**STAFF SUITABILITY DECLARATION** (page 1 of 2)

Name of school: [name]

**Disqualification under the Childcare Act 2006 and amendment regulations 2018**

This form is to be completed by all new staff before commencement of employment and by all staff and volunteers on an annual basis at [school to determine time of year].

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Post: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please answer the questions set out below and sign the declaration to confirm that you are suitable to work with and care for children. If there are any parts of the declaration that you are not able to meet, you should disclose this immediately to the Headteacher.

|  |  |  |
| --- | --- | --- |
| Have you been cautioned or convicted of any offences against a child? | YES | NO |
| Have you been cautioned or convicted of any violent or sexual offences against an adult? | YES | NO |
| Have you been barred from working with children by the Disclosure and Barring Service (the DBS, this used to be known as the CRB)? | YES | NO |
| Have you been prohibited from teaching? | YES | NO |
| If you have children, have your children, at any time, been taken into care? | YES | NO |
| Have your children been, at any time, the subject of a child protection order? | YES  | NO |
| Has a court order been made, at any time, in respect of a child under your care? | YES | NO  |
| Have you ever been refused registration or had registration cancelled in relation to childcare or a children’s home or have you ever been disqualified from private fostering? | YES | NO |
| Have you ever been cautioned, reprimanded, given a warning or convicted of any similar offence in another country? | YES | NO |

Further information about relevant convictions/cautions can be found on the reverse of this form.

If you have answered YES to any of the questions above, please provide further information below:

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|  |

I understand my responsibility to safeguard children and am aware that I am required to notify the head teacher of anything that may affect my suitability.

I understand that failure to declare any relevant information may result in disciplinary action, which could lead to dismissal.

I will ensure that I notify the head teacher immediately of any changes in relation to this declaration.

I give permission for you to contact any previous settings, local authority staff, the police and the DBS to share information about my suitability to care for children.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Headteacher Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| Headteacher notes of any action taken:Signature: Date: |

**Prohibitions** (page 2 of 2)

Schools are prohibited from knowingly employing a disqualified person in a relevant setting unless a waiver has been granted by Ofsted (see below). The disqualification criteria under both the 2006 act and the 2018 regulations are listed in the updated regulations and include:

* inclusion on the Disclosure and Barring Service (DBS) Children’s Barred List
* being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation)
* certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 regulations
* refusal or cancellation of registration relating to childcare (except if the refusal or cancellation of registration is in respect of registration with a child minder agency or the sole reason for refusal or cancellation is failure to pay a prescribed fee under the 2006 act (regulation 4(1) of the 2018 regulations)), or children’s homes, or being prohibited from private fostering , as specified in paragraph 17 of Schedule 1 of the 2018 regulations
* living in the same household where another person who is disqualified lives or is employed (disqualification ‘by association’) as specified in regulation 9 of the 2018 regulations (note that regulation 9 only applies where childcare is provided in domestic settings, defined as ‘premises which are used wholly or mainly as a private dwelling’ in section 98 of the act, or under a domestic premises registration, including non-domestic premises up to 50% of the time)
* being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 regulations if it had been committed in any part of the United Kingdom

The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences, which will lead to disqualification, are set out in the 2018 regulations and appendices.

**Relevant offences and orders**

Under the legislation a person is disqualified if they are found to have committed an offence which is included in the 2018 regulations (a ‘relevant offence’) this includes:

* being convicted of a relevant offence
* on or after 6 April 2007, being given a caution for a relevant offence
* on or after 8 April 2013, being given a youth caution for a relevant offence

A person who is found not guilty of a relevant offence by reason of insanity or found to be under a disability and to have committed the act for which they have been charged in respect of a relevant offence is also disqualified (regulation 2(2) of the 2018 regulations).

Additionally any offence resulting in the death of or bodily injury of a child is considered a relevant offence under the legislation and must be disclosed.

For further information, please go to: [www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006](https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006)