

Managers Operational Guide – Part A; Recruitment and Selection - Candidate Pack



Great Western Pre-School and Out of School Clubs are committed to maintaining the highest standards of child protection, accordingly, these recruitment and selection procedures are written in accordance with "Safer Recruitment through Better Recruitment Guidelines" published by the Scottish Government for staff in social care settings.

<http://www.gov.scot/resource/doc/169841/0047325.pdf>

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Who we are

Great Western Pre School was established in 1989. As the owner of Great Western this was a very special day in my life as my ambition of providing a safe and fun environment for nursery children was finally realised. We understand the importance of “play” and setting up appropriate learning experiences so that children will be eager to explore, pretend investigate and learn. There are five nursery locations and three out of school clubs. In choosing a career at Great Western, you can be assured that you will be working for an established and respected organisation with over 25 years of experience, offering quality childcare and education. For more information, please refer to our website: www.greatwesternps.co.uk

Cindi Black

Managing Director

Recruitment Policy

At Great Western Pre-school we aim to employ individuals who are committed to helping us deliver a high standard of care and education to the children at Great Western. We are an Equal Opportunities Employer and it is our practice to employ the best qualified staff and provide equal opportunity for the advancement of employees including promotion and training and development free from discrimination in accordance with the Equality Act 2010.

Staff will be carefully selected to individual posts within the nursery based on their qualifications, experience and personal skills

Staff will be carefully selected to ensure that they bring with them the qualities that will enable them to work happily within our ethos

When employing qualified staff, we look for qualifications and experience and look for what the individual can bring to us and well as what we can offer them. We place an emphasis on enthusiasm and commitment to learning and development.

Interviews will be carried out by either the Managing Director, General Manager or the Nursery Manager and a qualified supervisory member of staff. On occasion a parent or child from the setting may also be present.

All new staff must liaise with the nursery administrator prior to commencement to complete a series of checks to ensure compliance with Scottish Statutory Instrument, 2002 no 113, Social Care.

Aims of Great Western Pre-School

Mission Statement

Our Vision is to prepare an environment that is stimulating for each child, regardless of age or individual need. To have knowledgeable staff who are trained to provide that environment with a caring attitude whilst maintaining a sense of humour. We feel that children should be cared for in a light hearted way whilst providing structure and order throughout their day.

- To provide an active, happy, stimulating, safe, caring and sharing environment where children aged 0 to 5 years can grow, learn, and acquire skills that will encourage them to become confident, motivated, independent thinkers and learners.
- To monitor, observe, record and evaluate all children's progress so that appropriate learning experiences can be created to provide a balanced curriculum in line with national advice appropriate to the stage of development for each child.
- To build positive relationships between adults and children encouraging mutual understanding and respect for people, the environment, and cultural diversity.
- To encourage partnerships between parents/guardians, community, outside agencies and the nursery.
- To provide specialist care for each individual child with staff having the appropriate training and experience. To employ staff that have gone through a stringent recruitment process in-line with national legislation and advice.
- To provide appropriate accommodation and resources for each age group.
- To encourage healthy eating and provide appropriate physical activities both inside and outside.
- To respond quickly and positively to parent's suggestions, views and enquiries.
- To provide a nursery where the ethos is relaxed and friendly but professional.
- To provide a high quality service where management and staff actively self-evaluate nursery provision and formulate development programmes.
- To follow a staff appraisal process where personal development is not only encouraged but also supported through appropriate training.

The Aims of Great Western Out of School Clubs

Mission Statement

Our Vision is to prepare an environment that is stimulating for each child, regardless of age or individual need. To have knowledgeable staff who are trained to provide that environment with a caring attitude whilst maintaining a sense of humour. We feel that children should be cared for in a light hearted way whilst providing structure and order throughout their day.

