



School Staff Disqualification Declaration Guidance

In February 2015, the Department for Education (DfE) issued statutory guidance for local authorities, maintained schools, academies and free schools on Disqualification under the Childcare Act 2006.

This guidance requires schools and other educational settings which provide care for pupils under the age of 8, to ensure that staff and volunteers working in these settings are not disqualified from doing so under the Childcare (Disqualification) Regulations 2009.

A person may be disqualified through:

1. Having certain orders or other restrictions placed upon them
2. Having committed certain offences
3. Living in the same household as someone who is disqualified by virtue of 1 or 2 above (this is known as disqualification by association)

You are required therefore to sign the declaration below, confirming that you are not disqualified under those Regulations from working in this school.

If you fail to complete and return the form, this will be regarded as a disciplinary matter for staff, which may result in dismissal.

A disqualified person is not permitted to continue to work in a setting providing care for children under age 8, unless they apply for and are granted a waiver from OFSTED: Applying for disqualification waiver

Support will be provided with this process.

Please complete the following declaration and return to the Head Teacher within one week.

An electronic copy of this information is available on request.

School Staff Disqualification Declaration - CONFIDENTIAL

Name		Post	
Please circle one answer for each question			
Section 1 – Orders or other restrictions			
Have any orders or other determinations related to childcare been made in respect of you?			YES / NO
Have any orders or other determinations related to childcare been made in respect of a child in your care?			YES / NO
Have any orders or other determinations been made which prevents you from being registered in relation to child care, children’s homes or fostering?			YES / NO
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the Schedule 1 of the Regulations? Click on this link for details: Schedule 1			YES / NO
Are you barred from working with Children by the Disclosure and Barring Service (DBS)?			YES / NO
Are you prohibited from teaching by the National College for Teaching & Leadership (NCTL)?			YES / NO
Section 2 – Specified and Statutory Offences			
Have you ever been cautioned, reprimanded, given a warning for or convicted of:			
<ul style="list-style-type: none"> • Any offence against or involving a child? (A child is a person under the age of 18) 			YES / NO
<ul style="list-style-type: none"> • Any violent or sexual offence against an adult? 			YES / NO
<ul style="list-style-type: none"> • Any offence under the Sexual Offences Act? 			YES / NO
<ul style="list-style-type: none"> • Any other relevant offence? 			YES / NO
Further information available at the links below: Schedule 2 Schedule 3			
Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country?			YES / NO

Section 3 – Disqualification by Association	
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 etc) <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>	YES / NO
Section 4 – Provision of Information	
If you have answered YES to any of the questions above you should provide details the below in respect of yourself, or where relevant the member of your household. You may supply this information separately if you so wish, but you must do so without delay.	YES / NO
Details of the order, restriction, conviction, caution etc. including dates and relevant court(s) body(ies) (give details below)	
You must also provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions a DBS Certificate may be provided.	
Section 4 – Declaration	
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"> I understand my responsibilities to safeguard children. 	
<ul style="list-style-type: none"> I understand that I must notify my head teacher immediately of anything now or in the future that 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, replacement or similar legislation. Failure to notify will be a serious matter, considered as gross misconduct under the Disciplinary processes and could result in summary dismissal. 	
Signed:	Date
Print Full Name:	

Keeping children safe in education: childcare disqualification requirements - supplementary advice

The Department for Education has published this advice as a supplement to the *Keeping children safe in education* statutory guidance to help schools understand the requirements placed on them by childcare legislation.

Safeguarding requirements

The child protection arrangements in place for all pupils, including the checks which schools must make to identify risks to children and to make informed decisions about the suitability of individuals to work in schools, are set out in the Department's Keeping children safe in education (KCSIE) guidance. When appointing staff, schools must check: police records; police intelligence; Disclosure and Barring Service (DBS) barring lists; and for anyone that is appointed to teach, that they are not prohibited from doing so by the Secretary of State. The requirements of those working in nursery and reception classes in schools are set out in the Early Years Foundation Stage (EYFS) statutory framework.

