

## **CARDIFF SCHOOL OF EDUCATION & SOCIAL POLICY (CESP) SAFEGUARDING (DBS) POLICY 2021 - 2022**

### **INFORMATION ON ENTRANTS' CRIMINAL BACKGROUNDS**

Since 2002/2003, all entrants to ITE programmes are required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). The same requirements apply in an increasing number of education settings and programmes within CESP. This disclosure lists any convictions, cautions, reprimands and warnings received.

Prospective students are required to undertake DBS enhanced disclosures through Cardiff Metropolitan University admissions procedures. Applicants are recommended to register with the DBS Update Service so that checks can be made on the validity of disclosures during the duration of studies. Cardiff Metropolitan can not accept DBS enhanced disclosures undertaken through other organisations unless applicants have registered with the DBS Update Service.

The vast majority of disclosures are likely to be clear. However, a small minority may indicate that the entrant has a criminal record. In such instances, authorised personnel within Cardiff Metropolitan University consider each individual case against written criteria before acceptance or rejection is agreed. Due to the need to maintain confidentiality, the details of individual cases cannot be shared with partner organisations such as schools and work placements. However, should head teachers/employers wish to have sight of DBS Disclosures, they are advised to speak directly to students on an individual basis.

In cases where DBS admin has been delayed and the disclosure is not known, students are allowed to enrol as long as the process has started and Admissions have been informed that there are no convictions. If anything is disclosed on DBS then it may impact on them enrolling on the programme.

Applicants who live overseas and do not reside in the UK will be required to undertake criminal checks from the relevant country during the application process and once resided in the UK to commence studies will be required to undertake a DBS enhanced Disclosure.

(ITE programmes: for student teachers who enroll late to their programme including some international students, letters are sent to the host partner school informing them of any delays in DBS disclosure while reassuring that the above checks have been undertaken. Head teachers then have the discretion to allow an individual to begin school-based training provided that the student teacher is appropriately supervised (WG, 129/2013).)

The following information constitutes the Safeguarding policy document governing consideration of entrants with criminal records.

To ensure that the Cardiff School of Education & Social Policy Safeguarding policy is in line with UK policy, the Government Home Office website: <http://www.homeoffice.gov.uk/agencies-public-bodies/DBS/> is regularly checked for updates regarding DBS policy and procedure.

### **ACCEPTANCE OF ENTRANTS WITH CRIMINAL RECORDS**

**It is a condition of acceptance onto Cardiff Metropolitan University Cardiff School of Education & Social Policy programmes that:**

- applicants are not named on the Disclosure and Barring Service barred list
- applicants are not named on the Protection of Children Act and the Protection of Vulnerable Adults Lists (Department of Health)
- Enhanced disclosures (DBS) do not indicate any conviction, caution, reprimand or warning of an offence against children or vulnerable adults.

However, in a small minority of cases, enhanced disclosures reveal that applicants have received a caution, warning, reprimand or conviction outside of the areas identified above. In such cases, it is the responsibility of designated staff via the CESP High-Risk Placement Approval Group within Cardiff Metropolitan University to make judgements regarding each applicant's suitability for acceptance onto a Cardiff School of Education & Social Policy programme.

### **Serious Offences**

- Applicants are rejected outright if they have received a conviction relating to a sexual offence or serious violent crime
- Applicants are rejected outright\*\* if they have received a conviction relating to possession of class A drugs or supply / intent to supply drugs of any classification.
- Normally applicants are rejected outright\*\* if they have received a caution, warning or reprimand relating to any of the above.
  - \*\*In programmes, where students are not expected to work with children or vulnerable adults, a judgement will be made on each individual case.

### **Other Offences**

- When making judgements about the suitability of applicants with other offences the following points are taken into consideration:
  - the age at which the offence was committed;
  - the length of time since the offence was committed;
  - the frequency of the offence(s);
  - the context of the offence;
  - additional documentation/information from other parties.

### **Although each case is considered individually, indicators for acceptance include:**

- minor offences committed at a young age (e.g. teenage years);
- time lapse prior to the commencement of the programme since an offence was committed (a minimum of three years);
- a caution, reprimand or warning received rather than a conviction.

