

Springfield Primary School



Safer Recruitment Policy

January 2015

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Date of Ratification: January 2015		Signed: Susan Powis (HEAD TEACHER) Jim Williams (CHAIR OF GOVERNORS)
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Safeguarding Statement

At Springfield Primary we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Springfield Primary. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

Safer Recruitment Policy statement

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of the children in education. The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency cooperation and the recruitment and retention of competent, motivated employees who are suited to and fulfilled in the roles they undertake.

This school recognises the value of, and seeks to achieve a diverse workforce which includes people from different backgrounds with different skills and abilities. The school is committed to ensuring that the recruitment and selection of all who work within the school is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity. The school will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed. This document provides a good practice framework to comply with the principles set down in the school's Equality Policy.

The school will:

- ensure that appropriate staff who undertake recruitment have received safe recruitment training
- work towards every appointment panel to include at least 2 members who have received safer recruitment training
- implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
- keep and maintain a single central record of recruitment and vetting checks in line with DCSF requirements
- ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. The school will monitor the compliance with these measures.
- require staff who are convicted or cautioned for any offence during their employment with the school to notify the school, in writing of the offence and the penalty.

The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the former or most recent employer
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006
- A satisfactory DBS clearance
- Verification of the candidate's medical fitness
- Verification of qualifications
- Verification of professional registration as required by law for teachers
- Verification of successful completion of induction period (for those who obtained QTS after 7 May 1999)

Roles and responsibilities

It is the responsibility of the governing body to:

- Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DCSF guidance and legal requirements
- Monitor the school's compliance with them.

It is the responsibility of the headteacher and other managers involved in recruitment to:

- Ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- To monitor contractors' and agencies' compliance with this document
- Promote welfare of children and young people at every stage of the procedure

It is the responsibility of all potential and existing workers, including volunteers to comply with this document.

It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.

It is the responsibility of the school's HR provider to: deal with the administration of the disclosure system for the school in accordance with the School Staffing Regulations, the governing body has delegated responsibility to the Headteacher to lead in all appointments outside of the leadership group.

The Recruitment Procedure Advertising

To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of candidates as possible. Normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

Applications

The school requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview. Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies (eg: General Teaching Council for England).

References

References for shortlisted candidates will be sent for immediately after short-listing. The only exception to this is where candidates have indicated on their application forms that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any offer of employment being made. One reference will be sought prior to interview wherever possible.

References must be in writing and be specific to the job for which the candidate has applied - open references or testimonials are not acceptable. The school will not accept references from relatives or people writing solely in the capacity as a friend. Only references from a trusted authoritative source will be acceptable.

Reference requests will specifically ask:

- About the referee's relationship with the candidate
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable.

Referees will also be asked to confirm details of:

- The applicant's current post, salary and attendance record
- Performance history and conduct
- Any disciplinary procedures in which the sanction is current
- Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those
- Details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant at interview. Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.

Self-declaration of convictions by job applicants

The school's policy requires shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether "spent" or "unspent" and to include any cautions and pending prosecution. Such declarations will be made on an appropriate form and should be submitted in a sealed envelope, marked strictly private and confidential to the chair of the selection panel / Headteacher, prior to the interview. The chair of the panel / Headteacher will discuss relevant, positive declarations confidentially with the applicant at interview. The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures.

Interviews

The selection process will always include the following:

- Face to face professional interview including a question related to safeguarding children (in line with NCSL Safer Recruitment Training)
- Activity with children

Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status

Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and Nationality Act 2006. Similar information is also required to undertake a Criminal Records Bureau check on the preferred candidate. Short-listed candidates will also be required to provide proof of their qualifications and professional status by producing documentation on the day of interview. The school will verify that candidates have actually obtained any qualifications legally required or

deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body / institution. If the original documents are not available, the school will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by NARIC will also be required. Proof of identity and other documentation will be verified by the chair of the panel/Headteacher.

Employment Offer

It may be possible to negotiate a provisional start date with the preferred candidate, however, the checks detailed above must all be completed BEFORE a person's appointment is confirmed. Once all pre-employment checks have been satisfactorily completed / received, an offer of employment will be made and the contract of employment issued. The contract will be issued as soon as possible but in all circumstances within 8 weeks of employment commencing.