- To provide the highest standard of physical and emotional care for the children in a happy, stimulating, safe, caring and sharing environment where children can grow, learn, make friends and have fun.
- To build positive relationships between adults and children encouraging mutual understanding and respect for people, the environment and cultural diversity.
- To integrate children with disabilities or special needs.
- To encourage positive behaviour, keeping in mind the rules of behaviour outlined by the school, thus providing continuity for the children in both settings.
- To welcome all children and parents to the club through an appropriate induction process encouraging open communication between staff and parents.
- To respond quickly and positively to parents and children's suggestions, views and enquiries.
- To provide a relaxed but professional environment.
- To provide activities for the children appropriate to their age and needs keeping in mind their creative, physical and social needs.
- To provide activities that are influenced by the views of the children, parents and staff and taking into consideration the recommendations of outside agencies and inspection teams.
- To provide appropriate equipment necessary for the successful running of the club that is appropriate to the ages and individual needs of the children.
- To maintain an inventory so that equipment can be replaced when necessary and used to its maximum benefit.
- To provide a nutritious snack in a relaxed social setting where children can communicate and form relationships.
- To provide appropriate training for staff where senior more experienced staff coach and mentor their team.
- To provide a quality service where management and staff actively self-evaluate and monitor the clubs provision taking into consideration the views of service users so that future development requirements can be identified.

Application Process

Please ensure that you read through the Job Description and Person Specification prior to completing the application form. It is essential that the application form is completed; but, you may also attach a current Curriculum Vitae (CV) if you have one. As an equal opportunities employer, should you require any adjustments to be made to support you during the application stage or during the interview process please contact The Nursery Manager at the location of your application.

Job Description and Person Specification

Attached at the back of this pack is a Job Description which details the main responsibilities and duties required of the post holder and a Person Specification. The Person Specification details the essential and desirable criteria required.

For you to be shortlisted for interview you must meet all the essential criteria of the post whilst although beneficial to have one or all of the desirable criteria it would not preclude you from interview unless we have too many applications and we have to narrow down the applicant pool.

Application Form

Please complete the application form in detail and return prior to the closing date. The application form can be found at the at the back of this pack. You may also attach a CV with the application form. If the application form is incorrectly completed your application will be rejected.

Pre-Employment Checks

Great Western Pre School is committed to ensuring the safety and well-being of children and staff at all times. To ensure this is undertaken, the following pre-employment checks will be implemented:

References

It is company policy that you provide **two referees**. One of whom should be your current or last manager. If you have been employed with them for less than 2 years; then, you must provide details of your previous manager/employer. If you are a school leaver or student; then, one reference must be from Head of School or Guidance Teacher.

Medical Information

We have a duty of care to ensure that all staff employed are physically and mentally capable to undertake the full duties of the role. Although the roles are rewarding it can be physically and mentally demanding. The wellbeing of children is at the forefront of our ethos therefore we must ensure that no children are put at risk and we are not placing employees in situations which would breach our “**Duty of Care**” to you as an employee.

Great Western Pre-school therefore requires certain information relating to candidate’s health prior to commencing employment. This is to ensure that the candidate will be able to perform the requirements of the job and give a reliable service and to ensure compliance with relevant Health and Safety regulations.

This information is required in order to establish whether any reasonable adjustments may need to be made to assist the candidate in performing their duties, in accordance with the Equality Act 2010. The information received will be treated in the strictest confidence and used only for the purposes detailed above in compliance with The Data Protection Act 1998.

In the case of a candidate who has been offered a position working directly with children, a questionnaire is sent to the candidates GP to help to determine the candidate’s suitability to work with children as per the Children’s Act 1989. We therefore ask staff selected for interview, to complete a Medical Consent Form. Please enclose it in a sealed envelope and bring it with you to the interview. This will only be opened if you are the successful candidate. If unsuccessful, we will dispose of the form, confidentially.

Qualifications

Governing Body Information Check

If you have professional qualifications, then a check will be made with the relevant governing body to determine whether any information is held which would have an impact on determining suitability for the position being offered. This will be relevant if you have previously worked in the social care sector and are qualified and/or working towards a qualification or, if the candidate holds a teaching, nursing or medical qualification.

Other Qualifications

If you are a school leaver or university graduate, we will require to see any qualifications or degree certificates that you state you have obtained in your application form. Please bring these with you to interview if selected. Copies will be made and if successful kept in your employee file.

We will undertake a check of all qualifications presented with the awarding body to authenticate these.

Eligibility to Work

To ensure that you are eligible to work in the UK, should you be selected for interview, you must bring with you approved documents as per Home Office guidelines.

A list of approved documents is included for your reference at the end of this pack.

