

December 2018

Re: University of Cumbria DBS and safeguarding arrangements for Initial Teacher Education (ITE) Students and academic staff visiting students on placement

This is an updated version of the University of Cumbria's official position regarding DBS and safeguarding arrangements for students on ITE courses. Information has also been added to explain the position as regards DBS checks for academic staff visiting to observe or assess students on placement. As we receive a significant number of enquiries from individual schools on this topic, to enable us to manage this situation effectively we request that you use the information supplied in this letter as satisfactory evidence of our procedures. A list of frequently asked questions is attached.

The single central record: trainees on traditional and non-salaried (fee-funded) School Direct routes

Schools are required to have confirmation that trainee teachers have been DBS-checked. However, please note that it is *not* mandatory for DBS details for non-salaried trainees to be included in the single central record. Confirmation of the DBS check is provided by the University of Cumbria as part of the email communication from the Placement Unit informing you of a student placed with you. This will confirm the student's DBS certificate number and date of issue of the certificate.

Please note that the University is not able to ask trainees to show their DBS certificate to a school, nor is it good practice for schools to ask to see trainees' DBS certificates; schools simply need confirmation from the University that the DBS check has been done:

'Providers should confirm in writing to schools that a non-salaried trainee's criminal record check, including a check of the children's barred list, has been completed and that the individual has been judged by the provider to be suitable to work with children. Providers are not required to provide any information to schools in addition to this confirmation. Schools may wish to record this confirmation in their single central record, but they are not required to do so'. [DfE, October 2018, C1.3 Suitability]

Whilst we appreciate that many schools do wish to see the DBS certificate, this is not in fact required by Ofsted and it would be a breach of the training contract between the University and the student: according to the DBS Code of Practice, any information revealed through the DBS check process should be confidential between recruiter and candidate. The University is responsible for the recruitment decision, as part of which any such information is fully and seriously considered.

Further detail on this process is provided in the attached FAQs, number 3.

University of Cumbria Compliance with Ofsted

The University of Cumbria is compliant with all relevant legal, statutory and regulatory requirements relating to its students carrying out placements as part of their course of study*.

Please note the following key points:

- All teacher training students except for those on salaried School Direct routes are DBS-checked by the University of Cumbria. Checks for salaried trainees are the responsibility of the employingschool.

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- All DBS checks are at Enhanced Certificate level; include a check of the Children's Barred List; and are completed prior to or as soon as possible following registration.
- Students not in receipt of DBS clearance by the start of placement are checked against the Children's Barred List (via a standalone, online check) by the University.
- Schools will be informed of any students for whom we have not received DBS clearance at this stage.
- At the discretion of the Head Teacher, students can begin placement pending issue of their DBS certificate.

I hope that this reassures you that the University has rigorous procedure in place to ensure the safeguarding of children.

Yours sincerely

Kathryn Fox, Co-Head of Education (external), Institute of Education

*This guidance comes from the DfE's 'Keeping children safe in education' (September 2018); the DfE's 'Initial teacher training (ITT): criteria and supporting advice', October 2018; and the Universities' Council for the Education of Teachers (UCET) & National Association of School-Based Teacher Trainers (NASBTT) Updated guidance, July 2015

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1. Can we allow a student to start placement pending issue of their DBS certificate?

Yes. Guidance from the DfE states: *'Where a school or college allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed'*. [DfE September 2018; no. 120; pp.32-33]

The University of Cumbria will undertake a Children's Barred List check for any affected students, prior to placement start.

UCET confirms this position for trainee teachers and states that, *'Trainees can, at the Head Teacher's discretion, go into school pending the completion of a criminal records check provided that checks have been made against the DBS Barred Lists and they have been subject to normal recruitment procedures.'* [UCET/NASBTT July 2015]

2. Are all students checked against the relevant Barred Lists as part of the DBS check?

Yes. The University of Cumbria submits all its student DBS applications to include a check of the Children's Barred List and of the list of people stated under Section 142 of the Education Act 2002 as being unsuitable to work with children (what used to be called 'List 99').

3. Does a student being DBS-cleared by the University of Cumbria mean that their DBS certificate is 'clear' (shows no criminal record or other information)?

No. A very small number of students may have convictions or other entries on their record. Any such will have been through the University of Cumbria's established DBS Clearance Procedure, and cleared to commence or continue the course. This means that appropriate staff in the University have approved that student as suitable for a teacher training course: this can involve the submission of additional explanatory information from the student; the taking-up of character references; and in some cases an interview with the University's DBS Clearance Panel, which consists of senior members of staff.

