

**Disqualification under the Childcare Act 2006:**  
**Employee/Worker/Volunteer Declaration**

**SCHOOL:**

Before completing this form, you are advised to read the attached notes relating to Disqualification under the Childcare Act.

**Name:****Post/Role:**

Please answer 'YES' or 'NO' to each question

**Section 1 – Disclosure and Barring Service (DBS) Children’s Barred List**

Are you included on the Disclosure and Barring Service (DBS) Children’s Barred List?

YES / NO

**Section 2 – Specified Offences Against Children and Adults**

Have you been ‘found to have committed’ a violent and/or sexual offence(s) against a child or adult as referred to in Regulation 4 and Schedules 2 and 3 of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 Regulations”)?

YES / NO

*‘found to have committed’ – means (a) being convicted of a relevant offence or (b) on or after 6 April 2007, being given a caution, reprimand or warning for a relevant offence, or (c) on or after 8 April 2013 given a youth caution for a relevant offence? .*

Regulation 4 can be located at the following link:

<http://www.legislation.gov.uk/uksi/2018/794/regulation/4/made>

The offences referred to in Schedules 2 and 3 can be located at the following links:

<https://www.legislation.gov.uk/uksi/2018/794/schedule/2/made>

<https://www.legislation.gov.uk/uksi/2018/794/schedule/3/made>

The relevant **offences** are also listed in **Table A** of the **DfE’s statutory guidance ‘Disqualification under the Childcare Act 2006’** which can be located at the following link:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719794/Disqualification\\_under\\_the\\_childcare\\_act\\_July2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719794/Disqualification_under_the_childcare_act_July2018.pdf)

**Section 3 – Orders Made, Refusal or Cancellation of Registration and/or Prohibitions in Relation to the Care of Children**

Have any **orders or other determinations related to the care of children** been made in respect of you or a child in your care? (As referred to in Regulation 4 and listed at Schedule 1 of the 2018 Regulations)

YES / NO

Have you been **refused registration, or had registration cancelled, in relation to childcare or children’s homes?** (As specified in Schedule 1 of the 2018 Regulations)

YES / NO

Have you been **prohibited from private fostering?** (As specified in Schedule 1 of the 2018 Regulations)

YES / NO

Regulation 4 can be located at the following link:

<http://www.legislation.gov.uk/uksi/2018/794/regulation/4/made>

Schedule 1 of the 2018 Regulations can be located at the following link:

<https://www.legislation.gov.uk/uksi/2018/794/schedule/1/made>

The relevant **orders** are also listed in **Table B** of the **DfE’s statutory guidance ‘Disqualification under the Childcare Act 2006’** which can be located at the following link:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719794/Disqualification\\_under\\_the\\_childcare\\_act\\_July2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719794/Disqualification_under_the_childcare_act_July2018.pdf)

