

B: Suitable people

What do I need to know?

- Legal Framework
 - [DBS code of practice](#)
 - [Childcare Act 2006](#)
 - [Protection of Freedoms Act 2012](#)
 - [Police Act 1997](#)
 - [The Police Act 1997 \(Criminal Records\) \(Registration\) Regulations 2006](#)
 - [Safeguarding Vulnerable Groups Act 2006](#)
 - [Disqualification under the Childcare Act 2006](#)
 - [The Childcare \(Disqualification\) Regulations 2009](#)
 - [Rehabilitation of Offenders Act 1974](#)

- [Statutory framework for the early years foundation stage](#): pages 23-24 , paragraphs 3.0 – 3.13.

Suitable people (page 9-11 of audit)	Things to consider and discuss:
<p>Do you ensure that people looking after children are suitable to fulfil the requirements of their roles?</p> <p>Do you ensure you have effective systems in place to ensure that practitioners, and any other person who may have regular contact with children (including those living or working on the premises), are suitable?</p> <p><i>If you are a childminder, are you aware that to allow Ofsted or the relevant childminder agency to make these checks, you are required to supply information to Ofsted or the relevant childminder</i></p>	<ul style="list-style-type: none"> • What does it mean to be a 'suitable person'? • How do you judge suitability? • How do you ensure that all staff/committee members/proprietors/governors and members of the registered body are suitable to work with children? How do you know they are of good character and have the necessary skills? • Do you know when the relevant Ofsted EY2 or EY3 forms need to be completed? • Do you know which people associated with your provision Ofsted or your relevant Childminder Agency need to know about?

- Have you informed Ofsted of any changes to personnel as relevant?
- How do you know if your recruitment procedures are robust?
- Has anyone attended 'Safer recruitment training'?
- Do you make decisions of suitability by considering evidence from:
 - Disclosure & Barring Service (DBS) checks
 - References
 - Full employment history
 - Qualifications
 - Interview
 - Disqualification by association (on domestic premises)
 - Medical suitability
 - Identity checks
 - Safeguarding knowledge
- Do you record (where applicable) all checks which are made?
- Are at least 2 references obtained for each employee and kept on file as evidence?
- How do you know staff know how to fulfil the requirements of their roles?
- What checks and risk assessments need to be in place for volunteers, students and any other person who may have regular contact with children e.g. family members (if you are a childminder) when they attend the provision?
- Do you observe the practice of the prospective new member of staff as part of the interview process?
- Do you have a staff behaviour and/or code of conduct policy and procedure which is shared with staff during the recruitment process? How often do you review this in the light of incidents/changes? Is this frequent enough?
- What are your procedures to check that staff members are suitable to work with children after they return to work from sick leave and/or if they are taking medication?

	<ul style="list-style-type: none"> • What are the procedures for storing staff medication? (must be secure and out of reach of children at all times) • What would you do if a staff member appeared to be under the influence of alcohol or any other substance that may affect their ability to care for children? What are your disciplinary procedures?
<p>If you are a childminder, are you aware that it is Ofsted’s or the agency with which you are registered with responsibility to check your suitability, to check the suitability of every other person looking after children for whom the childminding is being provided, and of every other person living or working on any domestic premises from which the childminding is being provided.</p> <p>Are you aware this also includes requiring enhanced criminal records checks and barred list checks?</p> <p>Do you ensure (other than childminders and childcare on domestic premises) you obtain enhanced criminal records checks in respect of every person aged 16 or over (including for unsupervised volunteers, and supervised volunteers who provide personal care – <i>personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing</i>) who:</p> <ul style="list-style-type: none"> • works directly with children? • lives on the premises on which the childcare is provided (unless there is no access to the part of the premises when and where children are cared for)? • works on the premises on which the childcare is provided (unless they do not work on the part of the premises where the childcare takes place, or do not work there at times when children are present)? 	<ul style="list-style-type: none"> • Do you know which people associated with your provision Ofsted or the agency with which you are registered need to know about? Who are these people? • How do you ensure all the suitability of these people are checked? • How do you know if your staff or persons associated with your provision have had an enhanced criminal records check and barred list check? • Are you aware of and are you using the Disclosure & Barring Service (DBS) update service? How regularly do you use it? What situations which would prompt you to ask for an update? • How do you record DBS check details? Do you keep a record of the numbers of the DBS, the date they were obtained and details of who obtained it?

