Recruitment and Suitability Checklist Guidance

Disqualification including Disqualification by Association

This guidance is to support you in your recruitment and selection process. It is not an exhaustive list and you should explore as many ways as possible to confirm a person’s suitability. It should be used alongside the Recruitment and Suitability Checklist. There is a requirement within the EYFS to check a person’s suitability.

**Statutory Framework for the Early Year’s Foundation Stage**

Page 19 - Disqualification

3.14. A provider or a childcare worker may be disqualified from registration. In the event of the disqualification of a provider, the provider must not continue as an early years provider – nor be directly concerned in the management of such provision. Where a person is disqualified, the provider must not employ that person in connection with early year’s provision. Where an employer becomes aware of relevant information that may lead to disqualification of an employee, the provider must take appropriate action to ensure the safety of children.

Extract from page 19 footnote 26 ...*The disqualification guidance published by the Department for Education, is available at:* [*www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006*](http://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006)

Childminders and those providing childcare in a domestic settingmay also be disqualified because they live in the same household as another person who is disqualified, or because they live in the same household where a disqualified person is employed. If a provider or childcare worker is disqualified they may, in some circumstances, be able to obtain a ‘waiver from Ofsted.

**Section 1 – Orders or other restrictions**

**Where it asks ‘**Have any orders or other determinations related to childcare been made in respect of …

This is the legal term that must be used. A person will know if this relates to them. If a person cannot answer ‘No’ then you must explore this further and the candidate needs to provide supplementary information.

**Section 2 – Specified and statutory offences** – if you need further information please follow the links in the checklist.

**Section 3 – Disqualification by Association**

The key point here is that if you are a Childminder and /or providing childcare in a domestic setting, you are asking the candidate to provide information ‘to the best of your (their) knowledge’. Candidates may not be fully aware of the background of everyone in their household. You need to link this point to your supervision records and disciplinary policy. This is also so you can take action, if information comes to light at a later date, which raises concerns about their suitability.

**Section 4 – Provision of Information**

There are four levels of criminal record checks

Basic Disclosure check – (sometimes called a basic DBS check)

Standard DBS check

Enhanced DBS check– excluding barred list check

**Enhanced** **DBS** **check** – **including** **barred** **list** **check** – this is for ‘regulated roles’ identified within relevant laws. This is the required level of check for everybody working within the provision.

It is always your responsibility to request a new enhanced DBS disclosure including the barred list check or to access the update service to help you to assess a person’s suitability.

When checking a DBS disclosure certificate you must ensure the following:

* What is the date of issue?
* The personal details on the DBS disclosure certificate e.g. name and address match the information you hold.
* It is an enhanced DBS check?
* Ensure you see all pages of the DBS check. The certificate clearly states how many pages are included e.g. page 1 of 2.
* Ensure the date of birth matches the information you hold?
* Where there is information in the section *‘police records of convictions, cautions, reprimands and warnings’* you must carry out a risk assessment before proceeding.
* Where there is information in the section ‘information *from the list held under Section 142 Education Act 2002’* you must take further advice before proceeding.
* **In the section \*‘*ISA children’s barred list information’* If it states ‘None recorded’ this means that there was no information to share at the date of issue. If it states ‘Not requested’ this means that the application has not been checked against the barred list. This is not acceptable and is not sufficient for early year’s purposes, therefore this information MUST be requested.**
* If there is any information recorded in the ‘*ISA vulnerable adults barred list information’* you must take legal advice before proceeding.
* If there is information in the ‘*other relevant information disclosed at the chief police officers discretion’* you must take legal advice before proceeding.

*\*Independent Safeguarding Authority (ISA)*

Additional Information to consider

* You must have a minimum of two references for employees, one from the most recent employer.
* In the event that an employee does not have two references, you must complete a risk assessment to assess if they are suitable to work with children.
* If you only have character references, rather than references from employers (in the event that an individual has not been in work) then you must complete a risk assessment.
* If an individual has applied for a Disqualification waiver, you must consider if re-deployment is suitable or if risks are too high. See ‘Disqualification Under the Childcare Act 2006 (updated for July 2018) for further details.