### **Indicators for rejection include:**

- a recent offence (e.g. committed within the three years prior to the commencement of the programme);
- a series of offences committed (in excess of two);
- the seriousness of the offence(s);
- based on the weight of the evidence available, the likelihood of re-offending;
- a potential risk to children and vulnerable adults.

Judgements are made on each individual case by the CESP High-Risk Placement Approval Group (HRPAG). The panel will consist of at least three people including the Programme Director (or nominee), a member of CESP Health & Safety Committee, at least one member of SMPT and the

Placement Administration Manager. In such cases, confidentiality is maintained as the names of applicants are not divulged.

Documentation may be made available from a higher authority indicating an applicant's suitability for teaching (e.g. letter from the Secretary of State). Information/documentation might also be made available from other sources (e.g. solicitor, police authority, probation officer). All available information is taken into account by the HRPAG when making judgements. The HRPAG will use the following guidance in coming to a decision.

It is made clear to students with criminal records that acceptance onto a Cardiff Metropolitan University programme does not indicate suitability for a teaching post or employment appropriate to their qualification. **Students are also made aware that:**

- partner schools and/or employers may well apply additional criteria regarding any criminal conviction when considering school experience/work placements and may not agree with the judgement made by the HRPAG which may prevent them from securing a placement and successfully completing their programme;
- students who have a criminal conviction on their enhanced disclosure may be required to attend an additional interview with the Programme Director (or nominee);
- any student who is charged with a criminal offence whilst on a Cardiff School of Education & Social Policy programme is required to inform the Programme Director (or nominee). Subsequent conviction or caution for the offence may prevent them from successfully completing their programme;
- although applicants with a criminal conviction may be given a place on an ITE programme, on completion of their programme they will subsequently need to register with the Education Workforce Council for Wales (EWC). The Council will make its own decision regarding suitability for registration and may not agree with the judgement made by the HRPAG which may mean they will be unable to register;
- Local authorities, schools and employers apply their own criteria when selecting staff and may not concur with the judgement made by the HRPAG which may result in them being unable to secure a teaching post.

For CSESP courses that require a DBS disclosure, applicants are asked through UCAS if they agree to a criminal records check, once offered and reply firm applicants are then sent information in relation to undertaking the DBS programme.

## **IF CHARGED WITH A CRIMINAL OFFENCE WHILST ON A DESIGNATED CARDIFF SCHOOL OF EDUCATION & SOCIAL POLICY PROFESSIONAL PROGRAMME**

If a student is charged with any criminal offence whilst on a Cardiff School of Education & Social Policy professional programme **they are required to inform the Programme Director (or nominee)**. This will not necessarily mean that any action would follow or that they would be asked to leave the programme.

**However failure to undertake this action as soon as they are able will result in them failing to meet the professional standards required to pass the programme.** This in turn would mean that they will be required to leave the programme and a recommendation would be made to the examining board that they fail the programme.

### **APPEALS PROCEDURE**

Where a decision by the HRPAG has gone against a student, they have a right to appeal. In such cases the student should follow the Cardiff Met Complaints Procedure.

### **CRIMINAL RECORDS CHECKS FOR APPLICANTS WHO ORIGINATE FROM OUTSIDE OF THE UK**

The university places the onus on applicants who have been resident in the UK for a limited period of time, to provide details of their criminal records history from their home country as well as undertaking a criminal records check for their time spent in the UK. The Admissions Team will ask students to undertake a DBS as soon as they arrive in the country.

The applicant should endeavour to obtain the following (at the applicant's cost):

- A 'certificate of good conduct' (police records check) from the relevant authorities confirming that the applicant has no criminal record from their home country.
- Obtain verification of the 'certificate of good' conduct by the relevant Consulate for that country within the UK (at the applicant's cost).

All documents obtained from abroad must be translated (at the applicant's cost) from the relevant language into English.

Applicants should contact the relevant foreign embassy for further information regarding the verification of documents.

All CSESP Programmes that require a DBS, may still require a UK DBS in addition to the above.

### **DBS and THE EDUCATION WORKFORCE COUNCIL FOR WALES (EWC)**

The Education Workforce Council for Wales (EWC) is the statutory, self-regulating professional body for teachers in Wales. It seeks to raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interests of teachers, pupils and the general public.

