E: Suitable people – Group and school-based providers

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 group and school-based providers pages 25-27, paragraphs 3.13 – 3.19.

Suitable people (page 14-17 of audit)	Things to consider and discuss:
Do you **ensure** that people looking after children are suitable to fulfil the requirements of their roles?	• What does it mean to be a 'suitable person'? • How do you judge suitability? • How do you ensure that people who look after children are suitable? • What steps would you take if you felt a person looking after a child was no longer suitable?
Do you **ensure** that people looking after children have the relevant qualifications, training and have passed any required checks to fulfil their roles?	• How do you check qualifications are relevant? • What training do you offer and provide to ensure that people looking after children can fulfil their role? • What impact has this training had? How do you check and monitor this? • How do you ensure you have the required checks for people looking after children? • What do you do if a person cannot provide information about their qualifications? • How often is training updated • How do you know that training received is suitable and effective?

Suitable people (page 14-17 of audit)	Things to consider and discuss:
Do you **ensure** you have taken appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced?	• 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? • What steps have you taken where physical evidence cannot be produced? • 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?
Do you **ensure** that any person who may have regular contact with children (for example, someone living or working on the same premises the early years provision is provided), is suitable?	• What does it mean to be a 'suitable person? • How do you ensure that all staff, committee members, proprietors and, or 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 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 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?

Suitable people (page 14-17 of audit)	Things to consider and discuss:
	• What checks and risk assessments need to be in place for volunteers, students and any other person who may have regular contact with children? • 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 and, or 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? • 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?
Are you aware that Ofsted or the agency with which a provider of CoDP is registered, is responsible for checking the suitability of: • The provider • Every other person looking after children on domestic premises for whom the care is being provided. This includes students, who cannot be counted in the ratios until they have been deemed suitable. • Every other person living or working on any domestic premises from which the childcare is being provided, including requiring enhanced criminal records checks and barred list checks.	• 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 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?

Suitable people (page 14-17 of audit)	Things to consider and discuss:
Do you **ensure** (other than CoDP providers) you obtain enhanced criminal records check and barred list check for every person aged 16 or over (including all volunteers) who: • 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)?	• 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 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?
Are you aware that supervised volunteers who only help out occasionally, such as parents or carers helping out on a trip (but not overnight or if providing personal care) do not require an enhanced criminal records check and barred list check?	• How do you determine when supervised volunteers require the associated checks?
Are you aware that The Crime and Policing Act 2026 amended the Safeguarding Vulnerable Groups Act 2006 to remove the previous exemption for supervised unpaid activity? This means that paid and unpaid activities such as teaching, training, instructing, caring for or supervising children are now considered to be regulated activity if carried out frequently, or if carried out on more than 3 days in a 30-day period or overnight. *Do you know that 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.*	• Are you aware that the Crime and Policing Act was amended and what this means for any supervised volunteers that attend your setting? • Who would you discuss the associated check requirements if you wanted to query or challenge whether checks have been made or may need to be made? What would you do if you disagreed with these decisions? • What paid and unpaid activities (such as teaching, training, instructing and caring for) do you have in your provision? • How do you determine if these paid and unpaid activities are carried out on more than 3 days in a 30-day period, or overnight? • Are you fully aware of who is involved in personal care in your provision?

Suitable people (page 14-17 of audit)	Things to consider and discuss:
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	• 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 **ensure** you tell staff and prospective staff that they must disclose any information which may affect their suitability to work with children including, but not limited to, arrests, charges, convictions, cautions, court orders, reprimands and warnings *(*whether received before or during their employment at the setting) *except convictions or cautions that are protected for the purposes of the Rehabilitation of Offenders Act 1974)?*	• How do you ensure the on-going suitability of staff? • How do you inform prospective staff of the information that they must disclose? • How do you ensure staff disclose information on an ongoing basis? Who determines the time scales for this information to be shared? What happens if there is a change to a person's suitability that occurs between your ongoing checks? • What procedures do you have in place for staff to disclose any arrests, charges, 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 any changes to circumstances are then shared with DBS, Ofsted and, or the 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?
Do you **ensure** you do not allow individuals to begin working or volunteering (*except supervised volunteers who only help out occasionally)* at the setting until they have received the applicant's enhanced criminal records and barred list check?	• What are your procedures for people whose suitability hasn't been checked (volunteers who only help out occasionally)? • Are staff involved in safer recruitment aware that individuals cannot begin working or volunteering at the setting until the appropriate checks that been received? • How do you share these procedures with staff? • What checks and risk assessments need to be in place for volunteers, students and visitors when they attend the provision? • 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?

Suitable people (page 14-17 of audit)	Things to consider and discuss:
Do you **ensure** you do not allow anyone whose suitability has not been checked, including through a criminal records and barred list check, to have unsupervised contact with children being cared for?	• What does your policy say breaches made to unsupervised contact where suitability has not been checked? • Are staff aware of your whistleblowing policy?
Are you aware DBS disclosures and barred list information are only issued to the potential employee?	• 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?
*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?* *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?* *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?* *Do you **ensure** before accessing the DBS update service obtain consent from the member of staff?*	• 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 and employees to subscribe to the DBS update service? What do you do if a potential employee and, or 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 and 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?
Do you **ensure** that you record information about staff qualifications and the identity checks, vetting processes and references that have been completed (including the criminal records check reference number, the date a check was obtained and details of who obtained it)?	• How do you know your information check list includes staff qualifications, identity checks, vetting processes and references that have been completed? • What happens if some or all of this information is missing or not collected? • Who is responsible for collecting this information?

Suitable people (page 14-17 of audit)	Things to consider and discuss:
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 *(Section 35 of the Safeguarding Vulnerable Groups Act)?*	• 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 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 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?

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

Disqualification under the Childcare Act 2006

Keeping children safe in education GOV.UK

Working together to safeguard children GOV.UK

Safer Recruitment Consortium - Guidance for safer working practice for those working with children and young people in education settings

Safer Recruitment advice (NSPCC)

Advisory, conciliation and arbitration service (ACAS)

Check an early years qualification

CONTACT INFORMATION:

DBS The East Midlands Regional Outreach Officer: Email DBSRegionaloutreach@dbs.gov.uk / alexandra.honey1@dbs.gov.uk/ Tel: 01325 953 562 / 07867 153 500

Derbyshire SchoolsNet - Early Years

Derbyshire Early Years Service - Eventbrite

Email: CS.EYS@derbyshire.gov.uk