



## CHILDCARE DISQUALIFICATION REQUIREMENTS – GUIDANCE FOR APPLICANTS

In November 2014, the Local Authority received supplementary advice to the 'Keeping Children Safe in Education' statutory guidance from the Department for Education detailing a new requirement for childcare disqualification checks to be carried out on relevant staff working in schools and academies.



Keeping Children Safe  
in Education - childcar

These checks arise from Childcare (Disqualification) Regulations 2009, which in turn arose out of 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/academies.**

### What are relevant staff and relevant settings?

The following categories of staff in nursery, primary or secondary school settings are covered by the Childcare (Disqualification) Regulations 2009

- Staff who work in early years provision (including teachers and support staff working in nursery and reception classes)
- Staff working in later years provision for children who have not attained the age of 8, including before school settings, such as breakfast clubs and after school provision
- 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 the LA therefore conclude that

- In all nursery schools and settings (0 – 5 years) – all staff will be covered
- In all primary (3 – 11 years) – all staff are covered, as it is unlikely in such settings that staff are always exclusively working with those over the age of 8 years.
- In all secondary schools checks will need to be undertaken (including managers) where any services are provided, where under 8's may be in attendance e.g. childcare facilities Before and After School Clubs.

**You are applying for a post in a setting covered by these Regulations and therefore you are required to complete the attached declaration form and bring it to your interview in a sealed envelope. This declaration along with your Rehabilitation of Offenders form, DBS clearance and other clearances will be the basis on which a conditional offer of employment is made to the post you are applying for.**

School New Starter Disqualification Declaration for staff and unsupervised  
volunteers – CONFIDENTIAL

The post you have applied for is subject to the Childcare (Disqualification) Regulations 2009 and, as such, you are required to complete this form to enable a determination to be made regarding your suitability for employment. This forms part of our overall commitment to safeguarding.

Under the regulations a person may be prohibited from working in relevant settings if they:

1. Have certain orders or other restrictions placed upon them in respect of the care of children
2. Have been cautioned or convicted of certain offences
3. Live in the same household as someone who is disqualified by virtue of either 1 or 2 above (disqualification by association)

NB: For **cautions only** – you are only required to declare any cautions issued on or after 6 April 2007.



**Please take this form in a sealed envelope on the day of your interview and leave with the Headteacher or Chair of the recruitment panel.**

**Please note that failure to complete this form or meet the criteria which would disqualify you for employment by virtue of the Regulations will result in your offer of employment being withdrawn.**

Your name		Post applied for	
School Name			

Please circle one option for every question

Section 1 – Orders or other restrictions	
Have any orders or other determinations related to childcare been made against you?	YES/NO
Have any orders or other determinations related to childcare been made in respect of any child in your care?	YES/NO
	YES/NO

Have any orders or other determinations been made which prevents you from being registered in relation to childcare, children's homes or fostering?	
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in schedule 1 of the regulations. Available from the school office or below:   uksi_20091547_en.pdf f	YES/NO
Are you banned from working with children through the Disclosure and Barring Service (DBS)?	YES/NO
Are you prohibited from teaching by the National College for Teaching and Leadership (NCTL)?	YES/NO
<b>Section 2 – Specified and Statutory Offences</b>	
Have you been cautioned, reprimanded, given a warning since 6 <sup>th</sup> April 2007 or have you ever been convicted of:	
Any offence against or involving a child (a child is any person under the age of 18)?	YES/NO
Any violent* or sexual offences against an adult? *a violent offence in this context is murder, manslaughter, kidnapping, false imprisonment, ABH, GBH	YES/NO
Any offence under the Sexual Offences Act?	YES/NO
Any other relevant offences? Available from the school office or below:   uksi_20091547_en.pdf f	YES/NO
	YES/NO

Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offences in another country?	
<b>Section 3 – Disqualification by association</b>	
<p>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)</p> <p><i>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 or 3 of the Childcare (Disqualification) Regulations 2009?</i></p>	YES/NO
Details of any order, restriction, conviction, caution etc.	
The date(s) of these	
The relevant court(s) or body(ies)	
You must also provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions a DBS certificate may be provided.	
<b>Section 4 – Declaration</b>	
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"> <li>• I understand my responsibilities to safeguard children.</li> </ul>	
<ul style="list-style-type: none"> <li>• I understand that I must notify my Headteacher immediately of anything now, or in the future, which affects, or might affect, my suitability to work in the school, 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 under the Childcare (Disqualification) Regulations 2009. Failure to notify is considered a serious matter and is considered gross misconduct under the Disciplinary processes and could result in summary dismissal.</li> </ul>	
<b>Signed:</b>	<b>Date:</b>

**Print Full Name:**