Dear Colleague,

The Department for Education has recently issued new guidance to schools (31st August 2018) on the Disqualification from Childcare Regulations and reminded school leaders that they must undertake an additional safeguarding check on current and future staff as appropriate to ensure that no one who is disqualified is employed in connection with:

* early years provision, or
* later years childcare outside of school hours for children who have reached 5 years but not yet reached 8 years, which includes before and after school care.

The disqualification criteria include:

1) caution or conviction for certain criminal offences

2) Certain grounds relating to the care of children (eg parental right order, supervision order or care order)

3) Having registration refused or cancelled in relation to childcare, children’s homes or disqualification from private fostering (except where that cancellation or refusal was to do with unpaid fees)

This check is separate from the DBS check. Any of the above criteria disqualify staff from providing this childcare. Staff who either have a relevant offence or order is disqualified immediately and must apply to Ofsted to request a waiver if they wish to continue to work in these areas.

I have carefully considered the statutory guidance and have determined that your post at [insert name of setting] is involved in the provision of early years care during the school day and/or later years childcare [delete as appropriate].

For that reason, I have a legal obligation to make you aware that you have a duty to report any relevant information to me about yourself (even if that information has previously been considered in relation to a DBS check). Please be assured that any information disclosed will be treated in the strictest of confidence and in line with Data Protection requirements.

The full list of relevant offences, orders and determinations can be located in the appendices to the Regulations, which can be accessed via the link below. I appreciate that the lists are long and so, for ease of reference, I have asked [office manager / HR / insert name] to make a hard copy available in the school office / staff room / on G drive [delete as appropriate]:

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

Broadly speaking, the ‘certain criminal offences’ include a caution or conviction for:

* 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, assault occasioning grievous or actual bodily harm

For cautions, you are only required to disclose those issued on or after 6 April 2007. This does NOT apply to relevant convictions, which must be declared irrespective of date.

If you believe that you may meet one of the three disqualification criteria set out at the start of this letter, you are required to read the complete list in order to determine whether or not the specific information is disclosable.

You are required to make me personally aware of any relevant information, in writing, by no later than 7 [or whatever timescale you decide] days from receipt of this letter. If you think you have relevant information you will need to provide, as far as possible, any details relating to the order, determination, conviction or other grounds, the date it was made along with any other details including a copy of the relevant order or conviction. This information should be provided in a sealed envelope, clearly marked ‘Strictly confidential - for the attention of [insert name] only’ and handed to [insert name].

Please note that this is an ongoing requirement and so, if you do not have any relevant information to disclose at this point, but do in the future, you must make me aware of any relevant information immediately.

You are required to sign the signature sheet available in the office to confirm that you have read and understood the content of this letter.

I understand that a disclosure may be difficult and stressful. If you have any questions or concerns, please do not hesitate to contact me at [insert contact details]

I would like to thank you for your cooperation and support in implementing this legally required process.

Regards,

HT / Chair of Trustees / Head of HR [delete / insert as appropriate]