Under section 134 of the Education Act 2002 and Regulation 7 of the Education (Specified Work and Registration) (Wales) Regulations 2004, every qualified teacher who carries out the 'specified work' of a teacher in a maintained school must be registered with the Education Workforce Council

for Wales (EWC). Other persons with Qualified Teacher Status, such as those working in independent schools, further or higher education, as home tutors or those not currently teaching are also encouraged to register.

Since 31st May 2006, in accordance with the Education Act 2002 and the Education 2002 (Commencement No. 10 and Transitional Provisions) (Wales) Order 2006, a person shall not be eligible for registration with EWC unless it is satisfied as to his or her suitability to be a registered teacher.

In determining suitability, EWC will make a Disclosure and Barring Service (DBS) Enhanced Disclosure check. In addition, for persons who have spent time overseas (was born, has lived outside the UK to adulthood or has spent more than three months outside the UK in the last 5 years) the person will be required to sign a declaration to confirm the details of any criminal offences abroad or that he / she has no criminal record.

Any criminal offences or other information displayed on an Enhanced Disclosure will be formally considered by EWC in determining a person's suitability to be a registered teacher. This will include offences committed prior or during initial teacher education.

Details of EWC procedures for considering such matters and further guidance is available from:

The Education Workforce Council for Wales (EWC)

Address: Education Workforce Council, 9th Floor, Eastgate House, 35-43 Newport Road, Cardiff, CF24 0AB

Tel: 029 20460099

Fax: 029 20475850

e-mail: [information@ewc.wales](mailto:information@ewc.wales)

Website: <http://www.ewc.wales/site/index.php/en/>

Note: The DBS Enhanced Disclosure check as part of EWC registration will be additional to any disclosures checks required by employers or supply agencies when seeking teaching posts.

## **Guidance Notes 1: Suitability to be accepted onto a Cardiff School of Education & Social Policy programme that requires a DBS Enhanced Disclosure: Key considerations for HRPAG.**

The Panel should carefully examine the particular matters before them. Although the HRPAG's discretion is not fettered by the 'key considerations' below, it may find it helpful to have regard to these considerations in coming to a fair and balanced decision when deciding on the applicant's suitability. The HRPAG is reminded that it is **the responsibility of the applicant to demonstrate his or her suitability.**

### **KEY CONSIDERATIONS FOR HRPAG MEMBERS**

#### **1. Has the applicant taken steps to demonstrate their suitability?**

Has the applicant:

- explained the offending and any surrounding circumstances;
- expressed regret or apology – shown insight;
- submitted mitigation;
- made attempts to take corrective steps since the offending;
- commented on a change in circumstances since the offending;
- disclosed via Cardiff Metropolitan University's/Cardiff School of Education & Social Policy's relevant procedures.

#### **2. Is there any evidence provided in support of the applicant?**

If so, consider:

- the relationship of the author to the applicant;
- the date the reference was written;
- does the author refer to the offending?
- whether or not the author was a witness to the offending and can give a first hand account;
- whether or not the author puts forward any evidence that the applicant's behaviour has improved/been rectified since the offending.

### **The Offence(s)**

#### **1. When did the offending/'other relevant information' occur?**

- Recently/some time ago/both – what is the frequency?
- whilst on a Cardiff School of Education & Social Policy programme?

#### **2. Do the offences committed/the 'other relevant information' demonstrate:**

- a propensity for dishonesty/an abuse of trust;
- a propensity for aggression and/or violence;
- a disregard for others and a lack of self-awareness;
- an inability to learn from mistakes and/or rehabilitate;
- a general propensity towards certain behaviour or character;
- premeditation or spontaneity;
- intent;
- a person under duress or subject to prolonged provocation;
- a refusal to comply with authorities and/or the law?

- matters which may concern child protection and/or health;
- a pattern of offending - is an offence a 'one off' or is it repeated – is there a 'similarity' in the kinds of offences committed?

### **3. Has the applicant:**

- offended in the light of previous warnings;
- complied with any previous conditions imposed on them as a result of the offending;
- pursued opportunities to rehabilitate offered by the Courts;
- provided details regarding the offending which correspond with any details provided by other parties, for example, the Courts and the police?

