

**Childcare Disqualification**

There are two parts to this document. Part A is the Disqualification Declaration Form to be completed by existing employees / volunteers working in childcare at the school, or by shortlisted candidates / new volunteers applying for a childcare position at the school. Part B provides background information about the underpinning legislation and statutory government guidance (the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 Regulations”)).

**A: Disqualification Declaration Form**

**Instructions**

This form has five sections to be completed:

1. Employee / volunteer / candidate details.
2. Disqualification criteria.
3. Orders and offences.
4. Provision of information.
5. Declaration.

**Important note:** before completing this form, read the information in part B which summarises the legislative and statutory guidance that requires employees, volunteers and candidates to confirm that they are not disqualified under the terms of “the 2018 regulations”.

This form is designed to be completed using a computer. Once completed, print it off, sign the declaration and return it as instructed by the school.

**Section 1 - Employee / Volunteer / Shortlisted Candidate’s Details**

Provide the following information. The name of the school should be where the position is that’s being applied for.

|  |  |
| --- | --- |
| Current job / position applied for |  |
| Name of school |  |
| First name |  |
| Last name |  |

**Section 2 - Disqualification Criteria – Self-Declaration**

Answer either “yes” or “no” to confirm whether any of the listed disqualification criteria under the 2006 Act and “the 2018 regulations” apply to you:

|  |  |
| --- | --- |
| Inclusion on the Disclosure and Barring Service (DBS) children’s barred list. | Yes / No |
| Being found to have committed certain violent and sexual offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of “the 2018 Regulations” (note that regulation 4 also refers to offences that are listed in other pieces of legislation). | Yes / No |
| Certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of “the 2018 Regulations”. | Yes / No |
| Refusal or cancellation of registration relating to childcare or children’s homes or being prohibited from private fostering as specified in Schedule 1 of “the 2018 Regulations”. | Yes / No |
| Being found to have committed an offence overseas which would constitute an offence regarding disqualification under “the 2018 Regulations” if it had been done in any part of the UK. | Yes / No |

**Note:** the above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences which lead to disqualification are set out in “the 2018 Regulations.”

**Section 3 – Relevant Orders And Offences**

Under the legislation a person is disqualified if they are found to have committed an offence which is included in “the 2018 Regulations” (i.e., a “relevant offence”) including those listed in the table below.

Answer either “yes” or “no” to confirm whether any of the points listed apply to you:

|  |  |
| --- | --- |
| Being convicted of a “relevant offence”. | Yes / No |
| On or after 6 April 2007, being given a caution for a “relevant offence”. | Yes / No |
| On or after 8 April 2013, being given a youth caution for a “relevant offence”. | Yes / No |

**Note:** a list of the relevant orders and offences referred to in sections 1 and 2 above are set out in “the 2018 Regulations.”

Additionally, any offence resulting in the death or bodily injury of a child is considered a “relevant offence” under the legislation and must be disclosed.

Answer either “yes” or “no” to confirm whether the point below applies to you:

|  |  |
| --- | --- |
| Any offence that resulted in the death or bodily injury of a child. | Yes / No |

**Section 4 – Provision Of Information**

Existing employees / volunteers working at the school who have answered “yes” to any of the questions in sections 2 and 3 above should provide further details to the school’s headteacher (or their deputy as appropriate). Shortlisted candidates / new volunteers who have answered “yes” to any of the questions in sections 2 and 3 above should provide further details as instructed by the school. The information provided should include:

* Details (including any date) of the order, determination, conviction, or other ground for disqualification from registration under the terms of “the 2018 Regulations”.
* The relevant body or court which made the order, determination or conviction and the sentence (if any) imposed.
* A certified copy of the relevant order, determination, caution, conviction, reprimand, or warning under the terms of “the 2018 Regulations”.

Any questions which are answered as “yes” will be referred to Ofsted for advice.