It is important to note that the University of Cumbria, as the recruiter of the students, is responsible for making the clearance decision and undertaking the risk assessment that is an integral part of this. In doing this, we are bound by the DBS's Code of Practice to act fairly and to make a decision that is as objective as possible, and made only after full communication and discussion with the applicant and seeking supporting information where necessary. It must also be informed by consistency of approach across different cases.

Ofsted does **not** require that a school is aware of any offence(s) that may be on a DBS check; just that the school has evidence that a check has been done and was satisfactory. The University does appreciate however that some schools do have concerns in this area, and that schools are responsible for ensuring the safety of their pupils. We ask that schools please bear in mind that the University does have a well-tested clearance procedure in place, and it should go without saying that we would never accept someone onto an ITE course who was thought to be a potential risk to children or otherwise professionally unsuitable.

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The University is committed to partnership working and consults with partnership schools on its DBS clearance procedures. Matters concerning this go annually before our Stakeholder Committee. School-based members of these committees and lead school senior leaders may have a role in assisting with the consideration of DBS issues so that we can be sure our processes take into account school perspectives.

4. Will we be told in advance about a student having a criminal record, where this is the case for a student due to come to us on placement?

No – this is not permissible. UCET (Universities’ Council for the Education of Teachers) sums up the position on this as below:

‘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 or colleges’. [UCET/NASBTT, July 2015]

The ITE provider’s responsibility is to carry out the DBS check at the necessary (Enhanced) level and inform the school when this has been done. Whilst the provider is not obliged to share information relating to the issue date or certificate number of DBS checks with schools, the University of Cumbria has elected to do so, with the consent of trainees. We can not, however, share information about the content of DBS certificates in terms of criminal record information. The only exception to this is for School Direct non-salaried trainees where, owing to the shared nature of the recruitment decision, information is passed on with the explicit consent of the trainee.

5. How can we be assured about the robustness of the University’s DBS/Safeguarding procedures?

We have very well-established DBS clearance procedures that are audited by the DBS and Ofsted and informed fully by discussion with partnership colleagues from schools and Local Authorities. The clearance procedure is overseen by senior University staff.

Our DBS Policy can be viewed at:

https://www.cumbria.ac.uk/media/university-of-cumbria-website/content-assets/public/er/documents/admissions/dbs/DBS-Policy_Admissions_Nov-2017.pdf

6. Should we or the local authority ever need to do our own check?

No. All the guidance makes clear that the ITE provider is responsible for the DBS check.

‘Providers should have regard to the [Keeping Children Safe in Education statutory guidance](#) when carrying out their duties to safeguard and promote the welfare of children...This will include obtaining and considering Disclosure and Barring Service (DBS) criminal records checks and children’s barred list information.’ [DfE October 2018, C1.3 Suitability]

This applies whether the student is on placement within the same local authority as the ITE provider that requested the check, or outside it.

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There is no official requirement to support the position that a local authority should demand its own check: *'Further checks should not be made by providers, schools or colleges if they have received notification from the responsible organisation that a satisfactory enhanced check has been obtained.'* [UCET/NASBTT, July 2015]

7. Does the University make use of the DBS 'Update Service'?

Yes. Where a student is already registered with the Update Service and has an existing DBS check that meets the requirements for a teacher training course, we will carry out a 'Status Check' under the Update Service in lieu of processing a new DBS check.

We also make students aware of the Update Service and encourage them to subscribe to this with their University check: we cannot enforce this as it is an opt-in facility; is the individual's subscription not the provider's; and carries an extra cost for the student.

8. Where a student is registered with the Update Service, should we carry out a Status Check ourselves?

No. An Update Service Status Check stands in lieu of processing a new DBS check, so this remains the responsibility of the provider.

9. How old can the student's DBS check be?

This will vary according to the particular programme and year of study of the student. DBS checks are obtained by the University of Cumbria prior to course start or as soon as practically possible after admission, and not repeated unless the student takes time out from their course or a new issue arises. For instance, a student on a one year PGCE will have a DBS check that is relatively recently dated, but a student completing the final year of a four year undergraduate course will have a DBS check dated around four years ago.

This is still an acceptable check, and students are required to inform the University of any incidents that occur during their course of study.