Disclosure/Protecting Vulnerable Groups Policy

The Scottish government introduced a membership scheme to improve disclosure arrangements for people who work with vulnerable groups. The PVG scheme is managed and delivered by Disclosure Scotland which, as an executive agency of the Scottish Government, has taken on additional responsibilities. These include taking decisions on behalf of Scottish Ministers, about who should be barred from working with vulnerable groups.

The main points of the scheme:

- Help to ensure that those who have regular contact with children and protected adults, through paid and unpaid work, do not have a known history of harmful behaviour.
- Is quicker and easier to use, reducing the need for PVG Scheme members to complete the full detailed application form every time a disclosure check is required.
- Strikes a balance between proportionate protection and robust regulation and makes it easier for employers to determine who they should check to protect their client group.

Protecting Vulnerable Groups Procedure

Prior to taking of their post, the successful candidate will be required to have joined the PVG scheme.

The procedure for staff disclosure includes:

- All employees will be subject to joining the PVG scheme before taking up their post and then every three years.
- New members of staff who have a PVG certificate will only be allowed an update if the certificate has been issued within the last three months
- The administrator is the person responsible for collecting and handling the disclosure information. All information will be handled sensitively and responsibly and shared with the managing director and the managers where appropriate.
- The Administration Manager has read and understands the Code of Practice and Explanatory Guide on code of Practice as published by the Scottish office
- In the event that information needs to be divulged to a third person in connection with legal proceedings, i.e. an industrial tribunal, Disclosure/PVG Scotland will be informed prior to the release of information.
- Disclosure information will be stored in a lockable filing cabinet in the Office. Access to this filing cabinet is restricted to:
 - ✓ Administrator Manager
 - ✓ Managing Director
 - ✓ General Manager
 - ✓ Managers and Administrators of Individual Nurseries and Clubs
- Disclosure/PVG information is not stored on site and is destroyed by shredding.
- In the event of a disclosure containing information that relates to convictions, etc. the Administration Manager will inform The Managing Director who will make a decision regarding the suitability of the applicant or employee for employment taking into consideration whether or not the offence would put staff, children, the organisation or the reputation of the company at risk. The reason for the decision should be recorded and included with the staff file.
- A record will be kept of the employee's names that have been screened by Disclosure/PVG Scotland. The record will include:
 - ✓ When the check was made
 - ✓ Date of the check and for whom it was carried out.
 - ✓ The unique number issued
 - ✓ The Administration Manager will also keep a record of the member of staff she informed in the relevant nursery when a disclosure is issued.

Disqualification for Caring for Children Regulations 1991

Prior to commencing employment all candidates must be given a copy of the disqualification for caring for children regulations - Statutory Instrument 1991 No. 2094 Disqualification for caring for children regulations. Candidates should read this and then sign the enclosed declaration and return with the completed application. . A copy of the declaration will be retained in the staff file.

Appendices Section - Documents to be completed and returned by candidate

Document 2 -Application Form

Position applied for:

Personal Details	
Title (Mr, Mrs, Ms, etc):	National Insurance Number:
Surname:	
Forenames:	
Address:	
Postcode:	Email Address:
Telephone Home:	Telephone Mobile:

Education		
Name of Secondary School	From / To	Examinations (Subjects / Results)

Further Education			
Name of University or College	From / To	Course of Study	Qualifications Gained

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Work Experience: Please list the jobs that you have held with your current or most recent and working backwards. (continue on a separate sheet if necessary)

Dates From / To	Full Company Name / Address	Job Titles / Duties	Reason for Leaving

Other Experience

Please tick the appropriate box if you are a current holder of any of the following vehicle licences:

For Lift Truck	<input type="checkbox"/>	Car Licence	<input type="checkbox"/>	Licence LGV Class 1 (Formerly Cl.1)	<input type="checkbox"/>
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Any Traffic Offences Yes / No

If Yes, please provide the details of the offence here

Please indicate here if you have any other relevant skills (E.g First Aid, etc.)

Hobbies and Interests (Please give details of any hobbies/interests you have)

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Criminal Records			
Have you been convicted of a criminal offence?	Yes / No	Any Convictions Pending?	Yes / No
If you have answered yes to either of these please give details except for those “spent” under the Rehabilitation of Offenders act 1974			

Disclosure
Have you previously or are currently going through disciplinary/grievance procedures?
Are you registered with SSSC or any other regulatory bodies? Or have you previously been registered with SSSC or any other regulatory bodies?
Do you currently hold a PVG membership? If so what is your registration details.
Do you have any family members or close friend that work within the organisation or who are service users?
Have you worked within or applied for any positions within the organisation previously?

