



Company Name	LTS Group Ltd
Policy Number	7
Policy Name	Disqualification under the Children Act 2006
Version Number & Date	v2 September 2020

LTS Group follows the DfE (Department for Education) guidance dated Feb 2015 and applies to all workers who work for LTS. This policy is to be read in conjunction with the Recruitment and Selection Policy

LTS Group is committed to ensuring that every person who registers to work with children has additional checks carried out during our stringent recruitment process.

To whom does this apply

- Workers who provide early years childcare (from birth until 1 September following a child's fifth birthday i.e. up to and including reception age). This includes education in nursery and reception classes and /or supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) during and outside of school hours for children in the early years age range.
- Workers who provide later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school). This does not include education or supervised activity for children above reception age during school hours, but it does include before school settings such as breakfast clubs and after school provision.
- Workers who are directly concerned in the management of such childcare.

Key Legislation and Guidance

Key legislation and guidance on whether someone is a 'Disqualified Person' will be determined at interview for those who have applied to work with children in this age bracket. This includes the following:

1. Childcare Act 2006 sections 75 and 76 (The 2006 Act)
2. The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (The 2018 Regulations)
3. Disqualification under the Childcare Act 2006: Statutory Guidance published August 2018 – specifically Tables A and B which set out the relevant offences and orders.

A person may be a disqualified applicant to the 2006 Act and 2018 Regulations because:

- They are on the Barred List (this will be established during Enhanced DBS process)
- They have been cautioned for or convicted of certain violent and sexual criminal offences against children and adults
- There are grounds relating to the care of children (including their own children)
- They have had registration refused or cancelled in relation to childcare or children's homes or been disqualified from fostering
- They have committed an offence overseas, which would constitute a disqualifying offence under the 2018 regulations had the offence been committed in the UK.

What we cannot ask from someone

The August 2018 Statutory Guidance states that:

- We must not knowingly employ a person who is disqualified
- We should not ask for medical records, details about convictions of household members, DBS certificates from third parties, or copies of a person's criminal record
- We should not ask staff of third parties to make requests for any person's criminal records, as this will amount to an enforced subject access request and is an offence under section 184 of the Data Protection Act 2018
- Details of criminal record checks should not be retained without the consent of the individual and information that is not relevant should be destroyed. Where a worker does not consent to such data being held, we will only record to that date the declaration was made, details of any safeguarding restrictions and whether or not an Ofsted waiver has been granted.

A worker's ongoing obligation

You must notify LTS Group immediately of anything that affects your qualification during in an assignment that may prevent you from working in a school, including any future cautions, warning, convictions, orders or other determinations that would disqualify you re 2018 Regulations.

Communicating this policy

This policy will be communicated to workers at the initial interview and is available on the LTS Group website.

Contact	Contact details	Comments
Landline	020 8362 3219	Office hours
Eddi Banks	07540 881687	Director
Karen Coles	020 8362 3219	Compliance Manager
Email contacts	e.banks@ltsg.co.uk ; k.coles@ltsg.co.uk	

SIGNED: MARK WILLIAMS

POSITION: CEO

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