

## Information for all staff and volunteers regarding changes to legislation relevant to the safeguarding of children

**What does disqualification mean?** In summary, **disqualification** means the person:

- is included on the Disclosure and Barring Service (DBS) Children's Barred List; or
- has been found to have committed certain violent/sexual criminal offences; or
- is subject to certain orders in relation to the care of children eg had a child in their care placed under a care order; or
- has been refused or has had cancelled registration relating to childcare, or children's homes, or has been prohibited from private fostering; or
- has been found to have committed an offence overseas (which would constitute an offence if it had been done in any part of the UK).

### **Disqualification by association:**

The Department for Education (DfE) has abolished the legislation that required schools and academies to carry out checks on some adults who work or volunteer with children in respect of convictions, cautions, reprimands or warnings for relevant offences of anyone living or working in their household. Schools and academies must not carry out these checks and all records that they hold regarding checks previously carried out under the old legislation need to be destroyed.

Disqualification by association is only relevant where childcare is provided in domestic settings (for example where childminding is provided in the home).

### **Disqualification under the Childcare Act 2006 (updated 2018):**

#### **A. The Act applies to:**

Those in nursery, primary or secondary school settings who provide:

- **Early years** childcare (up to and including reception year) or
- **Later years** childcare (this covers children above reception age but who have not attained the age of 8) outside of the normal school day. This include before-school settings, such as breakfast clubs, and after school provision.

or if they are **directly concerned with the management of such childcare**.

#### **B. The act does not apply to:**

- Staff who have no involvement in the management of relevant provision and only provide:
  - education, childcare or supervised activity during school hours to children above reception age
  - childcare or supervised activities out of school hours for children who are aged 8 or over
- Staff involved in any form of health care provision for a child, including:
  - school nurses
  - speech and language therapists
  - education psychologists

In general individuals undertaking the following roles would normally be excluded:

- caretakers
- cleaners
- drivers
- transport escorts
- catering staff
- office staff
- governors and proprietors are not covered by the legislation, unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision.

### **What staff, volunteers and all adults at our school must do:**

- If the Act applies to your role, (see 'A' above) you will need to complete the attached declaration form.
- While the 'disqualification by association regulations' are no longer applicable to adults working in a school setting, you should inform the Headteacher about any relationships or associations both within and outside school (including online) that may have implications for the safeguarding of children.
- The school carried out all the required clearance checks before you started to work here. You have a responsibility to inform the Headteacher of any subsequent changes in circumstances.

Finally, contact the Headteacher if you have any question about this. Thank you for your help in this matter.

## Declaration of disqualification Existing staff & volunteers

Staff and volunteers who meet at least one of the criteria (a, b or c) below must complete this declaration annually:

The member of staff or volunteer either:

- a) provides early years childcare (including reception year) or
- b) provides later years childcare (covers children above reception age but who have not attained the age of 8) during out-of-school provisions, such as breakfast clubs or afterschool provisions or
- c) is directly concerned with the management of such childcare.

**Name:**

**Role(s):**

The criteria for disqualification include:

(If necessary, you can refer to [a list of all relevant offences](#) by clicking on this link, or you can obtain a copy from the Designated Safeguarding Lead)

Indicate whether each of the criteria apply to you:

- included on the Disclosure and Barring Service (DBS) Children's Barred List;

**Yes / No**

- being found to have committed certain violent/sexual criminal offences;

**Yes / No**

- certain orders in relation to the care of children eg had a child in your care placed under a care order;

**Yes / No**

- refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering;

**Yes / No**

- being found to have committed an offence overseas (which would constitute an offence if it had been done in any part of the UK).

**Yes / No**

**Sign below to confirm that you understand your responsibilities in safeguarding of children:**

I understand that I am expected to inform the school of any relationships and/or associations that I might have, either inside or outside of school (including online) that may have implications for the safeguarding of children in the school.

I understand that should my circumstances change in any way which might be relevant to the safeguarding of children while working at the school, I will inform the Headteacher without delay.

**Signed:**

**Date:**

Relevant Legislation: [Disqualification under the Childcare Act 2006](#) (revised August 2018)

If you have any concerns or queries about filling in this declaration, contact the Headteacher.

The information you give will be kept securely and in accordance with the requirements of the GDPR and DPA 2018.

Note to Headteachers/Managers:

Schools/settings may choose to keep details of those checks as part of the Single Central Record, or they may retain a separate record. Wiltshire Council recommends that the staff declaration forms are securely disposed of after the information is recorded on the SCR (or elsewhere).

*Wiltshire Council, November 2018*

**Declaration of disqualification  
New applicants**

New applicants who meet at least one of the criteria below (a, b or c) must complete this declaration as part of the application process:

The role requires that the applicant:

- a) provides early years childcare (including reception year) or
- b) provides later years childcare (covers children above reception age but who have not attained the age of 8) during out-of-school provisions, such as breakfast clubs or afterschool provisions or
- c) is directly concerned with the management of such childcare.

<b>Name:</b>	
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<b>Role(s):</b>	
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The criteria for disqualification include: (If necessary, you can refer to <a href="#">a list of all relevant offences</a> by clicking on this link, or you can obtain a copy from the Designated Safeguarding Lead)	Indicate whether each of the criteria apply to you:
• included on the Disclosure and Barring Service (DBS) Children’s Barred List;	<b>Yes / No</b>
• being found to have committed certain violent/sexual criminal offences;	<b>Yes / No</b>
• certain orders in relation to the care of children eg had a child in your care placed under a care order;	<b>Yes / No</b>
• refusal or cancellation of registration relating to childcare, or children’s homes, or being prohibited from private fostering;	<b>Yes / No</b>
• being found to have committed an offence overseas (which would constitute an offence if it had been done in any part of the UK).	<b>Yes / No</b>

**Sign below to confirm that you understand your responsibilities in safeguarding of children:**

I understand that I am expected to inform the school of any relationships and/or associations that I might have, either inside or outside of school (including online) that may have implications for the safeguarding of children in the school.

I understand that should my circumstances change in any way that might be relevant to the safeguarding of children while working at the school, I will inform the Headteacher without delay.

<b>Signed:</b>	
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<b>Date:</b>	
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Relevant Legislation: [Disqualification under the Childcare Act 2006](#) (revised August 2018)

If you have any concerns or queries about filling in this declaration, contact the recruiting officer.

The information you give will be kept securely and in accordance with the requirements of the GDPR and DPA 2018.

Note to Headteachers/Managers:  
Schools/settings may choose to keep details of those checks as part of the Single Central Record, or they may retain a separate record. Wiltshire Council recommends that the staff declaration forms are securely disposed of after the information is recorded on the SCR (or elsewhere).

*Wiltshire Council, November 2018*

**For reference:**

**Headteacher – Bev Budd, Owner or Rachel Busby, Owner**

**Recruiting Officer – Lucy Dyson, Business Manager**