<p>Do you make sure an additional criminal records check (or checks if more than one country) is made for anyone who has lived or worked abroad? Criminal records checks for overseas applicants - GOV.UK (www.gov.uk)</p> <p><i>Are you aware the requirement for a criminal records check will be deemed to have been met in respect of all people living or working in childcare settings, whose suitability was checked by Ofsted or their local authority before October 2005?</i></p>	<ul style="list-style-type: none"> • Do you know what additional checks are needed when a person has worked abroad? What are they? Do you have to apply to the country or to the relevant embassy in the UK for someone from overseas? • Do you check that prospective employees have the right to work in the UK? • Do you know what to do if you cannot obtain a criminal record certificate from the relevant country? • Do you know which persons this applies to? Do these persons require a DBS update service check?
<p>Do you ensure you tell staff that they are expected to disclose any convictions, cautions, court orders, reprimands and warnings (<i>except convictions or cautions that are protected for the purposes of the Rehabilitation of Offenders Act 1974</i>) that may affect their suitability to work with children (whether received before or during their employment at the setting)?</p> <p>Do you ensure you do not allow people, whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with children being cared for?</p>	<ul style="list-style-type: none"> • How do you ensure the on-going suitability of staff? • What procedures do you have in place for staff to disclose any convictions, cautions, court orders, reprimands and warnings? What would you do if a member of staff discloses information which may affect their suitability to work with children? • Do you ensure all staff sign a declaration of suitability at least on an annual basis or if there are any changes to circumstances and inform DBS/Ofsted/Local Authority Designated Officer (LADO) where appropriate? • What will you do in the event of a member of staff becoming disqualified? • What procedures do you have in place for new staff as part of their induction process? • What are your procedures for people whose suitability hasn't been checked? How do you ensure they do not have unsupervised contact with children being cared for? How do you share these procedures with staff?

<p><i>Are you aware DBS disclosures and barred list information are only issued to the potential employee?</i></p> <p><i>Do you ensure you check the disclosure and consider whether it contains any information that would suggest the person was unsuitable for the position, before an individual has unsupervised contact with children?</i></p> <p><i>Do you make sure you check where a potential or existing employee has subscribed to the online DBS Update service, the status of the disclosure?</i></p> <p><i>Do you ensure where the check identifies there has been a change to the disclosure details, that a new enhanced DBS disclosure is applied for?</i></p> <p><i>Do you ensure before accessing the DBS update service obtain consent from the member of staff?</i></p>	<ul style="list-style-type: none"> • What checks and risk assessments need to be in place for volunteers, students and visitors when they attend the provision? • Apart from your early years practitioners, who else may have regular contact with the children? How do you ensure anyone who has not been suitably checked does not have unsupervised contact with the children in your care, including when on an outing? • How do you obtain from potential employees DBS disclosure information and information from the barred list? • What information do you record? How do you keep this information safe and secure? • How do you check disclosures? How do you know the potential employee is suitable and can have unsupervised contact with children? • Are you aware of and have you subscribed to the DBS update service? How regularly do you use it? What situations would prompt you to ask for an update? • How do you encourage potential/employees to subscribe to the DBS update service? What do you do if a potential/employee won't sign up to the update service? How do you monitor their suitability? • Do you know and understand what circumstances a potential/employee can transfer a DBS disclosure? How do you ensure you comply with DBS guidance on the portability of DBS disclosures? • Where changes to a person's circumstances are disclosed and which preclude them from working with children, do you reapply with the person's consent for a DBS check?
<p>Do you ensure (other than childminders) that you record information about staff qualifications and the identity checks and vetting processes that have been completed (including the criminal records check reference number, the date a check was obtained and details of who obtained it)?</p>	<ul style="list-style-type: none"> • What information do you record about staff qualifications, identity checks and vetting processes? How is this information securely stored? How do you ensure this doesn't breach data protection legislation?

<p>If you are a childminder, are you aware the relevant information will be kept by Ofsted or the agency with which you are registered?</p>	<ul style="list-style-type: none"> • How do you ensure the relevant information being kept by Ofsted or the agency with which you are registered is correct and up to date?
<p>Do you ensure you meet your responsibilities under the Safeguarding Vulnerable Groups Act 2006, which includes a duty to make a referral to the Disclosure and Barring Service where a member of staff is dismissed (or would have been, had the person not left the setting first) because they have harmed a child or put a child at risk of harm (<i>Section 35 of the Safeguarding Vulnerable Groups Act</i>)?</p>	<ul style="list-style-type: none"> • Do you know what your responsibilities are under the Safeguarding Vulnerable Groups Act 2006? How do you meet these responsibilities? • Do you have policies & procedures to follow when a referral to the DBS is required? What are they? How do you know they are implemented? • Who would carry out the referral to the DBS? • Are you familiar with the current procedures on how to refer to the DBS? • Do you have policies & procedures to follow when you need to notify Ofsted or the registered childminders agency and/or LADO with who you are registered? What are these procedures? How do you know this is implemented? • Who would carry out the referral to Ofsted or the childminder agency with who you are registered and /or LADO? • How will you ensure this is done as soon as is reasonably practicable, but in any event within 14 days of the incident (Ofsted) and 24 hours (LADO)? • Are you familiar with the current procedures on how to notify Ofsted / LADO?

Useful links and further help:

[Disclosure and Barring Service](#)

[Apply to join a nursery or other daycare organisation \(EY2\) OFSTED](#)

[Early years and childcare services: EY3 changes to individuals OFSTED](#)

(contd...)

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Early Years Service, Education Improvement, Derbyshire County Council

[Disqualification under the Childcare Act 2006](#)

[Keeping children safe in education GOV.UK](#)

[Working together to safeguard children GOV.UK](#)

[Saferrecruitmentconsortium.org](#) - Guidance for safer working practice for those working with children and young people in education settings

[Recruitment and Selection \(ddscp\)](#)

[Safer Recruitment advice \(NSPCC\)](#)

[Advisory, conciliation and arbitration service \(ACAS\)](#)

[Derbyshire SchoolsNet - Early Years Quality Team](#)

[Derbyshire Early Years Service - Eventbrite](#)

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