

# Childcare Disqualification – Grounds for Disqualification

The below Act and Regulations state that it is an offence for a person who is disqualified from working in relevant [early years childcare or later years childcare](#) to do so or to be directly involved in the management of such provision.

- Childcare Act 2006 (**Act**)
- Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**Regulations**)
- DfE statutory guidance, Disqualification Under the Childcare Act 2006 (**DUCA**).

All students who apply for [relevant programmes](#) at UCL should be aware of the grounds for disqualification set out below and in Schedule 1.

## Grounds for disqualification

The criteria for which a person will be disqualified from working in connection with relevant early years childcare or later years childcare are set out in the Regulations. They include:

1. being barred from working with children (by inclusion on the Children's Barred List)
2. having been cautioned for, or convicted of, certain violent and sexual criminal offences against children and adults
3. various grounds relating to the care of children, including where an order is made in respect of a child under the person's care.

We have in [Schedule 1](#) set out the main categories of disqualification criteria.

The majority of the grounds for which a person will be disqualified from working in relevant early years childcare or later years childcare would be disclosed when an Enhanced DBS check with children's barred list information is carried out. Those grounds are also listed in Part 1 (1)- (9) of Schedule 1.

Please also note the following additional grounds for disqualification in Schedule 1:

- the youth cautions listed in Part 1 (10); and
- the grounds for disqualification relating to the care of children in Part 2.

## Spent and filtered convictions

Due to the nature of your teacher training school placement(s), if UCL asks you to complete a declaration to confirm if any of the grounds for disqualification apply to you, then in making such declaration you must account for all relevant convictions including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974, together with any relevant cautions, reprimands or warnings issued from 6 April 2007. Please note that you are not required to disclose information which would be "filtered" by the Disclosure and Barring Service. A list of offences that will never be filtered by the Disclosure and Barring Service can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756791/List\\_of\\_offences\\_that\\_will\\_never\\_be\\_filtered\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756791/List_of_offences_that_will_never_be_filtered_PDF.pdf)

For the avoidance of doubt in asking you to complete a childcare disqualification declaration UCL will not be asking you to obtain criminal records information about you from the Disclosure and Barring

Service. We are asking you to complete the self-declaration form to the best of your knowledge only to confirm whether any grounds of disqualification apply to you. In such declaration you will not be asked to specify which specific grounds of disqualification applies to you (if any).

## Schedule 1 – Grounds for Disqualification

<b>Part 1 – Offences</b>
You have been:
1. Barred from working with children.
2. Convicted of a violent offence against an adult.
3. From 6 April 2007 cautioned, subject to a court order, bound over, received a reprimand or warning for a violent offence against an adult.
4. Convicted of a sexual offence against an adult.
5. From 6 April 2007 cautioned, subject to a court order, bound over, received a reprimand or warning for a sexual offence against an adult.
6. Convicted of a violent offence against a child.
7. From 6 April 2007 cautioned, subject to a court order, bound over, received a reprimand or warning for a violent offence against a child.
8. Convicted of a sexual offence against a child.
9. From 6 April 2007 cautioned, subject to a court order, bound over, received a reprimand or warning for a sexual offence against a child.
10. From 8 April 2013 given a youth caution for any of the above categories of offence.
<b>Part 2 - Orders relating to the care of children</b>
An order has been made relating to a child in your care
Your children have been the subject of a child protection order
You have been refused an application for registration of a children's home or had any such registration cancelled
You have been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), been disqualified from any such registration or had that registration cancelled
You have been prohibited, restricted or disqualified from private fostering