

## **IMPORTANT INFORMATION FOR ALL APPLICANTS**

### **Childcare Disqualification Requirements**

The Department for Education (DfE) has 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.

### **Further information about this new requirement is set out below.**

These checks arise from the Childcare (Disqualification) Regulations 2009 and the Education Act 2006.

**The Regulations prohibit anyone who is disqualified** under the Regulations, 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 Advice is available on this link

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

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
- 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/ukxi/2009/1547/contents/made>

In certain circumstances a disqualified person can apply to Ofsted for a waiver: This link takes you to the relevant Ofsted document.

<http://www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcare-providers>

Ofsted may grant a full or partial waiver, including a waiver that would allow an individual to work in a relevant school setting. If following your declaration the school considers this appropriate in the circumstances you will be advised accordingly.

Should you have any queries regarding the completion of this form please do not hesitate to contact me.

Yours sincerely,

Naomi Walters  
School Business Manager