## The Panel's judgement

### **1. How serious is the offending/'other relevant information' considered to be?**

(consider the nature of the offences and sentences imposed – guidance regarding the severity of the offence(s) will be sought from the CPS website - <https://www.cps.gov.uk>)

### **2. Is the applicant, based on the weight of the evidence available, likely to re-offend?**

### **3. Is there a potential risk to children or vulnerable adults?**

## Additional Guidance

The HRPAG should presume that a 'positive' DBS enhanced disclosure check raises a question about the applicant's character. In doing so, the HRPAG should remember that the applicant will have received an appropriate punishment from the Court. The Panel should be mindful of any sentencing remarks made by a Court.

**The main issue is whether the applicant's character is demonstrably such that he or she is suitable to take up a place or continue their training.**

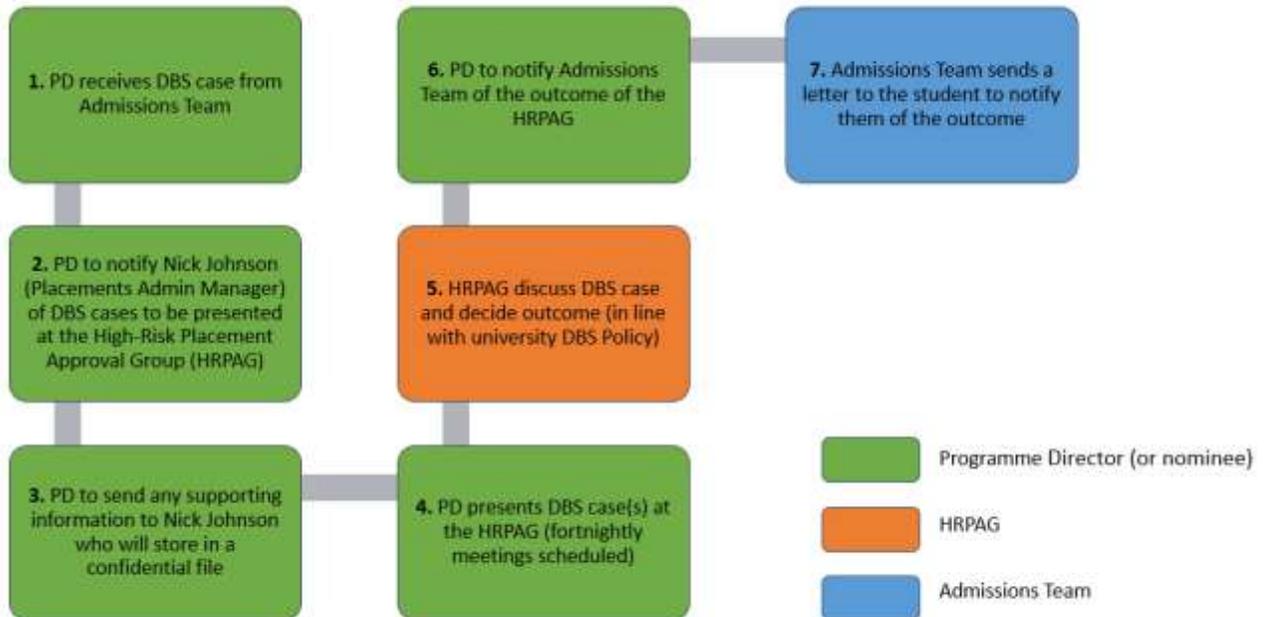
### **Character and conduct since the offending**

The HRPAG should not presume that the passage of time leads to a 'credit' in the applicant's favour, eventually cancelling out the 'debit' generated by the offence. For many purposes, society recognises that time does have an automatic 'cancelling' effect in rehabilitating the offender, **but not for this purpose.** (The Rehabilitation of Offenders Act 1974 does not apply.)

