



The National Association of
School-Based Teacher Trainers



DBS and child protection issues relating to initial teacher training (ITT) trainees: Updated guidance from UCET and NASBTT

Introduction

This leaflet updates ITT providers, local authorities, schools, colleges and others on requirements in respect of DBS checks and disqualification from childcare as they impact on student and trainee teachers. It supersedes previous guidance issued by both UCET and NASBTT. 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 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 and colleges 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 level, date and number of DBS checks.
- 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 or colleges. It is not good practice for schools or colleges to request such information direct from trainees. Providers should reach agreement with partner schools and colleges about the kind of offences that might, depending on when they were committed, be an issue in regard to school or college placement.
- ITT providers should ask students working or training in relevant settings whether they are disqualified under the terms of the 2009 Childcare Disqualification requirements. Previous rules relating to disqualification by association no longer apply.

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. This should give sufficient reassurance to schools and colleges that no-one who might, in terms of criminal convictions, be a cause for concern will have been recruited. Agreement should also be reached about the type of offence that should lead to a trainee being removed from a course, or the kind of behaviour that might lead to a trainee being referred to the police.

Responsibilities in respect of all ITT students

All entrants to ITT programmes must by law be checked against the DBS barred list, the list of people prohibited from teaching and subject to criminal record checks. DBS certificates will be issued to individual applicants and not to providers. ITT providers have a responsibility to ensure that entrants on all routes, including salaried School Direct programmes, have been subject to DBS checks, although how this is done for trainees on salaried routes does differ.

The responsibilities, which are set out in full in keeping Children Safe in Education, include:

- For trainees on routes other than School Direct salaried, the accredited provider such as an HEI or a SCITT is responsible for ensuring that checks have been completed by requesting sight of the original DBS certificate and keeping a record of the fact that it has been seen. Providers should confirm to schools that checks have been made. Schools may record this fact in their central record, although they are not required to do so.
- For trainees on salaried School Direct programmes, the employer is responsible for ensuring that checks have been completed by requesting sight of the original certificate and keeping a record. Schools can also request, but cannot require, permission to keep copies. Schools should confirm to accredited providers that checks have been made and providers should make a note of this.
- For those training to teach in FE colleges, the ITT provider is responsible for ensuring that checks have been completed in respect of pre-service trainees, while employers are responsible for those on in-service programmes. In each case the responsible organisation should confirm to the other that checks have been made.

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.

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. People such as unqualified teachers can be included on the prohibited list, not only those who hold QTS. Fee-paying trainees should therefore be checked 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, providers will need to be registered with the Employer Access Service. Further information about how to do

this can be obtained from <https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>

Teachers from overseas and those who have lived or worked overseas

Trainees from overseas who teach in schools in England should be 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 candidates 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 (2018) 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). Whilst there has been no statutory timescales, many schools and local authorities have been completing these checks for anyone who has lived or worked overseas for three months or more in the last ten years. From 6th April 2017, the Home Office has 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.

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 or colleges.

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

Childcare Disqualification Regulations

ITT providers should have regard to the [Disqualification under the Childcare Act 2006 statutory guidance](#) and related obligations under the Childcare Act 2006 when carrying out their duties to safeguard and promote the welfare of children.

Where trainees are salaried, it is the responsibility of the school to ensure they comply with the legislation. If a salaried trainee is, or becomes, disqualified from a childcare role,

schools should inform the training provider of this. Where trainees are fee-funded, it is the responsibility of the training provider to ensure that the trainee is not disqualified from childcare or that the trainee has obtained a childcare disqualification waiver from OfSTED.

Further advice on the childcare disqualification arrangements can be obtained from the Department for Education at mailbox.disqualification@education.gov.uk or on 01325 340 409.

The 2018 regulations removed disqualification by association for individuals working in childcare in non-domestic settings (e.g. schools and nurseries). The arrangements continue to disqualify individuals working in domestic and non-domestic settings if they themselves have been found to have committed a relevant offence. Disqualification by association continues to apply for individuals providing and working in childcare in domestic settings (e.g. where childcare is provided in a childminder's home).

Other points

Other things to take into account are:

- It should be made clear to trainees that being cleared to train as a teacher is not the same as being cleared for employment, which will be at the discretion of the school or college concerned.
- 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
- 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.
- Minor convictions or cautions from several years ago will not be shown on enhanced DBS certificates. Providers, schools and colleges 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 at all times accompanied by someone (e.g. a trainee) who has been checked.
- Further checks should not be carried out on anyone entering training after completing a subject knowledge enhancement programme, provided they are continuing their training with the same provider and the gap between the ending of the enhancement programme and the beginning of the ITT is shorter than three-months.

Further information

Statutory guidance on keeping children safe, 2018:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.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>

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

UCET/NASBTT: May 2019