Record Retention / Data Protection

The school will retain all interview notes on all applicants for a 6 month period, after which time the notes will be destroyed (ie: shredded). The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment tribunal.

Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the chair of the panel / Headteacher within 6 months of the interview date.

Single Central Record of Recruitment Vetting Checks

In line with DCSF requirements, the school will keep and maintain a single central record of recruitment and vetting checks. The central list will record all staff who are employed at the school, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for pupils but who are not staff members, eg: specialist sports coach or artist. The central record will indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications legally required for the job
- Additionally for those applying for teaching posts, registration check with the GTC where appropriate
- Checks of right to work in the United Kingdom
- DBS Enhanced Disclosure
- Further overseas records where appropriate

It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained. In order to record supply staff provided through an agency on the record, the school will require written confirmation from the supply agency that it has satisfactorily completed the checks described above. The school does not need to carry out checks itself except where there is information contained within the disclosure. However identity checks must be carried out by the school to check the person arriving is the person the agency intends to refer to them.

The school has a specific safeguarding related whistle policy which has been disseminated to all staff and volunteers. The school adopts a culture of vigilance where all concerns are listened to and taken seriously. The school will follow DCSF

and London Safeguarding Children Board allegations procedures and refer any allegation for initial consultation with the Local Authority Designated Officer.

Childcare Disqualification Requirements – Guidance for Schools

Important Information for all settings where staff work with children who have not attained the age of 8

The Council has received supplementary advice to the “Keeping Children Safe” Statutory Guidance from the DfE detailing a requirement for childcare disqualification checks to be carried out on relevant staff working in schools and academies. 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 relevant settings, including in schools.

What are relevant staff and relevant settings?

The following categories of staff in nursery, special, lower, primary, middle, secondary or upper 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 we therefore conclude that the following settings will be covered by the Regulations.

Nursery Schools and Children’s Centre’s - All staff will be covered

Lower/Primary Schools - All staff are covered as it is unlikely in such settings that staff are always exclusively working with children who have not attained the age of 8.

Middle/Secondary/Upper Schools - will need to undertake checks on relevant staff (including managers) where any services are provided where children who have not attained the age of 8 may be in attendance e.g. childcare facilities, before or after school clubs Special Schools where admissions are made between Nursery age up to and including children who have not attained the age of 8 – All Staff will be covered as it is unlikely in such settings that staff are always exclusively working with those over the age of 8. The Regulations also apply to Academies who employ staff working in the above settings.

Volunteers are not covered by statute but it is recommended they are checked in the same way as employees (See supplementary FAQs provided on pages 4-9).

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"

Full details of what constitutes "disqualification" are in the Schedules to the Regulations <http://www.legislation.gov.uk/uksi/2009/1547/contents/made>.

What should schools do now?

There are four key actions required:-

1. All relevant staff in relevant settings (see page 1) **must** be asked to complete a declaration **as soon as possible**, affirming that they are not disqualified. A declaration form is attached. Schools should print the Schedules to the Regulations (which detail the disqualification orders, offences etc) and make these available for staff (either with each form or in a central place) for reference. The links to the schedules are here:

Checks should not be made for staff who do not work within the definition of the relevant setting as outlined on page 1. If you are unsure of the definition of a relevant setting please e-mail

HRServicesSchools@centralbedfordshire.gov.uk and an HR Adviser from the CBC Schools Statutory HR team will provide further advice.

2. Schools should contact the Schools Statutory HR Service (Central Bedfordshire Council) via AnyComms **immediately** if they

- i. know now of anyone in their employment who is or may be disqualified
- ii. receive a positive declaration from any member of staff

The e-mail should provide the name of your school, the name and designation of the referrer, the name and designation of the employee and a scanned copy of the completed certificate. The e-mail should be marked 'Protected'. Upon a confidential referral being made to the School's Statutory HR Service via AnyComms an HR Adviser from CBC will contact the Headteacher to discuss the referral further. The CBC Local Area Designated Officer (LADO) will be notified by the CBC HR Adviser. The CBC HR Adviser will notify the schools HR provider who will support the school with any further action.