Supporting Evidence
Please detail any additional information you wish to add in support of your application including your suitability for the post, your main achievements to date and any knowledge, skills and experience you feel are relevant to the post applied for:

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Work Permit

Do you require a permit to work in the UK?	Yes / No	Do you have a work permit?	Yes / No
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References

Please indicate two referees who might be able to tell us more about you. One of which must be a former employer/head teacher/tutor or guidance teacher. References will not be taken up prior to interview. Any job offer is made subject to satisfactory references. Note -We may contact any former employer in addition to those noted as referee

Name	Name
Company	Company
Position	Position
Tel No	Tel No
Address	Address
Relationship	Relationship

Emergency Contact

Please provide details of the person to contact in the case of an emergency

Name	Relationship	Tel No
Address		

Recruitment Policy

It is the policy of Great Western Pre-School to employ the best qualified personnel and provide equal opportunity for the advancement of employees including promotion and training and not to discriminate against any person because of race, colour, gender, age, marital status or disability. A copy of the recruitment policy is available in the candidate selection pack.

Signature

Before Signing below, please read carefully and ensure that all sections have been completed. Your signature will be taken as:

- An Acknowledgement that all information given on this form is complete and correct.
- An understanding that any offer of employment is subject to satisfactory references and pre-employment checks as listed in the recruitment policy.
- An understanding that any false statement or non-disclosure on this application may render me to dismissal.

Signed	Date
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Document 3 - Home Office Checklist

Source of List -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426964/an_e_employers_guide_to_right_to_work_checks_may_2015_final.pdf

Annex A

Lists of acceptable documents for right to work checks

List A - Acceptable documents to establish a continuous statutory excuse

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B - Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Document 4 - Statutory Instrument 1991 No. 2094 Disqualification for caring for children regulations

The Disqualification for Caring for Children Regulations 1991

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The text of this Internet version of the Statutory Instrument has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the The Disqualification for Caring for Children Regulations 1991, ISBN 0110150945. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail:customer.services@tso.co.uk.

STATUTORY INSTRUMENTS

1991 No. 2094

CHILDREN AND YOUNG PERSONS

The Disqualification for Caring for Children Regulations 1991

Made 17th September 1991

Laid before Parliament 23rd September 1991

Coming into force 14th October 1991

The Secretary of State for Health in relation to England and Wales in exercise of the powers conferred by section 68(1) and (2) of and paragraph 8 of Schedule 5 and paragraph 2 of Schedule 9 to the Children Act 1989[1] and the Secretary of State for Scotland in relation to Scotland in exercise of the powers conferred by the said paragraph 2 of Schedule 9 and, in each case, of all other powers enabling them in that behalf hereby make the following Regulations:—

Citation commencement interpretation and extent

1.—(1) These Regulations may be cited as the Disqualification for Caring for Children Regulations 1991 and shall come into force on 14th October 1991.

(2) In these Regulations unless the context otherwise requires—

(a) "the Act" means the Children Act 1989;

(b) any reference to a Schedule is to the Schedule to these Regulations.

(3) These Regulations extend to Scotland only in so far as they provide for disqualification from registration under Part X of the Act (childminding and day care).

Disqualification from fostering a child privately or registration under Part X of the Act

2. For the purpose of section 68 (persons disqualified from being private foster parents) and of paragraph 2 of Schedule 9 to the Act (disqualification from registration), a person is disqualified from fostering a child privately or registering under section 71 of the Act (registration for child-minding and day-care) if—

(a) he is a parent of a child who at any time has been made the subject of an order under section 31(1)(a) of the Act (care order);

(b) one of the following orders has been made at any time with respect to a child so as to remove the child from his care or prevent the child living with him—

(i) an order under section 31(1)(a) of the Act or an order under section 1(3)(c) or 7(7)(a) of the Children and Young Persons Act 1969[2] (care orders),

(ii) any other order that would have been deemed to be a care order by virtue of paragraph 15 of Schedule 14 to the Act (transitional provisions for children in compulsory care) had it been in force immediately before the day on which Part IV of the Act comes into force,

