

Riverside St. Paul's Cray  
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Be All That You Can Be

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Dear Colleague,

## **IMPORTANT INFORMATION FOR ALL SCHOOL STAFF/VOLUNTEERS**

### **Childcare Disqualification Requirements**

The Department for Education (DfE) has recently issued supplementary advice to its "Keeping Children Safe in Education" statutory guidance. This supplementary advice details a new requirement for childcare disqualification checks to be carried out on relevant staff working in schools and academies.

These checks arise from the Childcare (Disqualification) Regulations 2009 and the Education Act 2006. **The Regulations prohibit anyone who is disqualified themselves** under the Regulations, **or who lives in the same household as a disqualified person**, from working in a relevant setting, including in schools.

There is now a DfE requirement, therefore, for Schools to check the following categories of staff in nursery, primary or secondary school settings who are covered by the Childcare (Disqualification) Regulations 2009.

- staff who work in early years provision up to the age of 5 (up to 1<sup>st</sup> September following their 5<sup>th</sup> birthday - including teachers and support staff working in school nursery and reception classes);
- staff working in later years childcare settings for those up to the age of 8 (including breakfast clubs, after school clubs and crèche facilities)
- staff who are directly concerned in the management of such early or later years provision.

The Regulations refer to employing a person "in connection with" these provisions and therefore:

- In Nursery and Infant School settings - All staff should be covered
- Primary Schools - All staff should be covered unless they are always exclusively working with those over the age of 8.
- Secondary Schools - will need to undertake checks on relevant staff (including managers) where any services are provided where under 8s may be in attendance e.g. childcare facilities, before or after school clubs

A copy of the DfE Supplementary Advice is available on this link

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/362919/Keeping\\_children\\_safe\\_in\\_education\\_childcare\\_disqualification\\_requirements\\_-\\_supplementary\\_advice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362919/Keeping_children_safe_in_education_childcare_disqualification_requirements_-_supplementary_advice.pdf)

The local Trade Unions have been told of this requirement from the DfE.

A Person may be disqualified if any of the following apply :

- They have been cautioned for or convicted of certain violent or sexual criminal offences against children and adults

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- They are the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children
- They have had registration refused or cancelled in relation to childcare or children's homes or have been disqualified from private fostering
- They live in the same household where another person who is disqualified lives or works (disqualification by association)

Full details of what constitutes "disqualification" are in the schedules to the Regulations

<http://www.legislation.gov.uk/uksi/2009/1547/contents/made>

**All staff/volunteers should be aware that this will affect you if you work in a relevant setting.**

#### What happens now?

- All relevant staff in relevant settings must complete a declaration as soon as possible, affirming that they are not disqualified by completing and signing a declaration form. **You have been identified as being covered by these regulations and I would therefore ask that you complete the attached declaration form and return it with immediate effect.**
- If the School is told by a member of staff/volunteer that they are disqualified, or the School receives a positive declaration regarding any member of a staff's household then we will seek advice from our HR provider.
- Under the requirements of the DfE, any employee who is disqualified (including by association) will need to be immediately removed from the relevant setting and OFSTED must be notified within 14 days.
- OFSTED may grant a full or partial waiver, including a waiver that would allow an individual to work in a relevant school setting, for an employee who is disqualified. While a waiver application is under consideration the individual must not continue to work in these settings. Where a waiver is not granted, the employee's employment will need to be terminated unless redeployment options are available.

As you can see this is a very important matter for Schools and their staff.

Please be assured that this School understands that this is a sensitive issue. We have never in the past been asked to make this sort of check on our staff and their household. If any member of staff has concerns then they may wish to speak to me in confidence. We must, however, apply the DfE requirements.

Yours sincerely,

Sue Crane  
School Business Manager

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