

B: Suitable people - Childminders

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](#)

- [EYFS statutory framework for childminders \(publishing.service.gov.uk\)](#) pages 16-17, paragraphs 3.10 – 3.15.

| Suitable people (page 10-12 of audit) | Things to consider and discuss: |
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| <p>Do you ensure that you and any assistants looking after children are suitable to fulfil the requirements of their roles?</p> <p>Do you ensure that you and any assistants looking after children have the relevant training and have passed any required checks to fulfil your roles?</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 you and, or any assistants 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? |

To allow Ofsted or the relevant CMA to make these checks, childminders are required to supply information to Ofsted or the relevant CMA, as set out in Schedule 2, Part 2 of the Childcare (Early Years Register) Regulations 2008, amended by the Childcare (Early Years Register) (Amendment) Regulations 2012. The requirements relating to people who live and work on childminder premises are in Schedule 1, Part 1.

- Have you informed Ofsted of any changes to personnel as relevant?
- Have you and any assistants completed relevant training to fulfil your role?
- What does ‘relevant training’ mean to you?
- 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 any assistants 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 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 behaviour and, or code of conduct policy and procedure which is shared during the recruitment process? How often do you review this in the light of incidents and, or changes? Is this frequent enough?

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| | <ul style="list-style-type: none"> • What are your procedures to check that assistants are suitable to work with children after they return to work from sick leave and, or if they are taking medication? • What are the procedures for storing medication? (must be secure and out of reach of children at all times) • What would you do if an assistant 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>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 aged 16 and over living or working on any domestic premises from which the childminding is being provided.</p> | <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? |
| <p>Are you aware this also includes requiring enhanced criminal records checks and barred list checks?</p> | <ul style="list-style-type: none"> • 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> | <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? |

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| | <ul style="list-style-type: none"> • Do you know what to do if you cannot obtain a criminal record certificate from the relevant country? |
| <p>Do you ensure you tell assistants that they must disclose any convictions, cautions, court orders, reprimands and warnings (Except convictions or cautions that are protected for the purposes of the Rehabilitation of Offenders Act 1974) that may affect their suitability to work with children (whether received before or during their employment at the setting)?</p> | <ul style="list-style-type: none"> • How do you ensure the on-going suitability of any assistants? • What procedures do you have in place for assistants to disclose any convictions, cautions, court orders, reprimands and warnings? What would you do if an assistant discloses information which may affect their suitability to work with children? • Do you ensure all assistants sign a declaration of suitability at least on an annual basis or if there are any changes to circumstances and inform DBS, Ofsted, and, or Local Authority Designated Officer (LADO) where appropriate? • What will you do in the event of an assistant becoming disqualified? • What procedures do you have in place for new assistants as part of their induction process? |
| <p>Do you ensure you do not allow anyone whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with the children being cared for?</p> | <ul style="list-style-type: none"> • 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 assistants? • 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? |

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| | <ul style="list-style-type: none"> • 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>Are you aware that relevant information about identity checks, the vetting process completed (including the criminal records check reference number and the date a check was obtained and details of who obtained it) will be kept by Ofsted or the CMA with which the childminder is registered?</p> | <ul style="list-style-type: none"> • What information do you record about qualifications, identity checks and vetting processes? How is this information securely stored? How do you ensure this doesn't breach data protection legislation? • 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 an assistant 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? |

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| | <ul style="list-style-type: none">• 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 and, or LADO? |
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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](#) (cont.)

[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](#)

Email: CS.EYS@derbyshire.gov.uk