- (iii) a supervision order which imposes a residence requirement under section 12AA of the Children and Young Persons Act 1969[3] (requirement that young offender live in local authority accommodation),
- (iv) an approved school order or a fit person order under section 9(1)(a) or (b) of the Children and Young Persons Act 1933[4] or section 61(1)(a) or (b) of the Children and Young Persons (Scotland) Act 1937[5], or
- (v) a fit person order, parental rights order or a training school order under the Children and Young Persons Act (Northern Ireland) 1968[6], or the Children and Young Persons Act (Northern Ireland) 1950[7];
- (c) a supervision requirement has been imposed under the Social Work (Scotland) Act 1968[8] at any time with respect to any child for the purpose of removing that child from his care;
- (d) his rights and powers with respect to the child had at any time been vested in a local authority in Scotland under the Social Work (Scotland) Act 1968 or the Children Act 1948[9];
- (e) an order has been made at any time, for the purposes of removing a child who was being kept, or was about to be received, by him, under—
 - (i) section 34 of the Adoption Act 1976[10] or section 43 of the Adoption Act 1958[11] (removal of protected children from unsuitable surroundings),
 - (ii) section 34 of the Adoption (Scotland) Act 1978[12] (removal of protected children from unsuitable surroundings), or
 - (iii) article 35 of the Adoption (Northern Ireland) Order 1987[13] (removal of protected children from unsuitable surroundings);
- (f) an order removing a child from his care has been made at any time under—
 - (i) section 12 of the Foster Children Act 1980[14] or Part I of the Children Act 1958[15] (removal of foster children),
 - (ii) section 12 of the Foster Children (Scotland) Act 1984[16] (removal of foster children), or
 - (iii) section 8(1) of the Children and Young Persons Act (Northern Ireland) 1968 or section 6(1) of the Children and Young Persons Act (Northern Ireland) 1950 (removal of foster children);
- (g) he has been convicted of any offence mentioned in the Schedule;
- (h) he is a person who carried on, or was otherwise concerned with the management of, or had any financial interest in, a voluntary home which was removed from the register under
 - (i) section 57(4) of the Child Care Act 1980[17],
 - (ii) paragraph 1(4) of Schedule 5 to the Act,
 - (iii) section 99(4) of the Children and Young Persons Act (Northern Ireland) 1950, or
 - (iv) section 127(4) of the Children and Young Persons Act (Northern Ireland) 1968;

(i) there has been a refusal to register a voluntary home in relation to an application made by him under—

(i) section 57(3) of the Child Care Act 1980[18],

(ii) paragraph 1(2) of Schedule 5 to the Act,

(iii) paragraph 5 of Schedule 5 to the Act,

(iv) section 99(3) of the Children and Young Persons Act (Northern Ireland) 1950, or

(v) section 127(3) of the Children and Young Persons Act (Northern Ireland) 1968;

(j) there has been a refusal to register a registered children's home in relation to an application made by him under paragraph 1 of Schedule 6 to the Act (application for registration);

(k) he is a person who carried on or was otherwise concerned with the management of or had any financial interest in a registered children's home and that home was removed from the register under paragraph 4 of Schedule 6 to the Act (cancellation of registration);

(l) he is a person in respect of whom a prohibition has been imposed under—

(i) section 69 of the Act (power to prohibit private fostering),

(ii) section 10 of the Foster Children Act 1980 or Part I of the Children Act 1958 (power to prohibit private fostering), or

(iii) section 10 of the Foster Children (Scotland) Act 1984, or a notice in writing is given by a Health and Social Services Board under section 1(3) of the Children and Young Persons Act (Northern Ireland) 1968[19] (withholding consent to the care and maintenance of the child being undertaken by a person);

(m) he has at any time been refused registration in respect of nurseries day care or child minding or had any such registration cancelled under—

(i) section 1 of the Nurseries and Child-Minders Regulation Act 1948[20],

(ii) section 5 of the Nurseries and Child-Minders Regulation Act 1948,

(iii) Part X of the Act,

(iv) section 11(5) of the Children and Young Persons Act (Northern Ireland) 1968, or

(v) section 15 of the Children and Young Persons Act (Northern Ireland) 1968.

