[](http://tgdesign.tgacademy.org.uk/resources/Samworth)

**All staff: Tudor Grange Samworth Academy is an all through school, and for this reason all staff must be made aware of this legislation due to potential staff cross-overs.**

**Disqualification under the Childcare Act 2006**

Statutory guidance for local authorities, maintained schools, academies and free schools (February 2015, revised June 2016).

**Background**

In October 2014, the government issued supplementary guidance to ‘Keeping Children Safe in Education (2014)’. This guidance said that school staff are disqualified from working in a school, when they ‘live or work in the same household’ as someone who is barred from working with children or young people, even if they would not otherwise be disqualified themselves. The guidance caused much consternation in schools and resulted in people being suspended from their work and, in some cases, they were dismissed. In many schools, staff were asked to sign a declaration that they did not meet the ‘disqualification by association’ criteria. On 26th February 2015, the government issued new guidance which replaces the October 2014 document and clarifies the position with regard to schools called [Disqualification under the Childcare Act 2006](http://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006). This was revised in June 2016, although no changes to the text were made.

**Relevant Offences**

The table of relevant offences can be found in the document: Disqualification under the Childcare Act 2006.

**Staff covered by ‘Disqualification under the Childcare Act 2006’**

**All Staff:** Staff are covered by the Act if they are employed and/or provide childcare in either the early years or later years (birth to 8 years old).

**Managers:** Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools will need to use their judgement to determine who is covered, but this will include the headteacher, and may also include other members of the school’s leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

**Action to be taken by the academy when staff indicate that they may be disqualified.**

The first step should be consultation with a Designated Safeguarding Lead to explain the circumstances. This information will then be shared with the Head, and may then be discussed with a Local Authority Designated Officer (LADO). If the academy is satisfied that the staff member is ‘disqualified by association’, they should inform Ofsted and explain to the member of staff that they may apply to Ofsted for a waiver. Although a school must not continue to employ an individual who is disqualified, it **does not** imply that individuals are prevented from working in a school in any other setting.

**Options whilst an Ofsted waiver is being considered**

Whilst a waiver is being considered, schools may redeploy staff away from the relevant age groups or adjust their role. Where a school is unable to redeploy the member of staff or adjust their role, they should consider paid leave or, as a last resort, suspend the person whilst the waiver is considered.

**Options where a staff member decides not to apply for a waiver**

The school will have to decide with the person could be permanently redeployed or whether dismissal would be appropriate.

**Options when a waiver is declined**

The school will have to decide with the person could be permanently redeployed or whether dismissal would be appropriate.

**Applying to Ofsted to waive a disqualification**

If you are disqualified, you can request a form from Ofsted to waive the disqualification by emailing them here: [disqualification@ofsted.gov.uk](mailto:disqualification@ofsted.gov.uk) . The form must be completed in writing. They will not agree to waive a disqualification on the strength of information given over the telephone.

**Further help**

Department for Education [mailbox.disqualification@education.gsi.gov.uk](mailto:mailbox.disqualification@education.gsi.gov.uk) or 01325 340 409

Ofsted: [disqualification@ofsted.gov.uk](mailto:disqualification@ofsted.gov.uk). **If your personal circumstances change, it is your responsibility to inform your employer.**