



THE HOLY SPIRIT CATHOLIC MULTI- ACADEMY COMPANY

Schools: Our Lady of the Angels Infant School and Nursery, St. Anne's Catholic Primary School, St. Benedict's Catholic Primary School, St. Francis Catholic Primary School, St. Joseph Junior School, St. Thomas More School and Sixth Form College.

Disqualification and Disqualification by association Policy

Ratified at Directors Meeting on:.....

SignedChair of Directors

Date.....

To be reviewed annually in the Summer term.

All member schools within the HSCMAC will follow the statutory guidance issued by the DfE in relation to “Keeping Children Safe in Education” .This details a 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 the 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 settings, including in schools.

All member schools will ask all relevant members of staff to complete a staff disqualification declaration before appointment.

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 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.

The Regulations refer to employing a person “in connection with” these provisions and therefore all member schools understand :-

In Infant and Nursery Schools - All staff will be covered

Primary/Junior Schools - All staff are covered as it is unlikely in such settings that staff are always exclusively working with those over the age of 8.

Secondary Schools - will need to undertake checks on relevant staff (including managers) where any services are provided where under 8s may be in attendance eg childcare facilities, before or after school clubs.

Volunteers are not covered by statute but as recommended all member schools will check volunteers in the same way as employees.

Who is disqualified?

A person is disqualified if any of the following apply:

- they have been cautioned for, or convicted of certain violent or sexual criminal offences against adults and any offences against children;
- they are the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children'
- that have had registration refused or cancelled in relation to childcare of children's homes or have been disqualified from private fostering;
- they live in the same household where another person who is disqualified lives or works (disqualification 'by association'). This means that the householder has an order, restriction, conviction, caution etc. set out in the Legislation. It is accepted that staff may not necessarily know this information – the declaration requires them to answer "to the best of their knowledge"

All member schools will contact their HR Advisor immediately if they receive a positive declaration from any member of staff.

Any member of staff who is disqualified will need to be immediately removed from the relevant setting (probably through suspension in the case of employees) and OFSTED will be notified within 14 days.

Information that comes back from OFSTED will be kept on the staff members file.

All short-listed candidates in relevant settings, are required to complete the declaration and DBS certificates should be checked with reference to list of relevant offences in the Act (Schedules 2&3)

All member schools will ensure that any external agency providing relevant staff in relevant settings carries out these checks prior to placing them in the school.