

**London East Teacher Training Alliance**



**Safeguarding Policy  
and  
Guidance**

**Updated November 2019**



## **Safeguarding Policy and Procedures**

This policy summarises requirements in respect of DBS checks and disqualification from childcare as they impact on trainee teachers.

It does not represent a comprehensive explanation of the DBS, prohibition and criminal records check requirements and should be read alongside relevant statutory guidance and advice.

### **Key points**

- ITT providers are responsible for ensuring that appropriate Enhanced DBS checks (including checks of the barred list) have been completed for fee paying trainees, and to inform partner schools and colleges that they have been completed. Schools are able to record this fact in their central record, although they are not obliged to do so.
- ITT providers are, with the permission of the trainee, able to share information relating to the date and number of the DBS check.
- Salaried trainees are checked via their training school. The date and number of the DBS check is logged with LETTA.
- All existing and prospective trainees must undergo checks to ensure that they are not prohibited by the Secretary of State and/or are not prohibited to teach in the European Economic Area. The list of prohibited teachers can be found via the Teacher Services System.
- Registered bodies such as ITT providers should not under any circumstances share details of the content of DBS certificates with third parties such as schools. It is not good practice for schools to request such information direct from trainees. Providers should reach agreement with partner schools about the kind of offences that might, depending on when they were committed, be an issue in regard to school placements.
- Disqualification by Association only applies to domestic premises. However, Disqualification under the Childcare Act 2006, does apply to school staff. For salaried trainees, it is the responsibility of the school to ensure they comply with legislation. If a salaried trainee is, or becomes, disqualified from a childcare role, schools must inform LETTA. For fee paying trainees, ITT providers must ensure a trainee is not disqualified from childcare or that the trainee has obtained a childcare disqualification waiver from Ofsted.

### **Background**

ITT providers are responsible for ensuring that they do not admit applicants to training who are unsuited to work with children. Barred list, criminal record checks and prohibition checks are some ways of doing this.

ITT partnerships should establish a common understanding of convictions that might pose a barrier to joining a programme of ITT. LETTA will follow advice provided by the Teaching Regulation Agency (TRA). This should give sufficient reassurance to partner schools that no-one, in terms of criminal convictions, who might be a cause for concern, will have been recruited. For more detailed advice about referrals to the TRA, see <https://www.gov.uk/government/organisations/teaching-regulation-agency>

Less serious offences are dealt with locally following the LETTA Cause for Concern Policy and procedures.

## **Disclosure Statements**

As a result of government legislation, all HEIs and SCITTS who offer courses where students / trainees may come into unsupervised contact with children or vulnerable adults are required to ensure that such trainees obtain Disclosure Statements via the Disclosure & Barring Service (DBS).

This legislation has implications for trainee teachers on school experiences / placements. It is the responsibility of the 'placing institution' in respect of trainee teachers who are embarking on their in-school experience. In this context, LETTA is the 'placing institution', referred to as the Registered Body.

### **1. What is a Disclosure Statement?**

A Disclosure Statement is an official document issued by the Disclosure & Barring Service (DBS) providing details of a person's conviction record, including cautions, reprimands and warnings held on the Police National Computer. There are various categories of disclosures. LETTA will seek an Enhanced Disclosure on behalf of unsalaried trainees. Individual employing schools will seek an Enhanced Disclosure for the trainee being employed. All numbers and dates of issue are logged with LETTA and kept in a secure password protected site.

### **2. Who needs to apply?**

All LETTA trainees need an Enhanced Disclosure either via LETTA (fee paying/unsalaried trainees) or via each individual employing school (salaried trainees).

It is the applicant's responsibility to complete the form accurately and to keep their Disclosure Statement in a safe place. LETTA will not be able to provide a trainee or a school with a copy. The Disclosure Statement is posted to whichever address is given by the applicant.

### **3. How to apply?**

All new unsalaried trainees will be contacted by LETTA staff and asked to complete an identification check and application form which will be checked by appropriate LETTA staff, in person.

### **4. How much will this cost?**

Each unsalaried applicant is responsible for the fee charged by the DBS for the issue of a Disclosure Statement. Payment must be paid via cash or cheque. LETTA will pay on behalf of the unsalaried trainee. Salaried trainees arrange Disclosure Statements with their employing training school, which funds the cost.

### **5. What Information needs to be included on a Disclosure Application form?**

- Full name, and any other name by which the applicant is known
- Details of addresses where an applicant has lived during the past five years
- Date and place of birth

In addition, personal identification documents need to be shown, including items such as a passport and/or driving licence to facilitate completion of the identity check by the Registered Body, which is LETTA.

Please note that in providing this service the DBS and LETTA are committed to compliance with the Data Protection Act 2018: <https://www.gov.uk/data-protection/the-data-protection-act> This means that any personal information submitted to the DBS and to LETTA will be protected.

## **6. What if you already have a Disclosure Statement?**

Although the disclosure arrangements are designed to be 'portable', the particular nature of study with LETTA means that specific checks must be carried out which may not have occurred when the Statement was originally obtained. The date that this was issued would also be of relevance. LETTA, therefore, expect new DBS applications to be completed before the start of the programme. However, if a DBS was obtained a few months prior to the interview at the school which is hosting training, then this will be accepted. Advice will be given.

