

# Hummersknott Academy Trust



## 68 – Associated Persons Policy

Review Date: April 2021

Adopted/V1	V2						
July 2015	May 2018						

Hummersknott Academy Trust incorporates Hummersknott Academy and Skerne Park Academy and unless otherwise stated this policy applies to all Academies equally.

## **PURPOSE**

The Childcare (Disqualification) Regulations 2009 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 setting, including in schools.

## **SCOPE**

### **What are 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 eight 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:

**In Infant and Nursery Schools** - All staff and Governors will be covered.

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

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

Staff who undertake work in Primary settings.

Volunteers are not covered by statute but it is recommended they are checked in the same way as employees.

Where groups using the Trust premises work with Children under 8, the lettings staff must satisfy themselves that Associated Persons checks have been carried out.

### **Who is disqualified?**

A person is disqualified if any of the following apply:

- inclusion on the Disclosure and Barring Service (DBS) Children’s Barred list
- 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’
- they have had registration refused or cancelled in relation to childcare or 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”

- they have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 regulations if it had been done in any part of the UK

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

### Responsibility for each Academy in the Trust

There are key actions required:

1. All relevant staff in relevant settings must complete a declaration affirming that they are not disqualified. A declaration form is attached (appendix 1). 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 are here:

<http://www.legislation.gov.uk/uksi/2009/1547/schedule/1/made>

<http://www.legislation.gov.uk/uksi/2009/1547/schedule/2/made>

<http://www.legislation.gov.uk/uksi/2009/1547/schedule/3/made>

2. All short-listed candidates in relevant settings, must be required to complete the declaration and DBS certificates should be checked with reference to list of relevant offences in the Act (Schedules 2&3).
3. Schools must ensure that any external agency providing relevant staff in relevant settings carry out these checks prior to placing them in the school.

The Safer Recruitment Policy has been updated accordingly.

A deadline of one week will be set for the return of the form. Where a member of staff does not complete and return the form, it may be necessary to take action to remove them from work. HR advice will be sought in these cases.

An additional column has been added to the Academy Single Central Register to record the date at which a check was completed and the outcome.

### Disqualified Workers

Where the Trust receives information and is satisfied that an individual working in a relevant setting falls within one of the disqualification criteria in the 2009 regulations, they must inform Ofsted within 14 days.

HR will support Academies within the Trust in dealing with cases where a disqualified person is identified, and will explain to individuals where they can find information on how to apply for a waiver.

<http://www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcareproviders>

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.**

Where a waiver is not granted, the employee will need to be dismissed unless redeployment options are available.

This policy links with values 3 - Nothing but the best for all, 4 – Taking responsibility, 7 Healthy Lives and 8 – Moral Compass of Hummersknott Academy Trust’s Vision and Values.

#### **RESPONSIBILITY**

This policy will be reviewed and updated where necessary by the Executive Principal and approved for adoption by the Finance and Audit Committee.

#### **PUBLICISING THE POLICY**

A copy of this policy will be available on each Academy’s website and the X Drive/intranet where applicable. Staff will be advised of amendments to this policy via the Staff Bulletin/Briefing and are expected to familiarise themselves with the content.

#### **POLICY STATUS**

This is a non-statutory policy.

**DISQUALIFICATION DECLARATION FORM**

This form is to be completed for all existing employees and as part of the pre-employment checks for new staff where they are covered by the \*Childcare (Disqualification) Regulations 2009.

\*Staff who are working in early years provision and staff working in later years provision for children who have not attained the age of eight. This also includes staff that are directly concerned in the management of such early or later years provision.

Employee Name: .....

Post Title:.....

**Important – Please read in full before completing the declaration**

Please answer the questions below to the best of your knowledge and sign the declaration at the end of this form. Please note that you must answer all questions in the box titled: Questions relating to you AND for the box titled: Questions relating to all others who live or work in the same household. Including partners, spouses, children, parents, flatmates, lodgers, tenants on a permanent or temporary basis.

Please also answer the question relating to qualified teacher status.

**Please answer each question below by circling Yes or No.**

<b>Questions relating to you:</b>	
*Have you been cautioned, reprimanded, given a warning or convicted of any offences against a child?	<b>Yes/No</b>
*Have you been cautioned, reprimanded, given a warning or convicted of any violent or sexual offences against an adult?	<b>Yes/No</b>
Have you been barred from working with children by the Disclosure and Barring Service?	<b>Yes/ No</b>
Have your children been taken into care?	<b>Yes/No</b>
Have or are your children the subject of a child protection order?	<b>Yes/No</b>
Has a court order been made in respect of a child under your care?	<b>Yes/No</b>
Have you been refused registration or had registration cancelled in relation to childcare or a children’s home or have you been disqualified from private fostering?	<b>Yes/No</b>

\*Cautions, reprimands and warnings prior to 7 April 2007 should not be included.

<b>Question relating to Qualified Teacher Status:</b>	
Do you hold qualified teacher status?	<b>Yes/No</b>
<b>If yes please answer the following question</b>	
Are you prohibited from teaching by the National College for Teaching and Learning?	<b>Yes/No</b>

<b>Questions relating to ALL others who live or work in the same household:</b>	
*Has anyone in your household been cautioned, reprimanded, given a warning or convicted of any offences against a child?	<b>Yes/No</b>
*Has anyone in your household been cautioned, reprimanded, given a warning or convicted of any violent or sexual offences against an adult?	<b>Yes/No</b>
Has anyone living or working in your household been barred from working with children by the Disclosure and Barring Service?	<b>Yes/No</b>
Does anyone in your household have children that have been taken into care?	<b>Yes/No</b>
Does anyone in your household have children that have been the subject of a child protection order?	<b>Yes/No</b>
Has anyone in your household had a court order made in respect of a child in their care?	<b>Yes/No</b>
Has anyone living in your household been refused registration or had registration cancelled in relation to childcare or a children's home or have they been disqualified from private fostering?	<b>Yes/No</b>

\*Cautions, reprimands and warnings prior to 7 April 2007 should not be included.

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

I have answered <b>Yes</b> to one or more of the questions above because
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I understand my responsibility to safeguard children and am aware that I must notify the Principal/Headteacher of anything that may affect my suitability or that of anyone living in my household.

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

I will ensure I notify the Principal/Headteacher immediately if the answers I have provided to the questions above change at any time. I understand that failure to notify will be a serious matter, considered as gross misconduct under the Staff Discipline Policy and could result in summary dismissal.

Signed: .....

Date: .....

**To be completed by the Principal/Headteacher:**

I have reviewed the answers provided above and no further action is required.

Signed: .....

Date: .....

**Or:**

I have reviewed the answers provided above and the following action has been taken (continue on additional sheet as required):

.....  
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.....  
.....  
.....

Signed .....

Date: .....