

All Saints Nursery School

Disqualification

EYFS 2014 3.14-3.18

The law disqualifies some people from being involved in the provision of childcare. We will take the following steps to ensure the safety of the children in our care

Registered body (Committee members)

All members of the registered body will complete and sign a declaration
This will be reviewed annually for continuing members after the AGM

I, (name) _____ understand that in the event of the disqualification (Under Section 7.5 of the Childcare Act 2006) of a registered provider (committee member), a person living in the same household as the registered provider (committee member), or a person employed in that household, the provider (committee member) must not be directly concerned in the management of the provision. (See 'How do I know if I am disqualified' attached)

I, (name) _____ understand that I am expected to disclose any convictions, court orders, cautions, reprimands and warnings which may affect my suitability to work with children (whether received before or during my involvement with the setting)

I, (name) _____ consent to filling in an EY2 Declaration Form to Ofsted and completing a DBS Check. (Existing DBS checks for another role e.g. school volunteer are not valid for this provision).

SIGNED: _____ **DATE** _____

Guidance and advice will be given (See attached)

Staff members

In the event of disqualification of a person employed in Early Years Provision, the Nursery will not continue to employ that person.

If we become aware of relevant information that may lead to the disqualification of an employee we will take appropriate action to ensure the safety of children

Staff members will sign the declaration on an annual basis during appraisal.

Staff members will be reminded of their responsibilities during appraisal

Ofsted

We will notify Ofsted of any significant event which is likely to affect the suitability of any person who is in regular contact with children on the premises where childcare is provided

We will provide the following information about themselves or any person who lives in the same household as the registered person or who is employed in the household.

Details of any order, determination, conviction, or other ground for disqualification from registration (Childcare act 2006 Section 75)

- The date of the above
- The body or court which made the order
- A certified copy of the relevant order

The information will be provided as soon as is reasonably practical but within 14 days of the date the provider became aware of the information or ought reasonably to have become aware of the information if they had made reasonable enquiries

This policy was adopted at a meeting of _____ name of setting

Held on _____ (Date)

Date to be reviewed _____ (Date)

Signed on behalf of the management

Committee _____

Name of signatory _____

Role of signatory (e.g. chair/owner) _____

How do I know if I am disqualified?

You **may** be disqualified from registration if you, or a person who lives with you, have been:

- found to have committed a relevant offence against a child¹
- made subject to an order or determination removing a child from your care or preventing a child from living with you
- found to have committed certain offences against an adult; for example, murder, kidnapping, rape, indecent assault, or assault causing actual bodily harm
- charged with certain offences against an adult, or an offence that is related to an offence, and had a relevant order imposed
- included on the list of those who are barred from working with children, held by the Independent Safeguarding Authority
- made the subject of a disqualifying order
- refused registration as a childcarer previously or have had registration cancelled, unless the cancellation was only for non-payment of fees for continued registration after 1 September 2008
- refused registration as a provider or manager of children's homes or have had registration cancelled.

You are disqualified if we refuse your application to register with us, or we cancel your registration, for any reason other than not paying your annual fee for continued registration. In these circumstances you, or any person making up the organisation that provides or intends to provide childcare, will be disqualified, regardless of any waiver that we have previously granted. You can apply again to us to waive your disqualification, at any time, if you wish to register or perform other activities in the future.

¹ Found to have committed means a person has been a) convicted of an offence; b) found not guilty of an offence by reason of insanity; c) found to be under a disability and to have done the act charged against them in respect of such an offence; or d) on or after 6 April 2007, given a caution in respect of an offence by a police officer after admitting that offence. A person is found to have committed an offence that is 'related to' an offence if that person has been found to have committed an offence of a) attempting, conspiring or incitement to commit that offence; or b) aiding, abetting, counselling or procuring the commission of that offence (The Childcare (Disqualification) Regulations 2009). 'Given a caution' includes a reprimand or warning for an offence (Childcare Act 2006, section 75(6)).

DISQUALIFICATION

In case you are asked by OFSTED

READ and LEARN!!!

What does it mean?

The law prohibits certain people from being employed or involved in childcare

Applies to staff and committee

You **must** inform the nursery if

YOU OR A PERSON WHO LIVES WITH YOU

- found to have committed a relevant offence against a child²
- made subject to an order or determination removing a child from your care or preventing a child from living with you
- found to have committed certain offences against an adult; for example, murder, kidnapping, rape, indecent assault, or assault causing actual bodily harm
- charged with certain offences against an adult, or an offence that is related to an offence, and had a relevant order imposed
- included on the list of those who are barred from working with children, held by the Independent Safeguarding Authority
- made the subject of a disqualifying order
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- refused registration as a provider or manager of children's homes or have had registration cancelled.

You can apply to Ofsted for a waiver

You have signed a statement agreeing to this