## **7. Who will receive the Disclosure Statement?**

Disclosure Statements are sent through the post to the applicant only. LETTA will only receive a copy if there are convictions present. The Countersignatory will have been registered with the DBS and, as such, has agreed to comply with the DBS Code of Practice. If any information is revealed in the Statement which was not disclosed prior to an applicant being accepted onto the programme, the applicant will be contacted. It will not necessarily mean, however, that an applicant will be unable to continue as a trainee. Each case is considered individually by LETTA and an employing / training school, for cases concerning both unsalaried and salaried trainees.

## **8. For how long will the Disclosure be valid?**

The disclosure will be valid for the whole period of the training year. However, on completion of the training year, future employers may require another more up-to-date disclosure. Trainees will also be required to complete a new statement if they interrupt their training.

For further information see the DBS website:

<https://www.gov.uk/disclosure-barring-service-check/overview>

## **9. Additional checks**

### **Employer Access Service**

Trainees in England must also undergo a prohibition order check. This is separate to the DBS check, as people can be prohibited from teaching for actions or behaviours that would not necessarily lead to them being included on the DBS barred list. Unqualified teachers can be included on the prohibited list, not only those who hold QTS. Fee-paying trainees are, therefore, checked by LETTA, and partner schools notified in a similar way to DBS and barred list clearance. Responsibility in respect of salaried trainees, rests with employers. To undertake prohibition order checks, LETTA is registered with the Employer Access Service and has a secure password for checks to be carried out.

### **Sharing of information**

It remains an offence under the 1997 Police Act, and a breach of the DBS Code of Practice, for registered bodies such as ITT providers to share copies of DBS certificates, or any information contained in a trainee's disclosure, with third parties such as schools.

Reaching agreement with schools about the kinds of offence that might be a barrier to recruitment or placement will reduce the likelihood of partner schools wanting to request information about the content of certificates direct from trainees. If unsalaried trainees are asked by schools for such information they are not under any obligation to agree.

## **Childcare Disqualification Regulations**

ITT providers should have regard to this statutory guidance when carrying out their duties to safeguard and promote the welfare of children.

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

## **Other points**

Other things to take into account:

- Trainees cleared to train as a teacher is not the same as being cleared for employment, which will be at the discretion of the employing school.
- Trainees can, at the Head Teachers' discretion, go into school pending the completion of a criminal records check provided that checks have been made against the DBS barred and prohibition lists and they have been subject to normal recruitment procedures.
- There is no requirement to complete separate checks in respect of time spent in different schools on placement.
- Minor convictions or cautions from several years ago will not be shown on Enhanced DBS certificates. Providers and schools should not ask applicants about any such convictions or cautions.
- ITT tutors who only have occasional contact with pupils and do not carry out regulated activity\* do not require checks provided they are accompanied, at all times, by someone (e.g. a trainee) who has been checked. However, LETTA tutors all have Current Enhanced DBS checks.

*NOTE* \* Regulated activity is a term used to describe certain job functions carried out by an employee as defined by the DBS. See <https://www.ddc.uk.net/help-advice/what-is-regulated-activity/what-is-regulated-activity-with-children/>

## **Teachers from overseas and those who have lived or worked overseas**

Trainees from overseas who teach in schools in England are subject to criminal record checks, including a check of the children's barred list. The Home Office has published guidance on criminal record checks for overseas applicants

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

Providers and employers must check that trainees are not subject to a prohibition order issued by the Secretary of State and/or are not prohibited to teach in another country of the European Economic Area (EEA). The lists of prohibited teachers can be found via the Teacher Services System - <https://teacherservices.education.gov.uk>

*Keeping Children Safe in Education (2016)* says that for individuals who have lived or worked outside the UK, 'schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered' (paragraph 114). There are no statutory timescales, but LETTA will follow the advice below.

From 6th April 2017, the Home Office confirmed that an overseas criminal check will be completed for everyone in an education role applying for a visa to work in the UK (i.e. from countries outside the European Economic Area).

The requirement to provide an overseas criminal record certificate applies to anyone who has lived abroad for 12 months or more in the past 10 years.

From April 2017, schools now have a statutory duty to inform Tier 2 skilled worker applicants of the need to source and submit overseas criminal record certificates.

*NOTE:* The Tier 2 general visa is now the main UK immigration route for skilled workers coming to the UK to take up employment, usually paying a salary of at least £20,800.

<http://www.workpermit.com/immigration/united-kingdom/tier-2-general-visa>

### **ITT Criteria Oct 2019**

Schools should ensure that all trainee teachers are provided with the following at the commencement of their training in each school:

- the child protection policy
- the staff behaviour policy (sometimes called a code of conduct)
- information about the role of the designated safeguarding lead
- a copy of Keeping Children Safe in Education

*(Section 1.3)*

### **Further information**

Statutory guidance on keeping children safe, 2019:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/835733/Keeping\\_children\\_safe\\_in\\_education\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835733/Keeping_children_safe_in_education_2019.pdf)

DFE guidance on the ITT requirements:

<https://www.gov.uk/government/publications/initial-teacher-training-criteria/initial-teacher-training-itt-criteria-and-supporting-advice>

On the filtering out of 'minor' convictions & cautions:

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

Information relating to those who have lived or worked overseas:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/582187/Criminal\\_Record\\_Checks\\_FAQ\\_Dec\\_16.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582187/Criminal_Record_Checks_FAQ_Dec_16.pdf)

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>