**Keeping Children Safe in Education – Disqualification Under the Childcare Act 2006 (updated 2018)**

When the new version of [Keeping Children Safe in Education 2018](https://s6.newzapp.co.uk/t/gtl/MTM0MTQxMzcsMTM0MTU1NjM1NiwxNA%3D%3D) was issued during the summer, it was widely reported that Disqualification by Association was abolished and there was no longer a requirement to ask this question.

This is true to a certain extent, but the only significant change in the requirements under this legislation, is that, schools can no longer ask if a person living with the applicant or member of staff is disqualified (unless the provision is on domestic residential premises).

For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.

It is still a requirement to ask all staff who are covered by this legislation, to self-declare that they are not disqualified. **This is achieved by the applicant signing a** [**self-declaration form**](https://s6.newzapp.co.uk/t/gtl/MTM0MTQxMzksMTM0MTU1NjM1NiwxNA%3D%3D)**, which must be kept in their personnel file**. Any reference to asking the applicant or member of staff to declare information about a person living in their household, has been removed from the self-declaration form.

This change applies to staff starting at the school or setting from September 1st 2018, and is not required to be done again on an annual basis but is required for any staff joining after this time.

The Childcare Act 2018 draws a distinction between a person caring for a child and a person supervising a child.  Only those who are caring for children should be asked to sign the self-declaration. It is not appropriate to simply ask all staff to complete a self-declaration form.

**Examples of supervising or caring:**

A teacher in the school sometimes covers at the after school club.
They are providing care, so are covered by the legislation and would need to sign a self-declaration form.

The site manager goes around the school maintaining lights, fixtures and fittings.
Whilst he comes into contact with children he/she is neither providing supervision nor care so is not covered by the legislation, therefore does not need to sign a self-declaration form.

The school administrator occasionally pops down with messages to the staff member running the after school club.  Whilst there she is asked if she could stay for a few minutes whilst the club leader leaves the room. There is another member of staff present to care for the children.
The administrator is supervising the children, not caring for them (unless she is asked to provide personal care), so is not within the scope of the legislation and would not need to sign a self-declaration.

November 2018

**Keeping Children Safe in Education – Disqualification Requirements**

**Self-Declaration**

Under the Childcare Act 2006 and The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 Regulations”). Schools are responsible for ensuring that all the staff they employ are subject to the appropriate checks. Therefore, as part of our employment checks, we need to ask those who are applying for a role within our school to provide relevant information, by way of self-declaration.

**Name** ………………………………………………………………………………………………………….

**Post** …………………………………………………………………………………………………………….

**School** …………………………………………………………………………………………………………

The following are grounds for disqualification from working with early years children or later years children under the age of eight years; or being directly concerned in the management of that childcare:

* The person is included on the Children’s Barred List;
* The person has been cautioned for or convicted of certain violent and/or sexual criminal offences against children and/or adults;
* Certain grounds relating to the care of children, including where an order is made in respect of a child under the person’s care, for example where the person is the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children’
* The person has had their registration refused or cancelled in relation to childcare or children’s homes or is disqualified from private fostering;

 **I have read and understood the above grounds and declare that (please tick):**

I am not disqualified from working with children, none of the above criteria apply to me

**OR**

I have been disqualified from working with children, one or more of the above criteria apply to me\*.

*\*I understand that if I tick this box that I will be asked to provide further details*

**AND**

I understand that should any of the grounds listed above become applicable and/or change during the course of my work with the school that I must declare this to the school as soon as I become aware.

**Signed** ………………………………..……………………… **Date**……………………………

Any information given will be completely confidential and will be considered only in relation to a post to which the Disqualification Regulations apply.

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