Childcare disqualification requirements

The Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 place separate and additional requirements on schools. At the point that an individual is convicted of, or cautioned for, a criminal offence of a specified type or category, or where they meet other disqualification criteria set out in the regulations, the Act and Regulations disqualify staff from:

- providing early years childcare⁽¹⁾ or later years childcare to children who have not attained the age of eight; or
- being directly concerned in the management of that childcare.

⁽¹⁾ 'Early years childcare is any care for a child from birth to the 1 September following a child's 5th birthday and includes education and any other supervised activity'.

In addition to inclusion on the Children's Barred List, the wider disqualification criteria include:

- being cautioned for or convicted of certain violent and sexual criminal offences against children and adults;
- grounds relating to the care of children (including where an order is made in respect of a child under the person's care);
- having registration refused or cancelled in relation to childcare or children's homes or being disqualified from private fostering;
- living in the same household where another person who is disqualified lives or works (disqualification 'by association').

The grounds for disqualification can be found in the childcare legislation set out above.

Staff covered

This means that the following categories of staff in nursery, primary or secondary school settings are covered by the Childcare (Disqualification) Regulations 2009. These are the same arrangements as those in place for registered childcare provision outside of schools and include:

- staff who work in early years provision (including teachers and support staff working in school 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.

Action for schools and individuals

Schools are responsible for ensuring that all the staff they employ have had the appropriate checks. This includes ensuring that staff working in these specified early and later years settings are suitable to do so. Schools should ask existing employees working in these settings and those who are directly concerned in the management of such provision to provide the relevant information not only about themselves but also about a person who lives or works in the same household as them. They should also ask for this information as part of the pre-employment checks they undertake on appointing new staff.

Disqualification by association

The requirement to provide the relevant information about a person who lives or works in the same household as them, guards against an individual working with young children who may be under the influence of a person who lives with them and where that person may pose a risk to children i.e. 'by association'.

Schools may choose to ask staff to complete and sign a declaration which would help identify those caught by the 'by association' requirement, particularly where an individual may be reluctant to self-declare. When it is identified that an individual is disqualified or the 'by association' criteria is met, where possible, employees who work in the specified early or later years provision should be asked to provide the following information to their employer about themselves or any person who lives in the same household as them:

- details of any order, determination, conviction, or other ground for disqualification from registration under the Childcare (Disqualification) Regulations 2009;
- the date of the order, determination or conviction, or the date when the other ground for disqualification arose;
- information about the body or court which made the order, determination or conviction, and the sentence (if any) imposed; and
- a certified copy of the relevant order (in relation to an order or conviction).

Any relevant information passed to the school must be provided to Ofsted as soon as reasonably practicable, but at the latest within 14 days of the date the school became aware of the information or ought reasonably to have become aware of it if they had made reasonable enquiries.

Ofsted waiver

Individuals who are disqualified are not permitted to continue to work in early or later years provision or be directly concerned in the management of that provision.

Where a school becomes aware that a member of staff is disqualified they should explain the implications to the individual and advise them that they can usually apply to Ofsted for a waiver of disqualification (Ofsted cannot, for example, grant a waiver to an individual who is on the Children's Barred List). Further details about how to make an application for a waiver can be found in the Ofsted fact sheet: Applying to waive disqualification: early years and childcare providers.

Ofsted may grant a full or partial waiver, including a waiver that would allow an individual to work in the school settings described above. Whilst a waiver application is under consideration the individual must not continue to work in these settings.

Where to get advice

If you have any comments or questions about the disqualification requirements placed on schools by childcare legislation, or require clarification of any of the information provided in this advice, please contact us using mailbox.disqualification@education.gsi.gov.uk.

Advice on safeguarding matters and associated guidance can also be obtained from local children safeguarding boards, including Local Authority Designated Officers (LADOs).