(n) he has at any time been refused registration or had such registration cancelled under section 62 of the Social Work (Scotland) Act 1968[21](registration of establishments).

Disqualification in relation to voluntary homes

3.—(1) A person who is disqualified under section 68 of the Act from fostering a child privately shall not carry on, or be otherwise concerned in the management of, or have any financial interest in, a voluntary home unless he has—

- (a) disclosed to the Secretary of State the fact that he is so disqualified; and
- (b) obtained his written consent.

(2) No person shall employ a person who is so disqualified in a voluntary home unless he has—

- (a) disclosed to the Secretary of State the fact that that person is so disqualified; and
- (b) obtained the written consent of the Secretary of State.

(3) Where the Secretary of State refuses to give his consent under this regulation he shall inform the person carrying on or intending to carry on the voluntary home by a written notice which states—

- (a) the reason for the refusal;
- (b) the right to appeal against the refusal to a Registered Homes Tribunal under paragraph 5 of Schedule 5 to the Act; and
- (c) the time within which he may do so.

(4) Any person who contravenes paragraph (1) or (2) of this regulation shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

Signed by authority of the Secretary of State for Health.

Virginia Bottomley

Minister of State, Department of Health

16th September 1991

Michael Forsyth

Minister of State, Scottish Office

17th September 1991

Notes:

[1] 1989 c. 41. Paragraph 2 of Schedule 9 to the Children Act 1989 was amended by paragraph 30 of Schedule 16 to the Courts and Legal Services Act 1990 (c. 41).

[2] 1969 c. 54.

[3] Section 12AA was inserted by paragraph 23 of Schedule 12 to the Children Act 1989

[4] 1933 c. 12.

[5] 1937 c. 37

[6] 1968 c. 34 (N.I.)

[7] 1950 c. 5 (N.I.)

[8] 1968 c. 49.

[9] 1948 c. 43.

[10] 1976 c. 36. Section 34 of the Adoption Act 1976 was repealed on 14th October 1991 by Schedule 15 of the Children Act 1989 (Commencement and Transitional Provisions) Order 1991 (S.I. 1991/828

[11] 1958 c. 5; this was repealed by the Adoption Act 1976.

[12] 1978 c. 28.

[13] S.I. 1987/2203 (N.I. 22).

[14] 1980 c. 6.

[15] 1958 c. 65; this was repealed by the Foster Children Act 1980.

[16] 1984 c. 56. back

[17] 1980 c. 5. Section 57(4) was amended by section 11 of and paragraph 39 of Schedule 4, Part II to the Health and Social Services and Social Security Adjudications Act 1983. back

[18] Section 57(3) was amended by section 11 of and paragraph 39 of Schedule 4, Part II to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41). back

[19] Section 1(3) was amended by Schedule 16 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)). back

[20] 1948 c. 53. Section 1 was amended by section 60 of the Health Services and Public Health Act 1968 (c. 46). back

[21] Section 62 was amended by section 3 of the Registered Establishments (Scotland) Act 1987 (c. 40). back

SCHEDULE

(regulation 2(g))

WHICH DISQUALIFY PERSONS FROM PRIVATE FOSTERING AND REGISTERING UNDER SECTION 71 OF THE ACT

1. Offences specified in Schedule 1 to the Children and Young Persons Act 1933[22] and Schedule 1 to the Criminal Procedure (Scotland) Act 1975[23] and Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968[24] and the Homosexual Offences (Northern Ireland) Order 1982[25].

2. Any offence involving injury or threat of injury to another person.

3. Offences under any of the following—

(a) section 36(1)(b) or (c) of the Adoption Act 1976[26], or section 36(1)(b) or (c) of the Adoption (Scotland) Act 1978[27], or Article 37(1)(b) or (c) of the Adoption (Northern Ireland) Order 1987 (refusing to allow the visiting of a protected child or inspection of the premises or refusing to comply with or obstructing the removal of the child);

(b) sections 44(15), 49 or 50(9) of the Children Act 1989 or sections 17(8) or 71 of the Social Work (Scotland) Act 1968 or sections 6 to 10 of the Child Abduction Act 1984[28] or sections 9(1)(e) and (f), 32(3), 140(6) and 144(3) of the Children and Young Persons Act (Northern Ireland) 1968; section 32(3) of the Children and Young Persons Act 1969 (offences of intentional obstruction of a person executing an emergency protection order or in Scotland and Northern Ireland a place of safety order, or abduction or obstruction of lawful recovery of an abducted child);