Anyone who is disqualified will need to be immediately removed from the relevant setting (probably through a precautionary suspension in the case of employees) and OFSTED must be notified within 14 days. Advice on the management of this process will be given by the schools HR provider. It is also advised that you inform your Legal Insurers/Advisers prior to taking any action.

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

4. Schools must ensure that any external agency providing relevant staff in relevant settings carry out these checks prior to placing them in the school.

You will need to set a short deadline for the return of the staff disqualification declaration form – one week would be reasonable. Where a member of staff does not complete and return the form, it may be necessary to take action to remove them from work. Please seek the advice of your HR provider should cases arise. The CBC Statutory Schools HR Service has shared this guidance with the Council's recognised Trade Unions and Professional Associations so that they are aware of the Council's advice and actions that will be taken by schools.

Disqualified Workers

The Schools Statutory HR Service will support schools, in conjunction with their HR provider in dealing with cases where a disqualified person is identified. A disqualified person can apply to OFSTED for a waiver.

<http://www.ofsted.gov.uk/resources/applying-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 a relevant school setting. Whilst a waiver application is under consideration the individual must not continue to work in these settings. The employee would therefore be suspended from work pending further advice or application to OFSTED for a waiver. During the period the employee is 'precautionary suspended' from working, either pending further advice or application for a waiver, they will be entitled to receive full pay.

Where a waiver is not granted, the employee will need to be dismissed unless redeployment options are available. **It is strongly advised that prior to following any dismissal process either following the positive declaration or a result of a waiver not being granted you contact the Schools Statutory HR Service, your Legal Advisers/Insurers and your HR provider for advice and guidance.**

Frequently Asked Questions

Background

1. Why has this advice only just been issued when the Regulations have been in force since 2009?

The DfE has confirmed that the Regulations have always applied to schools but it was only following several LA investigations by the DfE that it was identified that they were not being widely applied. It is for this reason that they have issued guidance now to sit alongside the Keeping children safe in education guidance

2. Given the fact that these Regulations have been in force since 2009, has the DfE taken advice about the employment law risk of effecting a dismissal on the basis of these Regulations now, in respect of someone who has been employed for a number of years?

The DfE said: These regulations have been in force for a number of years and we would expect that schools will take appropriate action where individuals may be caught by the requirement, or where they are made aware that someone working at the school should be disqualified.

3. Who is going to check that schools comply?

This is unclear but it is envisaged that OFSTED will include this as part of their overall safeguarding/Single Central Record (SCR) checks.

School employees, Governors and volunteers

4. For existing staff, is the advice that the completion of the self-declaration form is sufficient or is any declaration expected to be verified wherever possible, for example by viewing a current DBS check or obtaining a new one, and are employers expected to verify the absence of any Orders or restrictions?

There is no requirement to check DBS certificates for existing staff and there is no evident process for verifying if someone has a childcare order or other restriction against them. It seems that self-declarations are acceptable. For new staff, the employee should sign a declaration and the DBS certificate should be checked against the list of offences in the Schedules. Of course, other offences may also lead to non-employment under normal DBS assessment processes.

5. How can we do checks on “householders”

The DfE’s response: It is not the employer’s role to carry out a check on individuals other than those they employ, however employers should have effective systems in place to ensure that staff are suitable to work in childcare. Employees who work in the specified early and later years provision should be asked to provide the necessary information about any person who lives in the same household as them. Central Bedfordshire Council vs 1 January 2015

6. Are people required to ask their householders if they are disqualified?

No we do not believe there is any requirement for this. Staff are required to declare “to the best of their knowledge” and schools can accept declaration at face value.

7. How do these Regulations sit with the Data Protection Act, particularly in respect

sensitive personal data relating to someone not employed in the school (i.e. a householder) and the school passing information to OFSTED,?

The DfE simply indicates that information must be processed in accordance with the Data Protection Act. The Childcare (Disqualification) Regulations require employers to pass information to OFSTED and such statutory duties are allowed under the Data Protection Act. Clearly schools must handle and store all information in school carefully, in accordance with normal Data Protection rules.

8. What should we do with the forms once an employee has returned it?

These forms should be placed on the employee’s personal file as these are kept in a secure place. For volunteers, these forms should be retained in the same single central location that you store all the other papers.

