

London East Teacher Training Alliance

Safeguarding Policy & Procedures



Safeguarding Policy and Procedures

This policy summarises the responsibilities of ITT providers with regard to safeguarding checks 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.
- 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 directly 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 applies to domestic premises. From 31 August 2018, no member of staff can be prevented from working with children in a school setting by reason of an offence or offences committed by someone living in their household.

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 trainees obtain Enhanced Disclosure Statements via the Disclosure & Barring Service (DBS).

This legislation has implications for trainee teachers on school 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 on a salaried apprenticeship route. All numbers and dates of issue are logged with LETTA and kept in a secure password protected site. Copies are not kept.

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 apprenticeship 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 admin staff and asked to complete an identification check and application 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 UK General Data Protection Regulation (UK GDPR), tailored by 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, will accept a DBS obtained a few months prior to the interview. 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 Counter signatory 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 apprenticeship 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 directly 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://neu.org.uk/advice/childcare-disqualification>

Disqualification 'by association'

Disqualification 'by association' means you could be disqualified from providing childcare in a school setting because of an offence or offences committed by someone who lived in your household. However, because of a change to the law, schools are no longer required to ask staff providing, or employed to provide, childcare if they are disqualified by association.

This means a head teacher and school governing body should not demand disclosure, but it does not mean that a trainee/employee should remain silent. Trainees/employees have a contractual/professional obligation to safeguard children in their care. This may sometimes mean disclosing information about people in one's personal life which a trainee/employee may prefer not to disclose. A head teacher will need to assess whether people in one's personal life, who may have access to school premises and/or to pupils' information because of their association with you, represent a risk of harm to pupils, and then to take appropriate steps to mitigate any perceived risk.

<https://neu.org.uk/advice/childcare-disqualification>

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/>

Trainee teachers who are overseas nationals

All overseas nationals arriving to work or study in the UK from 1 January 2021, including those from the European Economic Area (EEA) and Switzerland, come under the UK's [points-based immigration system](#).

The type of visa trainee teachers from overseas need to apply for may depend on whether their teacher training course is salaried or unsalaried.

Irish citizens can continue to enter, work and study in the UK under the [Common Travel Area](#) as they could previously.

The following link also covers new regulations following Brexit on 1st Jan 2021.
<https://www.gov.uk/transition>

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. The lists of prohibited teachers can be found via the Teacher Services System -
<https://teacherservices.education.gov.uk>

Keeping Children Safe in Education

Keeping Children Safe in Education (2021) sets out the legal duties that must be followed to safeguard and promote the welfare of children and young people under the age of 18 in schools and colleges.

All school and college staff should read part 1 of this guidance. LETTA ensures that trainees have access to this

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

ITT Criteria

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://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

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/publications/criminal-records-checks-for-overseas-applicants>