DISQUALIFICATION POLICY FOR STAFF

TO WHOM DOES THIS POLICY APPLY?

- Staff who provide early years 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;

- Staff who provide later years childcare (this covers children above reception age but who have not attained the age of 8) 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; and

- Staff who are directly concerned in the management of such childcare.

We are 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 regarding the applicability of this Policy to you.

The term School(s) used throughout this Policy means Catholic Schools and Academies.

KEY LEGISLATION AND GUIDANCE:

Key legislation and guidance on whether you are a 'Disqualified Person' can be requested from your Designated Safeguarding Lead and includes the following:

1. Childcare Act 2006: sections 75 and 76 ("The 2006 Act")

2. The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 ("The 2018 Regulations").

3. Disqualification under the Childcare Act 2006: Statutory Guidance published in August 2018 ("The August 2018 Statutory Guidance"): specifically Tables A and B which set out the relevant offences and orders.

ARE YOU A DISQUALIFIED PERSON AND THEREFORE DISQUALIFIED FROM WORKING HERE?

A person may be disqualified pursuant to the 2006 Act and the 2018 Regulations because:

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- they are on the Children's Barred List (for which the school will carry out a Disclosure and Barring Service check);
- they have been cautioned for or convicted of certain violent and sexual criminal offences against children and adults;
- there are grounds relating to the care of children (including where an order is made in respect of a child under a person's care, including their own children);
- they have had registration refused or cancelled in relation to childcare or children's homes or been disqualified from private fostering;
- They have committed an offence overseas, which would constitute a disqualifying offence under the 2018 Regulations had the offence been committed in the United Kingdom.

WHAT WE CAN'T ASK FOR FROM YOU:

The August 2018 Statutory Guidance states that:

- We must not knowingly employ a person who is a Disqualified Person;
- We should not ask for medical records, details about convictions of household members, DBS certificates from third parties, or copies of a person's criminal record;
- We should not ask staff or third parties to make requests for any person's criminal records, as this will amount to an enforced subject access request and is an offence under section 184 of the Data Protection Act 2018;
- Substantive details of criminal record checks should not be retained without the consent of the individual and information that is not relevant should be destroyed. Where you do not consent to such data being held, we will only record the date the declaration was made, details of any safeguarding restrictions and whether or not an Ofsted waiver has been granted.

WHAT TO DO IF YOU ARE A DISQUALIFIED PERSON?

Declare how and why you are disqualified to your Designated Safeguarding Lead immediately.

It is a criminal offence for a Disqualified Person to be involved in childcare in any of the categories set out above.

CAN I APPLY FOR A WAIVER FROM DISQUALIFICATION?

Only the Disqualified Person can apply to Ofsted for a waiver, we cannot do it on your behalf.

YOUR ONGOING OBLIGATION

You must notify the Designated Safeguarding Lead immediately of anything that affects your qualification to work in the school, including any future cautions, warnings, convictions, orders or other determinations made that would disqualify you pursuant to the 2018 Regulations.

You have an **ongoing obligation** to report to the Designated Safeguarding Lead if you become a Disqualified Person (or have reason to believe that you may be a Disqualified Person) at any stage during your employment.

ACKNOWLEDGEMENT

I have read and understood this Disqualification Policy. I understand the obligations on me set out in it and will comply with it

Name…….. Date……..

PLEASE NOTE THAT IF YOU ARE A DISQUALIFIED PERSON AND FAIL TO CONTACT YOUR DESIGNATED SAFEGUARDING LEAD YOU MAY BE SUBJECT TO DISCIPLINARY ACTION AND MAY NOT BE PERMITTED TO CONTINUE WORKING IN THIS SCHOOL.