Schools should contact the Schools Statutory HR Team (Central Bedfordshire Council) at HRSchools@centralbedfordshire.gov.uk immediately if they

- iii. know now of anyone in their employment who is or may be disqualified
- iv. receive a positive declaration from any member of staff

The e-mail should provide the name of your school, the name and designation of the referrer, the name and designation of the employee and a scanned copy of the completed certificate. The e-mail should be marked ‘Protected’. Upon a confidential referral being made to the School’s Statutory HR Service via AnyComms an HR Adviser from the CBC will contact the Headteacher to discuss the referral further. This will then also be notified to the schools HR provider who will support the school with any further action. Following an initial assessment of the case and notification made to the CBC Local Area Designated Officer (LADO) advice will be given with respect to contacting your Legal Advisers/Insurers and HR provider who will support you when taking appropriate action in accordance with the Regulations. Anyone who is disqualified will need to be immediately removed from the relevant setting (probably through suspension in the case of employees) and OFSTED must be notified within 14 days. Advice on the management of this process will be given by the HR Adviser. Central Bedfordshire Council vs 1 January 2015

9. Does this check need to be on the Single Central Record (SCR)?

There is no statutory requirement that the check should be recorded on the Single Central Record. However, it is advisable for schools to keep a record that all the checks have been completed and therefore our best practice advice is that schools should record that a check has been satisfactorily completed on their single central record. Satisfactorily completed means no relevant information is declared or that a waiver has been obtained where relevant.

10. The DfE guidance refers to “staff who work in the relevant provision” - does this include all staff employed e.g. including the caretaker or only those directly involved in care and supervision?. If the latter, in a Primary School, does this include a teacher/LSA who may not teach under 8s but may at any time be involved in their care or supervision (e.g. trips, playground duty etc).

The DfE says: The Childcare Act stipulates that a disqualified person should not be employed in connection with early or later years childcare and that they should not be directly concerned in the management of that provision. A person who sometimes works in the relevant childcare provision would be included in this definition; however, decisions need to be taken by schools on a case by case basis subject to their individual circumstances.

11. Do Governors need to be asked to complete a disqualification declaration?

Verbal confirmation has been given by the DfE that the Regulations do **NOT** apply to Governors. A Governor could not therefore be prevented from holding office under these Regulations, although the School Governance Regulations 2012 already set out the factors that may exclude a person from becoming a Governor, including being barred from any regulated activity relating to children and being disqualified from working with children or from registering for child-minding or providing day care.

Governors should not therefore routinely be required to sign a declaration in relation to the Childcare (Disqualification) Regulations 2009. The only exception is where a Governor specifically also works with children in school as a volunteer helper (see below) (or of course is an employee of the school).

12. Do volunteers need to be asked to complete a disqualification declaration?

Verbal confirmation has been given by the DfE that the Childcare (Disqualification) Regulations 2009 do **NOT** apply to volunteers. This means that schools are not required to ask existing or new volunteers to complete a disqualification declaration form and that volunteers are not, by statute, disqualified from working in a school by virtue of these regulations. However, the principles set out in Part 2 of Keeping Children Safe in Education relating to the management of safeguarding state:

“In line with part three of this guidance, governing bodies and proprietors should prevent people who pose a risk of harm from working with children by adhering to statutory Central Bedfordshire Council vs 1 January 2015

responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required; and ensuring volunteers are appropriately supervised.”

However the Council’s view is that if Governing Bodies wish to ask volunteers to complete a Disqualification declaration, this could be viewed as a proportionate decision as they are applying the same standards of safeguarding checks to volunteers as to their employees. The DfE has confirmed that they consider this to be the right approach.

Any such information provided by volunteers or prospective volunteers should be assessed in line with the guidance issued in relation to employees. Ofsted will not consider a waiver application in respect of a volunteer (as the Regulations do not apply) and schools will need to make a decision about whether to allow the individual to continue volunteering – this should involve a risk assessment having regard to the information provided on the declaration, the nature of the activities they undertake and the level of supervision in place.

13. What about contractors and agency staff?

Employers are responsible for ensuring that persons caring for children are suitable to work with children. In the case of workers that are supplied by an agency or third party organisation schools should ensure that the agency or organisation has carried out the relevant checks.