(c) section 78 of the Act or section 14 of the Children and Young Persons Act (Northern Ireland) 1968[29] (providing day care or acting as a child minder in unregistered premises or contravening an enforcement order served on him by a local authority acting under that section);

(d) section 63(10) of the Act (caring for and accommodating a child in a children's home which is not registered) or paragraph 2(3) of Schedule 6 to the Act (breach of conditions attaching to registration of registered children's home);

(e) section 14 of the Children Act 1958, section 16 of the Foster Children Act 1980, section 70 of the Act, section 15 of the Foster Children (Scotland) Act 1984, or section 9(1) of the Children and Young Persons Act (Northern Ireland) 1968, or section 2(8) of the Children and Young Persons Act (Northern Ireland) 1950 (offences in respect of private fostering);

(f) section 29(5) of the Children Act 1948, section 57(5) of the Child Care Act 1980[30], paragraph 1(5) of Schedule 5 to the Act, or sections 99(5) and 101(3) of the Children and Young Persons Act (Northern Ireland) 1950, or section 127(5) or 129(3) of the Children and Young Persons Act (Northern Ireland) 1968 (carrying on a voluntary home without it being registered or in contravention of a condition attached to registration);

(g) section 6(5), 60(3), 61, 62 or 68(3) of the Social Work (Scotland) Act 1968 (refusal of registration and offences in respect of day care or residential care);

(h) the common law offence in Scotland of plagium (theft of a child below the age of puberty);

(i) section 52(1)(a) or section 52(A) of the Civil Government (Scotland) Act 1982[31] (offences relating to indecent photograph of children).

Notes:

[22] Schedule 1 has been amended by sections 48 and 51 of and Schedules 3 and 4 to the Sexual Offences Act 1956 (c. 69), section 1(5) of the Protection of Children Act 1978 (c. 37) as supplemented by section 160 of the Criminal Justice Act 1988 (c. 33) and further amended by section 170 of and paragraphs 8 and 9 of Schedule 15 to that Act and Schedule 16 to that Act.

[23] Schedule 1 has been amended by section 21 of and Schedules 1 and 2 to the Sexual Offences (Scotland) Act 1976 (c. 67) and section 170 of and paragraphs 50 and 51 of Schedule 15 to the Criminal Justice Act 1988.

[24] Schedule 1 has been amended by the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I.16)); the Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17)); the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)). Reference in the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/104 (N.I. 17)) to offences under Schedule 1 include an offence under the Protection of Children (Northern Ireland) Order 1978.

[25] S.I. 1982/1536 (N.I. 19)

[26] Section 36(1)(c) of the Adoption Act 1976 was repealed on 14 October 1991 by Schedule 15 of the Children Act 1989 (Commencement and Transitional Provisions) Order 1991 (S.I. 1991/828)

[27] 1978 c. 28

[28] There is no exact equivalent to these provisions in Scotland; thus offences relating to children in places of safety, residential establishments or under control are dealt with by section 71 of the Social Work (Scotland) Act 1968 in so far as they relate to inducing/assisting abscondment and harbouring a child. Abduction of a child in care is dealt with under section 17(8) of the 1968 Act and abduction generally under Part II of the Child Abduction Act 1984 (c. 37) which, in Scotland, is not an offence for the purposes of Schedule 1 to the Criminal Procedure (Scotland) Act 1975 (c. 21).

[29] There is no provision for enforcement orders under the relevant Northern Ireland legislation.

[30] Section 57 was amended by section 11 of and paragraph 39 of Schedule 4 Part II to the Health and Social Services and Social Security Adjudications Act 1983.

[31] 1982 c. 45. Section 52A was inserted by section 161 of the Criminal Justice Act 1988.

Document 5 - Declaration – Disqualification for caring for Children Regulations.

Great Western Pre-School

Declaration

I declare that I have been given a copy and have read the Disqualification for caring for children regulations 1991.

I declare that I am not disqualified and do not live in the same household as anyone who is disqualified.

Signature _____

Print Name _____

Date _____