

Response ID ANON-CMFD-ERZC-E

Submitted to Childcare workers: changes to disqualification arrangements
Submitted on 2016-06-29 11:52:02

Childcare Disqualification Arrangements

What is your name?

Name:

What is your email address?

Email:

What is your organisation?

Organisation:
Cornwall Council

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:

We do feel that the current legislation / requirements are too onerous judging by the statistics provided in the consultation document (October 2014 - October 2015, Ofsted declined none of the 1148 waiver applications it considered). In addition, we feel that the current vetting practices and policies employed by Ofsted aren't achieving anything and probably this is on the grounds that there are sufficient safeguards in place in non-domestic settings. However, we do have concerns about non-domestic settings which is why we are supporting Option 2 and feel that disqualification should be maintained.

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 2

explain why you have chosen this option:

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?

No

Please give your reasons for supporting option1:

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?

Yes

Please give your reasons for supporting option 2:

We feel that option 2 is the most suitable option as disqualification is still in place but provides the workers listed the right to make a representation to Ofsted for a waiver before disqualification takes effect.

However, we do have some questions and further points for clarification in relation to Option 2:

- 1) Will workers be required to be supervised whilst Ofsted is considering the waiver?
- 2) Can a school or non-domestic setting still decide not to employ someone to whom Ofsted has granted a waiver?
- 3) We would like to see a robust and consistent set of criteria and guidelines around the new arrangements in order to ensure they are being appropriately and properly applied.
- 4) There needs to be clear guidance in relation to the new guidelines / requirements to ensure they are being properly applied and people appropriately advised.

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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).

No

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:

It would seem only sensible to include the headteacher / registered person in a relevant setting and enable them to be involved in the decision making process.

We have asked in a previous question whether or not a school or other non-domestic setting would have to employ someone who has been granted a waiver by Ofsted or if they still have the jurisdiction to refuse the employment.

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:

We believe it would save time and potentially money if an individual can apply to Ofsted for a waiver before disqualification takes effect.

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:

We have some comments in relation to the points on page 7 of the consultation document:

- 1) Despite the wider safeguarding arrangements in place under the DBS, it is important to recognise that disqualification is not included within the DBS regime
- 2) We disagree that an offence committed by someone in the household has no bearing on the childcare worker's job - adults are also susceptible to grooming and coercion
- 3) The legislation around disqualification needs to be clearer and simpler
- 4) We would like to understand more why the requirements stop at the age of 8? Children are susceptible at any age and the recent focus on child sexual exploitation and child grooming should support this