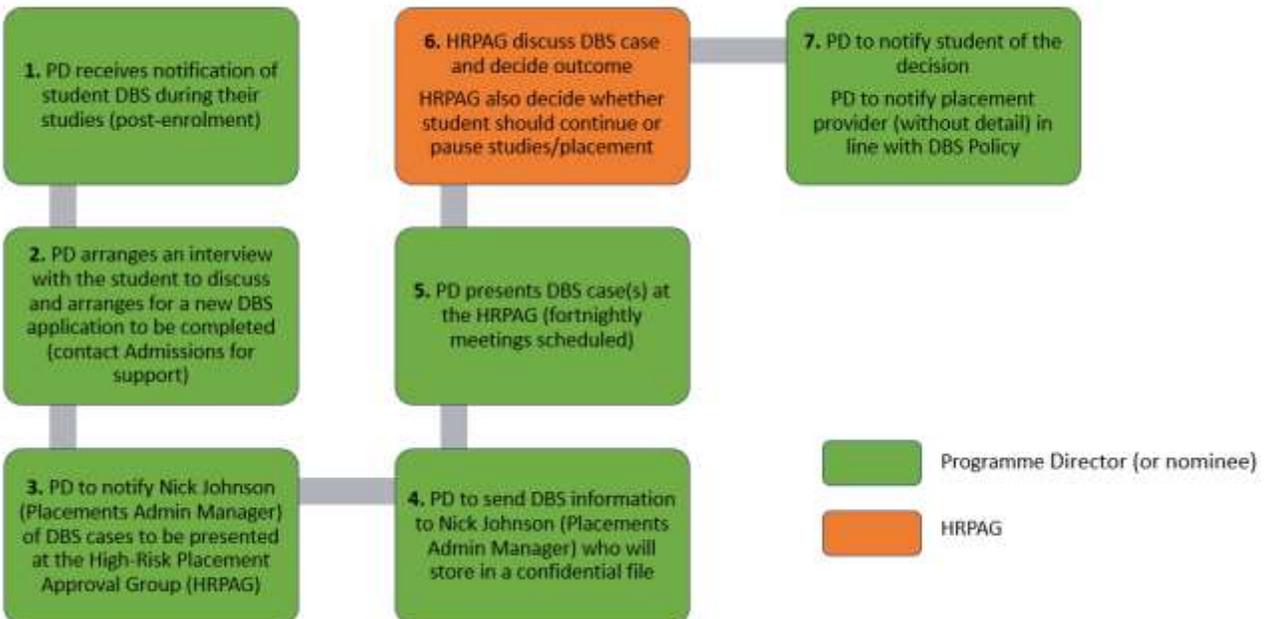
The passage of time, without further offending, may be relevant if it can be shown to indicate that the risk of re-offending is low or diminishing, particularly if there is evidence that that time has been used constructively.

## Guidance Notes 2: Procedure for 'Positive' Enhanced DBS Disclosures/DBS Additional Information and HRPAG

### DBS process for new students (pre-enrolment)



### DBS process for new students (post-enrolment)



Positive enhanced disclosures/DBS additional information is held within the School of Education & Social Policy for a period of 12 months and are then destroyed. For audit purposes information on positive enhanced disclosures is recorded within an Admissions database but is anonymised after one year.

### **Guidance Notes 3: Notes for Safeguarding / DBS Interview with an applicant.**

#### **Procedure:**

- Welcome the applicant and make introductions.
- Advise that this meeting is confidential and contemporaneous notes will be taken which will be read back and signed by interviewers and interviewee.
- Outline the purpose of the meeting as below:

#### **Purpose of the meeting.**

- To gather additional information that will be presented to the HRPAG;
  - To give the applicant the opportunity to explain the offending and any surrounding circumstances;
  - To record this information for the purpose of informing the HRPAG in their review of, and decision making concerning the case;
  - To advise that schools (including placement schools), L.A.s and EWC (registration) may take a different view;
  - To advise the applicant on 'what happens next';
  - To give the applicant the opportunity to ask any questions they may have regarding the process.
  - Programme Director (or nominee) to share the information noted on the DBS Enhanced Disclosure and ask the applicant to share their viewpoint regarding the offending and any surrounding circumstances.
  - Possible question prompts (need to consider appropriateness case by case)
    - Were there any mitigating circumstances?
    - What are your thoughts / how do you view this now?
    - Is there any written evidence that can corroborate or support your contentions? E.g. sentencing remarks from the court / police / council / social / probationary services?
    - Is there anything different in your circumstances now, as opposed to when offence was committed?
    - Is there anything else you would like to add?
    - **All to sign notes & END of MEETING**
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