

Response ID ANON-CMFD-ERFU-C

Submitted to **Childcare workers: changes to disqualification arrangements**

Submitted on **2016-05-17 15:45:58**

Childcare Disqualification Arrangements

What is your name?

Name:

Pam Langmead

What is your email address?

Email:

pam@langmead.me.uk

What is your organisation?

Organisation:

Essex Primary Headteachers' Association

Would you like us to keep your responses confidential?

No

Reason for confidentiality:

Q1. Do you consider the current disqualification by association arrangements to be unfair and disproportionate to the risk to children?

Yes

Please give your reasons:

Working as the Professional Officer on behalf of the Essex Primary Headteachers' Association (which has a membership of 460 primary heads) I have canvassed schools leaders and have received an overwhelmingly consistent response: Essex Primary headteachers feel that the current disqualification by association arrangements are unfair, draconian and certainly disproportionate in terms of offering a risk to children in a primary school setting. The current arrangements do nothing to add to the safety and security of pupils, and have the capacity to unfairly punish innocent staff members. The reasons include:

- the wider safeguarding arrangements in place under the DBS regime are sufficient to guard against the risks to children, and internal and external audits, including regular Ofsted inspections, are more than sufficient to expose any vulnerabilities in schools in relation to the suitability of staff and child protection arrangements;
- schools are highly regulated, as is the teaching profession, and provide an extremely safe environment, which make these arrangements unnecessary;
- the disqualification by association arrangements are unjust – an offence committed by someone in the household has no bearing on the childcare worker's job (in cases where the childcare worker works on non-domestic premises);
- in our experience the application of the arrangements has been inconsistent – whilst Essex schools have received helpful advice from HR, employers are nonetheless making significantly different decisions, often based on differing interpretations of the Legislation;
- restricting the arrangements to early and later years settings means they are ultimately ineffective as staff who are disqualified are able to move to work with other age groups outside childcare but still within school settings, so the perceived risk would remain in school;
- the childcare disqualification regulations do nothing to support real child protection issues in school and in society, such as child sexual exploitation and online grooming.

Q2. Which of the three options set out in this consultation, if any, do you think best achieves the objective of protecting children whilst making the regime fairer?

Option 1

explain why you have chosen this option:

We feel that Option 1 is the most sensible and workable option, unanimously agreed by the Essex headteachers who responded to our own consultation.

Q3. Do you support the proposal in option 1, that we should remove completely disqualification by association for childcare workers in non-domestic registered settings?

Yes

Please give your reasons for supporting option1:

Headteachers accept that there is a need to protect children who are receiving childcare within domestic settings from adults who are disqualified from working with children (the original purpose of the regulations), but feel that extending this to schools (and non-domestic registered settings) is unnecessary and does nothing to protect children and young people, whilst causing great anxiety and stress to staff members.

In addition, schools are only able to rely on a self-declaration from staff members and indeed, in some cases, those people may not even be aware of the status or record of those they live with, rendering their declaration pointless.

Q4. Do you support the proposal in option 2, to retain disqualification by association but allow representations from childcare workers disqualified by association in schools and on other non-domestic registered settings, or disqualified for having registration refused or cancelled in relation to childcare or children's homes, or disqualified from fostering, or on grounds relating to the care of children?

No

Please give your reasons for supporting option 2:

Childcare Disqualification Arrangements

Q5. Do you support the proposal in option 3, to retain disqualification by association, but reduce its scope so that it only applies to certain 'more serious' offences, and introduce a new right to make representations for certain workers (i.e. those disqualified by association in non-domestic registered settings where the qualifying offence is more serious, or those disqualified themselves for having registration refused or cancelled in relation to childcare or children's homes, or disqualified from fostering, or disqualified on grounds relating to the care of children)?

No

Please give your reasons for supporting option 3:

Q6. If you support option 3 do you agree that offences should be categorised as more/less serious for the purpose of this option and which offences do you think should be categorised as more serious?The department's statutory guidance Childcare Disqualification under the Childcare Act 2006 contains a list of offences under which childcare workers are currently disqualified (see related link).

Not Answered

please provide which offences you think should be categorised as more/less serious:

Q7. Do you agree that our proposals to remove automatic disqualification and/or allow representations to Ofsted (including in cases of disqualification by association) should include headteachers and the registered person in other relevant settings?

Yes

Please give your reasons:

There doesn't seem to be any good or fair reason to discriminate against headteachers or registered persons; like all staff, school leaders are subject to intensive and thorough recruitment processes and indeed, as the Designated Safeguarding Lead in the school (in most primary schools) they will have a clear and strong understanding of the need to safeguard all children and the ways in which this will be achieved.

Q8. Do you support the proposals to amend regulation 4(2) in respect to childcare workers who are foster carers or who have adopted children in their household and so that it no longer has the effect that childcare workers who themselves were once the subject of a care order are disqualified?

Yes

Please provide any comments:

Q9. Do you have any comments about the potential financial costs or benefits to businesses of these proposals?

Please provide any comments:

The current childcare disqualification arrangements represent a cost to both the employer and, potentially the employee, that is totally disproportionate to their value as a tool to safeguard children. Indeed, in the current environment, when recruiting teachers and staff is more and more challenging for most schools, barriers to recruitment that have no evidenced positive impact on safeguarding are profoundly costly and unhelpful to the school system.

Q10. Do you have any other comments on the proposals in this consultation, or more generally about the childcare disqualification regime?

Please provide any other comments:

The Essex Primary Headteachers' Association strongly supports a change in legislation following the proposal set out by Option 1, and would welcome a change in the law as swiftly as possible.