Please note that, in cases where the DBS check requirement on admission has been met via an Update Service 'Status Check', the date of the DBS certificate itself may be older than 4 years, but its currency will have been verified by means of the University's online status check.

DBS checks have no formal period of validity and as such cannot expire. They can only ever be a 'snapshot in time'; a basis on which to make a recruitment decision, and should not be used as a substitute for robust overall recruitment practices and the need for student teachers to be appropriately supervised.

In practice, they are deemed valid for as long as that employer/recruiter deems them valid, according to their individual policy. Contrary to popular belief, there is no statutory requirement to repeat a DBS check after three years. In the case of ITE students, the University is the recruiter, and we base our policy on UCET's guidance, which states that:

'Additional checks are not required during the course of programmes, including those lasting for more than three years. Requests for repeat disclosures should be refused unless there is cause for concern.' [UCET/NASBTT, July 2015]

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10. In cases where the student has lost their copy of the DBS certificate but school policy is that we need to see it, can't the student get a copy from the university or the DBS?

No – neither of these is possible. The Registered Body that requested a DBS check does not receive a copy of DBS certificates: we receive an electronic record of the DBS result and retain only a summary of the key detail on the student database. The DBS will not issue copy certificates.

11. Should we retain the student's DBS certificate or a photocopy of it?

No – this is not required. Retention of more information than the DBS certificate number and date of issue (which will be provided in the Placement Unit's email) is unnecessary and is not good practice, as the handling of DBS information is closely prescribed by the DBS Code of Practice. Schools should not be retaining paperwork which for some students will contain highly confidential information, possibly for months after that student has left that placement.

Under no circumstances should a school retain the trainee's original DBS certificate as this is their property; they have paid for this check; and they cannot obtain a copy certificate.

12. Is the University carrying out checks of its trainees against the list of those prohibited from teaching?

Yes – we run checks to fulfil the requirement to ascertain whether trainees are subject to a prohibition order issued by the Secretary of State or are prohibited from teaching in another country of the European Economic Area.

13. What about the Childcare Disqualification Requirements?

In connection with our responsibilities as regards 'Disqualification under the Childcare Act 2006', students on all Primary ITE programmes (General Primary and Lower Primary/Early Years) are asked to declare whether they might be affected by the Childcare (Amendment) Regulations 2018. Students are emailed a form explaining the legislation and showing a list of the Relevant Offences and Relevant Orders, and asking them to return a declaration form to provide details of any such offences or orders that may apply to them. Any cases are then investigated further and a disqualification waiver from Ofsted would be sought by the student if needed.

14. Are there any other types of information we need to request from the university?

No. Some schools in the past have asked about a variety of checks, including qualifications and right to work in the UK.

Ofsted does not require schools to have this information for ITE students, as this is the responsibility of the ITE provider.

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15. What are the procedures for students who have spent time overseas?

All non-UK students are DBS-checked, as well as providing an overseas police check or equivalent background clearance from their home country (sometimes referred to generically as a 'Certificate of Good Conduct'). The only exception to this would be where a non-UK student has not lived in their country of birth since childhood.

UK students who have spent significant amounts of time outside the UK are also asked to obtain an overseas police check where feasible, or a character reference (for example, from an overseas employer) in place of this.

16. If a member of University staff visits a student on placement, will they have been DBS-checked?

This will depend on the job role of the member of staff in question: the University can only request a DBS check for a position that is legally eligible; it is an offence to do otherwise. Institute of Education staff who regularly visit schools as part of their role will be DBS-checked, and can be asked to produce their DBS certificate if the school requires this. At the time of writing, the University is looking at the possibility of incorporating the details of staff DBS checks into the Placement Unit database, along with student DBS check details. If this can be achieved, the details of the member of staff's DBS check will be included in the email communication from the Placement Unit.

Staff from other academic departments (for example, Social Work) who may occasionally have a student placed in a school will not have had a DBS check as part of their role with the University – because teaching in Higher Education is not an eligible role. Their occasional visit to a school would not necessitate a DBS check: the closest match to this role in the DfE's criminal records checks flowchart (DfE, September 2018, p.39) would be that of a 'New Volunteer' (e.g. visiting author). As this person would be in the presence of the student on placement and probably a member of school staff (who are themselves DBS-checked), there is no legal requirement to obtain a DBS certificate, and doing so would be very difficult to justify to the DBS for occasional, supervised presence in a school.

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