



Services for Young Children

Blog article

DBS checks and disqualification of staff

A recent audit of OFSTED safeguarding actions for childcare providers has highlighted the need for managers to be vigilant in the ongoing checking of the suitability of **all** staff, including committee members, to ensure a safe and secure environment is provided for children in their care. It is expected that robust procedures are applied in recruitment as well as regular ongoing checks by the management in the supervision of staff. The requirement is that committee members are registered on the Disclosure and Barring Service (DBS) early years registration (<https://www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england>). OFSTED will check all DBS records and will expect the provider to produce evidence of the suitability of relevant staff and adults.

The EYFS statutory framework

(www.gov.uk/government/publications/early-years-foundation-stage-framework) gives guidance regarding suitable people, p17 – 18 from 3.9 – 3.13:

“Providers must ensure that people looking after children are suitable to fulfil the requirements of their role. Providers must have effective systems in place to ensure that practitioners, and any other person who is likely to have regular contact with children (including those living or working on the premises), are suitable.” It also states that: “Providers must tell staff that they are expected to disclose any convictions, cautions, court orders, reprimands and warnings that may affect their suitability to work with children (whether received before or during their employment at the setting).” It is against the law to employ someone to look after children if they are deemed to be a “disqualified person”.

The EYFS statutory framework gives guidance on people who may be disqualified from working with children, p 19 from 3.14 -3.18. In the event of a disqualification the person must not continue as a worker, nor be directly concerned in the management of such provision, e.g. committee members.

Have you recently checked the suitability of your staff, including committee members? If not, it will be important to do this to establish if any of them are disqualified because they are:

- living in the same household as another person who is disqualified?
- disqualified under regulations made under section 75 of the Childcare Act 2006?

Regular supervisions with staff will give them the opportunity to discuss any changes in their situations, including medication that may affect their suitability to work with children. However, you must tell staff to notify you immediately and not wait until the agreed supervision date if they need to disclose any relevant information. Providers can apply to OFSTED to waive the disqualification given to a member of staff and in some circumstances it may be agreed that their employment can continue. However, if they are on the DBS list of people who are barred from working with children OFSTED cannot waive the disqualification.