**Section 5 – Disqualification Declaration**

|  |
| --- |
| In signing this form, I declare that the information provided above is true to the best of my knowledge. I understand:* My responsibilities to safeguard children.
* That I must notify the school’s headteacher (or deputy as appropriate) immediately of anything that affects my suitability including any pending court appearances, cautions, reprimands, warnings, convictions, orders, or other determinations made in respect of me that may render me to be disqualified from working with children under the terms of “the 2018 Regulations”.
* That false information may result in my being disqualified from working or volunteering in childcare and could lead to dismissal.
 |
| **Signature:** |
| **Print Name:** |
| **Date:** DD/MM/YYYY |

END OF PART A

**Part B - Legislative and Statutory Background**

**Introduction**

In 2018 the Department for Education (DfE) issued [statutory guidance](https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006) for local authorities, maintained schools, academies, and free schools in relation to “Disqualification Under The Childcare Act 2006”.

This guidance, and as per paragraphs 263-267 of ‘[Keeping Children Safe In Education](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2022.pdf)’, means that schools providing childcare must ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the [2018 Childcare Disqualification Regulations](https://www.legislation.gov.uk/uksi/2018/794/contents) (the “2018 regulations”). This is in addition to other checks the school will carry out (e.g., a Disclosure and Barring Service check).

**The Disqualification Declaration Form**

Relevant staff, volunteers and shortlisted candidates can be asked to sign the Disqualification Declaration Form in part A to confirm their disqualification status but there is no legal requirement for them to do so. However, schools do need to be able to confirm the date on which a disqualification check was completed.

The Council recommends that relevant staff, volunteers, and shortlisted candidates, are asked to sign the Disqualification Declaration Form in part A. If they do not agree then they should read the Disqualification Declaration Form in part A and verbally confirm to the relevant person at the school their disqualification status under the terms of ”the 2018 Regulations.” A note will be made of all verbal declarations.

**Questions Answered “Yes”**

Any questions which are answered as “yes” on completion of the Disqualification Declaration Form in part A or confirmed verbally, will be referred to Ofsted (the Office for Standards in Education, Children's Services and Skills) for advice.

**Storing And Recording Information**

Any signed Disqualification Declaration Form and notes of verbal declarations must be stored securely by the school. Although it is not mandatory for these checks to be included on a Single Central Record, the Council recommends that they are to ensure that safeguarding records are kept in one place.

**Who Is Covered By The Regulations?**

Staff and volunteers in schools covered by the “2018 regulations” include the following:

* **Staff and volunteers who work in early years’ provision** (including teachers and support staff working in nursery and reception classes) - early years’ provision includes work during normal school hours looking after children aged up to and including 31 August following their 5th birthday (i.e., a reception class).
* **Staff and volunteers working in later years’ provision for children** - later years’ provision includes work in childcare outside normal school hours with children who are older than reception age (as defined above) but under age 8. The work for later years’ provision does not include extended education activities but it does include before school activities such as breakfast clubs and similar after school provision.
* **Staff and volunteers who are directly concerned in the management of such early or later years’ provision** – typically a headteacher and other appropriate senior staff.

**Grounds for Disqualification**

If in any doubt, refer to “the 2018 regulations” if further information is required about the grounds for disqualification before signing, or verbally confirming the answers to, the Disqualification Declaration Form in part A.

A person may be disqualified through:

1. Being included on the Disclosure and Barring Service children’s barred list.
2. Being cautioned for or convicted of certain violent and sexual criminal offences against children and adults (as defined in the regulations).
3. Grounds relating to the care of children (including where an order is made in respect of a child under the person’s care).
4. Having registration refused or cancelled in relation to childcare, or children’s homes, or being disqualified from private fostering.

**Note:** “disqualification by association” in non-domestic settings e.g., schools was removed in 2018 as a ground for disqualification under the terms of “the 2018 Regulations”.

**Application For A Waiver From Ofsted**

A disqualified person is not permitted to continue working in a setting providing care for relevant children under age 8. However, a disqualified person can [apply for a waiver of disqualification from Ofsted](https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers).

END OF PART B

END OF DOCUMENT

CREATED: MAY 2023 BY WSCC SHRS KMG

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