 4.2 above).

Section C – Digital Identity Check/Professional Checking Service

8.1 Confirming identity

The Department must confirm your identity. There are two options available to provide the necessary information required for your identity to be verified, and you should only complete one section of Part C of the [Independent schools: change of proprietor application form](#).

8.2 Option 1 - 8.2 Verifile Digital Identity Check

Verifile offers an online digital identity check which has been approved by the Department.

The digital pathway will **only** be available to anyone who holds **both** of the following documents:

- A **valid** passport of **any** nationality (expired passports will not be accepted)
- A current UK driving license photo card (full or provisional) **registered at your current address**. Please note if the driving license is registered at a previous address, this **cannot** be used.

If you hold the above documents and wish to utilise the digital identity check service, please submit your fully completed [Independent schools: change of proprietor application form](#), confirming which documents you hold, via email to registration.enquiries@education.gov.uk. Copies of identification documents **do not** need to be submitted.

The Department will then assess your suitability to utilise the digital identity check service before submission to Verifile.

If suitable, you will receive a prompt via email to log in to the Verifile portal and start your digital verification process. You will then be directed to take a photo of each document which will be uploaded to the portal for assessment.

The check will take only a few minutes and you will be instantly notified if the check has been completed.

Important Information

Identification documents must be available and meet the criteria above or the check will not be successful.

As part of the Verifile digital identity check, a soft credit search will be carried out. Soft searches aren't visible to companies, so they have no impact on your credit score or any future credit applications you might make. Only you can see them on your report, and it doesn't matter how many there are.

You will only get one attempt at submitting the required documentation to Verifile. If the check is not successful, you will be informed by the Department of an alternative method to certify your identity documents (a professional checking service e.g., The Post Office), see option 2 below.

More information can be found on the [Verifile Website](#).

8.3 Option 2 - Professional Checking Service

If your identity is not successfully verified by Verifile or you can't or don't want to use the online identity check, then you must provide evidence that your identity has been verified by an authoritative, professional third party.

The Post Office currently offer [Document Certification Service](#) in branch, however alternative services are available. A professional service must be used to certify documents to verify your identity to the standard required by the Disclosure and Barring Service. You must comply with the [ID checking guidelines](#) and provide:

- one document from:
 - [Group 1: Primary identity documents](#)
- two further documents from either:
 - [Group 2a: Trusted government documents](#)
 - [Group 2b: Financial and social history documents](#)

At least one of the documents must show your current address and documents printed from the internet, such as bank statements, will not be accepted.

Once you have fully completed the [Independent schools: change of proprietor application form](#) (including making use of a professional checking service), please send the following information to the Department via email to registration.enquiries@education.gov.uk.

1. [Independent schools: change of proprietor application form](#)
2. A copy of your proof of certification; and

3. Scans or photocopies of each of the identity documents certified.

Since these forms and attachments will contain your personal information, the Department recommends using a secure file transfer system (see paragraph 3.2 above).

Privacy notice

9.1 Who we are

This work is being carried out by the Independent Education Unit, which is a part of the Department. For the purpose of data protection legislation, the Department is the data controller for the personal data processed as part of the process for checking the suitability of proprietors or chairs of the proprietor body of an independent school, or chairs of the governing body of a NMSS.

9.2 The categories of this information that we collect, process, hold and share include:

- personal information (such as name, address and position).
- where applicable, details of caution, conviction and other relevant information contained on an enhanced DBS certificate.

9.3 Why we collect and use this information

We collect this data from you and are processing it to enable us to carry out suitability checks on the suitability of proprietors or chairs of the proprietor body of an independent school, or chairs of the governing body of a NMSS. This allows us to comply with our statutory obligations contained in the [Education \(Independent School Standards\) Regulations 2014](#) and the [Non-Maintained Special Schools \(England\) Regulations 2015](#).

9.4 The lawful basis on which we use this information

We collect and use this information in connection with the Secretary of State's regulatory functions under Part 4, Chapter 1 of the Education and Skills Act 2008, and General Data Protection Regulations Articles 6(1)(e) and 10.

9.5 Collecting this information

The information is collected directly from the applicant or shared with us by an approved third-party (Verifile).

9.6 Storing of information

The Department ensures that information is only kept for as long as necessary, where it is no longer needed it will be deleted or destroyed securely. This means that once suitability is confirmed, all documents provided by the applicant are destroyed. We will retain details

of the applicant's name, date of birth, email address, school and the results of the checks made including the disclosure reference number in a central spreadsheet.

9.7 Who we share this information with

We will routinely share applicants' names, dates of birth, contact number and email addresses with Verifile to enable them to process the DBS checks. The data is shared in order to facilitate the Department's work in carrying out the Secretary of State's regulatory functions as described above. We may share information we hold about the applicant with certain organisations, where the law allows it, or we have a legal obligation to do so.

9.8 Data confidentiality

The Department has robust processes in place to ensure that the confidentiality of our data is maintained, and there are stringent controls in place regarding access and use of the data. Data is stored on secure electronic systems, or in files which are kept in secure conditions.

Even when the law allows us to do so, decisions on whether the Department shares personal data with third parties are based on factors such as the need for that third party to have the data, and the sensitivity of the data.

9.9 Requesting access to your personal data

Under data protection legislation any person has the right to request access to information about them that we hold. To make a request for your personal information, contact the Department via the [contact form](#).

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance via registration.enquiries@education.gov.uk. Alternatively, you can [contact the Information Commissioner's Office](#).

9.10 Further information

If you would like further information about this privacy notice, please contact the Independent Education Unit at registration.enquiries@education.gov.uk.

Further information can also be found about the Departments processes and how it shares data at [How DfE shares personal data](#).



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