

DISQUALIFICATION POLICY

The Department of Education has recently updated its non-statutory advice regarding the issue of ‘Disqualification by Association’ to supplement Keeping Children Safe in Education guidance. The updated advice concentrates on how staff can be disqualified by association with others and explains the effect of the Childcare (Disqualification) Regulations 2009 (“the Regulations”).

To comply with the Regulations the School is required to advise all relevant staff to read and adhere to the rules of this Policy. Please refer to your Designated Safeguarding Lead if you have any questions of the applicability of this Policy to you.

The Regulations and therefore this policy will apply to staff who:

- Provide early year’s childcare (this covers the age range from birth until 1 September following a child’s fifth birthday i.e. up to and including reception age). This includes education in nursery and reception classes and/or supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range.
- Provide later year’s childcare (this covers children above reception age but who have not attained the age of eight in nursery, primary or secondary school). This does not include education or supervised activity for children above reception age during school hours but it does include before school settings such as breakfast clubs and after school provision;
- Are directly involved in the management of such childcare.

The Schools is not permitted to allow staff to whom the Regulations apply to work at the School if they or others in their households are “disqualified”.

A member of staff may be disqualified under the Regulations because:

- They are barred from working with children (included on the children’s barred list);
- They have been cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad;
- Other orders have been made against them relating to their care of children;
- They have had their registration refused or cancelled in relation to childcare or children’s homes or have been disqualified from private fostering;
- They are living in the same household where another person who is disqualified lives or works, this is called ‘disqualification by association’.

Disqualification occurs as soon as the above criteria are met, for example, as soon as a caution or conviction occurs, even before the person is formally included on the children’s barred list.

The action we are required to make:

- To ask existing employees working in the early and later years provision and those who are directly concerned in the management of such provision to provide the relevant information about themselves or a person who lives or works in the same household as them. In order to meet this requirement all members of staff at the School are required to complete a self-declaration form in the form attached at Schedule 1 each year.
- In future the School will be asking for this information as part of the pre-employment checks undertaken on appointing new staff.

What should a member of staff do if they are a disqualified person under the Regulations:

- Declare how and why they are disqualified to the School's Designated Safeguarding Lead immediately.

Staff caught by the 'by association' rule may be able to apply to Ofsted for a waiver of disqualification but such staff may not be used by the School unless and until such a waiver has been obtained. The School cannot apply for such a waiver on behalf of a member of staff.

Please Note:

- *It is a criminal offence for a disqualified person to be involved in childcare in any of the stings set out in the Regulations.*
- *If a member of staff is a disqualified person and fails to contact the School's Designated Safeguarding Lead he or she may be subject to disciplinary action and may not be permitted to continue working at the School.*

SCHEDULE 1

ST HILDA'S CHURCH OF ENGLAND PRIMARY SCHOOL CHILDCARE DISQUALIFICATION SELF DECLARATION

The Department of Education has issued a supplement to Keeping Children Safe in Education which relates to early years and later years settings as set out in the School's Disqualification Policy. This supplement requires schools which provide care for pupils under the age of 8, to ensure that staff and volunteers working in these settings are not disqualified from doing so under the Childcare (Disqualification) Regulations 2009.

In order for the School to comply with its obligations you are required to sign the declaration below confirming that you are not disqualified under those Regulations from working in this school.

If you fail to complete and return the form, this will be regarded as a disciplinary matter for staff, which may result in dismissal and in the case of volunteers, will mean that you can no longer work at the school.

A disqualified person is not permitted to continue to work in a setting providing care for children under age 8, unless they apply for and are granted a waiver from OFSTED.

Name	Post	
Please circle one option for every question		
Section 1 – Orders or other restrictions		
Have any orders or other determinations related to childcare been made in respect of you ?		YES / NO
Have any orders or other determinations related to childcare been made in respect of a child in your care?		YES / NO
Have any orders or other determinations been made which prevents you from being registered in relation to child care, children's homes or fostering?		YES / NO
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the Schedule 1 of the Regulations? Available from the school office or at the link below: http://www.legislation.gov.uk/ukxi/2009/1547/schedule/1/made		YES / NO
Are you barred from working with Children (Disclosure and Barring (DBS))?		YES / NO
Are you prohibited from Teaching?		YES / NO
Section 2 – Specified and Statutory Offences		
Have you ever been cautioned, reprimanded, given a warning for or convicted of:		
<ul style="list-style-type: none"> • Any offence against or involving a child? (A child is a person under the age of 18)? 		YES / NO
<ul style="list-style-type: none"> • Any violent or sexual offence against an adult? 		YES / NO
<ul style="list-style-type: none"> • Any offence under the Sexual Offences Act? 		YES / NO
Any other relevant offence? Available from the school office or at the links below: http://www.legislation.gov.uk/ukxi/2009/1547/schedule/2/made		YES / NO

http://www.legislation.gov.uk/ukxi/2009/1547/schedule/3/made		
Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country?		YES / NO
Section 3 – Disqualification by association		
To the best of your knowledge, is anyone in your household* disqualified from working with children under the Regulations? *household – includes family, lodgers, house-sharers, household employees This means does anyone in your household have an Order or Restriction against them as set out in Section 1 or have they been cautioned, reprimanded, given a warning for or convicted of any offence in Section 2.		YES / NO
Section 4 – Provision of Information		
If you have answered YES to any of the questions above you should provide details below in respect of yourself, or where relevant the member of your household. You may supply this information separately if you so wish, but you must do so without delay.		
Details of the order, restriction, conviction, caution etc.		
The date(s) of these		
The relevant court(s) or body(ies)		
You should also provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions a DBS Certificate may be provided.		
Section 4 - Declaration		
In signing this form, I confirm that the information provided is true to the best of my knowledge and that:		
<ul style="list-style-type: none"> • I understand my responsibilities to safeguard children. • I understand that I must notify the Head Teacher immediately of anything that affects my suitability including any cautions, warnings, convictions, orders or other determinations made in respect of me or a member of my household that would render me disqualified from working with children 		
Signed		
Print Name		Date