

**CHILDCARE DISQUALIFICATION REQUIREMENTS – GUIDANCE FOR APPLICANTS**

In November 2014, the Local Authority received supplementary advice to the ‘Keeping Children Safe in Education’ statutory guidance from the Department for Education detailing a new requirement for childcare disqualification checks to be carried out on relevant staff working in schools and academies.

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362919/Keeping_children_safe_in_education_childcare_disqualification_requirements_-_supplementary_advice.pdf>

These checks arise from Childcare (Disqualification) Regulations 2009, which in turn arose out of the Education Act 2006.

**The regulations prohibit anyone who is disqualified themselves under the Regulations, or who lives in the same household as a disqualified person, from working in a relevant setting, including in schools/academies.**

**What are relevant staff and relevant settings?**

The following categories of staff in nursery, primary or secondary school settings are covered by the Childcare (Disqualification) Regulations 2009

* Staff who work in early years provision (including teachers and support staff working in 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

The Regulations refer to employing a person “in connection with” these provisions and the LA therefore conclude that

* In all nursery schools and settings (0 – 5 years) – all staff will be covered
* In all primary (3 – 11 years) – all staff are covered, as it is unlikely in such settings that staff are always exclusively working with those over the age of 8 years.
* In all secondary schools checks will need to be undertaken (including managers) where any services are provided, where under 8’s may be in attendance e.g. childcare facilities Before and After School Clubs.

Under the regulations a person may be prohibited from working in relevant settings if they:

1. Have certain orders or other restrictions placed upon them in respect of the care of children
2. Have been cautioned or convicted of certain offences
3. Live in the same household as someone who is disqualified by virtue of either 1 or 2 above (disqualification by association)

NB: For **cautions** only – you are only required to declare any cautions issued on or after 6 April 2007.