

NORTH LANARKSHIRE COUNCIL
REPORT

To: Social Work Committee	Subject: Refusal of Childminding Registration Application
From: Director of Education	
Ref: JMcG/JR/SJM	
Date: 9 February 1998	

Purpose of Report

To advise committee of the circumstances relating to an application under The 1989 Children Act from a prospective childminder, Mrs X, which have given cause for concern.

Recommendation

The Social Work Committee is asked to formally approve the decision not to register Mrs X as a childminder because of concerns in relation to her husband's criminal history.

Members wishing further information in respect of this report are asked to contact:

Jim McGuinness, Head of Support for Learning, Tel No: 01236 812313 or
Janette Rose, Principal Officer (Early Years), Tel No: 01236 812273

NORTH LANARKSHIRE COUNCIL
EDUCATION DEPARTMENT

EARLY YEARS SERVICE

REPORT TO SOCIAL WORK COMMITTEE BY DIRECTOR OF EDUCATION
3 MARCH 1997

1. Introduction

- 1.1 Under the terms of the Children Act 1989 the Council is empowered to register and inspect persons and facilities involved in the provision of daycare to children under the age of eight years. This authority is delegated to the Education Department and the Education Committee in respect of registration and inspection but in relation to cases where the Education Department is recommending refusal of a registration application then the matter must be reported to the Social Work Committee for a final decision.

2. Background

- 2.1 The Education Department has received an application to childmind from Mrs X. As is required practice for such applications checks were carried out in respect of the applicant and the other adults within the household. This included the husband of the childminding applicant Mr X. The checks carried out included a Scottish Criminal Records Office enquiry and a check through the social work department to ascertain whether the persons involved are known to them.
- 2.2 In the case of Mrs X no criminal record was found and no social work concerns were raised.
- 2.3 However in the case of Mr X the social work department check revealed that in 1986, when living in Cowdenbeath with his ex-wife, he had been the subject of a child abuse investigation. Mr X had physically assaulted his son who was at that time one year old. Mr X was charged and convicted under Schedule 1 of the Children and Young Persons Act and served two years probation. This is borne out by the SCRO response which also contains information in respect of additional charges of theft by housebreaking (2 charges), theft (1 charge) theft (shoplifting) (1 charge) and a Road Traffic Offence, all during the period July 1981 to February 1990.

3. Further Action

- 3.1 A personal interview was subsequently arranged with Mr X and conducted on 20 August, 1997 by the Head of Support for Learning. At that time Mr X stated that he no longer had contact with his first wife and child. He outlined the circumstances surrounding each of the offences detailed above and particular discussion took place in relation to the offence carried out under the Children and Young Persons (Scotland) Act 1937. At the close of the interview Mr X was informed that legal advice would be sought in respect of further action.

- 3.2 Confirmation was subsequently received from the Head of Legal Services that the statutory provisions of the Children Act 1989 allow the Council to refuse an application for registration if it is satisfied that any person living or likely to be living at the premises on which the applicant is or is likely to be childminding is not fit to be in the proximity of children under the age of 8.

4. Recommendation

- 4.1 The Rehabilitation of Offenders Act 1974 does not apply in childcare related applications and the education department recommends that, against the background described above, Mrs X request for registration be refused.
- 4.2 Mrs X was notified of this intention in a formal Notice of 5 January, 1998 and was given 14 days to appeal. No advice has since been received from Mrs X and it is therefore recommended that the Social Work Committee formally approve the decision not to register Mrs X as a childminder because of concerns in relation to her husband's criminal history.

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