14. How long will it take to process an application for a disqualification waiver?

The DfE says: It is a matter for Ofsted who have the responsibility for granting a waiver or not. The time it will take to process a waiver application will undoubtedly vary from case-to-case; whilst many should be straightforward, others will unfortunately be more complex and take time to resolve.

15. What constitutes childcare outside of the normal school day?

Child care includes breakfast clubs, homework clubs, nursery and crèche provision provided by the school.

Where activities are run by other providers on school premises but not managed by the school (e.g. lettings, football clubs), these are not covered as they are not a child care provision.

Recruitment Procedures and recording 16. At what stage in the Recruitment process should the form be completed?

The declaration form should be given to all shortlisted candidates to complete for roles in relevant settings (See page 1). If they declare relevant information which would mean they are disqualified or disqualified by association this would need to be considered and discussed with the applicant. The school could decide not to proceed with the application on the basis that the employee is disqualified or proceed and, if they become the preferred candidate a conditional offer made and a waiver applied for. If the waiver isn’t granted, the conditional offer can be withdrawn

17. Does this check need to be on the Single Central Record (SCR)?

There is no statutory requirement that the check should be recorded on the Single Central Record. However, it is advisable for schools to keep a record that all the checks have been completed and therefore our best practice advice is that schools should record that a check has been satisfactorily completed on their single central record. Satisfactorily completed means no relevant information is declared or that a waiver has been obtained where relevant.

18. Have relevant Local Authority staff (e.g. Music Tutors) been checked?

This is currently being managed and the advice remains that staff with a Local Authority ID can be admitted to work in schools.

19. Do the Regulations apply to Academies? Yes the Regulations apply to relevant staff working in schools and Academies.

20. Will relevant CBC Policies and Procedures for School be updated to reflect the Regulations? For Community and Maintained Schools changes to any policy as a result of the

Regulations will be made through the Council's Education Employee Relations (EER)

Meeting with the Council's recognised Trade Unions and Professional Associations. It is advised that Academies review their relevant policies and procedures and update

them in accordance with their employee and trade union consultation

mechanisms. **Declarations in relation to Schedules 2 and 3**

21. Where are the disclosable offences set out?

The relevant offences are listed in Schedules 2 and 3 which can be found at <http://www.legislation.gov.uk/ukxi/2009/1547/contents/made>, although it is appreciated that these are complex to understand. The key offences are those that result in a caution (including reprimands/warnings/youth cautions) issued post 2007 or conviction and relate to:

- any offences by an adult against or involving children
- any sexual offence by an adult or a child against an adult or a child
- murder, manslaughter, kidnapping, false imprisonment, ABH or GBH

22. The reference to Burglary in Schedule 2 seems anomalous – why is it there?

This refers to Burglary under the 1968 Theft Act which was actually Burglary involving rape so would only be applicable if someone was charged with this specific offence – which in turn comes under key offences outline in Q21.

23. Schedule 2 refers to repealed statutory offences – does this mean they do not apply?

No – “repealed” does not mean these no longer apply, it means they have been superseded by other legislation but would still be a cause for disqualification if someone

has been convicted of, cautioned etc. for any of these offences.

24. What if a person is not sure whether they have a relevant offence?

We would advise declaration of anything that they think may be relevant and schools can check with the DfE (mailbox.disqualification@education.gsi.uk) or we can seek advice from the Council’s Legal Services Team.

25. What is the position with cautions before April 2007?

The DfE have clarified that anyone who was issued with a relevant caution (including reprimands/warnings) before 6 April 2007 is **NOT** disqualified.

26. Where a care order was put in place in respect of someone’s children because of

the actions of their partner, and the care order is no longer in place or the partner is

no longer living in the household – is this covered by the Regulations?

If the care order has been removed or the partner is no longer living at the household then these individuals would not be covered by the regulations. If the partner moved back into the household then the regulations would apply again.

27. How long will it take to process an application for a disqualification waiver?

The DfE says: It is a matter for Ofsted who have the responsibility for granting a waiver or not. The time it will take to process a waiver application will undoubtedly vary from case-to-case; whilst many should be straightforward, others will unfortunately be more complex and take time to resolve.