<b>Section 4 – Offences Overseas</b>	
<p>Have you been ‘found to have committed’ an offence overseas which would constitute an offence regarding disqualification under the 2018 Regulations if committed in any part of the UK?</p> <p><i>‘found to have committed’ – means (a) being convicted of a relevant offence or (b) on or after 6 April 2007, being given a caution, reprimand or warning for a relevant offence, or (c) on or after 8 April 2013 given a youth caution for a relevant offence?</i></p>	YES / NO
<b>Section 5 - Provision of Information</b>	
<p>You should be aware that, if you have answered ‘yes’ to any of the questions in Sections 1 to 4 above, the School will explain the implications of disqualification to you, and whether or not you may be able to apply to Ofsted for a waiver. (However, you should be aware that Ofsted cannot grant a waiver in all circumstances, for example, if someone is on the DBS Children’s Barred List). Where the information is available or known, you will be required to provide:</p> <ul style="list-style-type: none"> <li>• Details of the order, restriction, conviction, caution or other ground for disqualification under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 etc.</li> <li>• The date of the order, determination, caution, conviction, or the date when the other ground for disqualification arose;</li> <li>• The body or court which made the order, determination, caution or conviction, and the sentence/disposal (if any) imposed; and</li> <li>• A certified copy of the relevant order (in relation to an order, caution or conviction).</li> </ul>	
<b>Section 6 – Data Protection</b>	
<p>The School will collect and process personal data in full compliance with its obligations under the General Data Protection Regulation (GDPR) (EU) 2016/679 and the Data Protection Act 2018 by keeping your personal data up-to-date, by storing and destroying it securely, by not collecting or retaining excessive amounts of data, by protecting your personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate measures are in place to protect personal data.</p> <p>The School will keep your personal data confidential and share it only with persons with a genuine need to know, such as the Local Authority, Department for Education (DfE), Disclosure and Barring Service (DBS) and/or the Teaching Regulation Agency (TRA), in relation to relevant matters. The school may also share your personal data with other third parties, but only where this is necessary to comply with a legal obligation or is permitted under UK law.</p> <p>For further information relating to the Data Protection arrangements, you should refer to the School’s Privacy Notice and other associated documents. These can be located on the School’s website or otherwise you should contact the School Office.</p>	
<b>Section 7 - Declaration</b>	
<p>In signing this form, I confirm that the information provided in Sections 1 to 4 above is true to the best of my knowledge and that:</p> <ul style="list-style-type: none"> <li>• I understand my responsibilities to safeguard children.</li> <li>• I understand that I must notify my headteacher immediately of anything that may be deemed to affect my suitability, including any cautions, warnings, convictions, orders or other determinations made in respect of me that would render me disqualified from working with children.</li> <li>• I understand that if I have answered ‘yes’ to any of the questions in Sections 1 to 4 above, or if I later need to declare anything that may be deemed to affect my suitability, Ofsted may need to be informed and I may be required to provide further information.</li> </ul>	
<b>Signed</b>	
<b>Print Name</b>	<b>Date</b>

## Disqualification under the Childcare Act 2006

**\*\*Important information for all staff and workers who may be affected by disqualification requirements under the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018\*\***

In July 2018, the Department for Education (DfE) issued revised statutory guidance 'Disqualification under the Childcare Act 2006', effective from 31<sup>st</sup> August 2018. The link is:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719794/Disqualification\\_under\\_the\\_childcare\\_act\\_July2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719794/Disqualification_under_the_childcare_act_July2018.pdf)

The guidance sets out the requirements of the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, explaining that that certain persons are subject to additional checks to ensure that they are not disqualified from providing early years childcare including education, later years childcare to children who have not attained the age of eight or being directly concerned in the management of that provision. This requirement affects the following:

- **Early Years provision** - staff/workers, inc. volunteers, providing any care for a child up to and including reception age (from birth to 1<sup>st</sup> September following the child's 5<sup>th</sup> birthday). This includes education in nursery and reception classes and/or any supervised activity (e.g. 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;
- **Later Years provision** (for children under 8) – staff/workers, inc. volunteers, working in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (inc. extended school hours for co-curricular learning activities, such as the school choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision;
- **Management** - Staff/workers, inc. volunteers, who are directly concerned in the management of such provision.

The statutory guidance provides more detailed information on those categories of staff, workers and others who are specifically covered by the legislation.

Under the legislation, person is disqualified if they are 'found to have committed' an offence which is included in the 2018 Regulations (a 'relevant offence'). The criteria for disqualification in respect of non-domestic settings include the following:

- a. inclusion on the Disclosure and Barring Service (DBS) Children's Barred List,
- b. being found to have committed certain violent and sexual criminal 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);
- c. 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;
- d. refusal or cancellation of registration relating to childcare,3 or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations;
- e. 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 United Kingdom.

A disqualified person is not permitted to continue to work in the above settings unless they apply for and are granted a waiver from OFSTED.

Reference:

<https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers>

**In accordance with the legislation you are, therefore, required to sign the declaration overleaf confirming that you are not disqualified from working in, or being concerned in the management of, the above settings.**

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 this establishment.