**Policy regarding Staff Suitability and Disqualification**

It is an offence, under section 76 of the Childcare Act 2006, to provide early years provision if disqualified or be involved in the direct management of such provision if disqualified or to knowingly employ a disqualified person to work with children.

Under the Statutory Framework for the Early Years Foundation Stage (Safeguarding & Welfare Requirements) providers must:

Ensure people looking after children are suitable to fulfil the requirements of their role (3.9)

Have effective systems in place to ensure suitability of staff and any other person coming into regular contact with children including obtaining information about whether a person is disqualified (3.9)

Obtain an enhanced criminal records disclosure in respect of every person aged 16 and over who works directly with children or 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). (3.10)

Ensure staff understand their responsibility for disclosing any convictions, cautions, court orders, reprimands or warnings that may affect their suitability to work with children (whether received before or during their employment at the setting) (3.11)

Record information about staff qualifications, identity checks and vetting processes that have been completed (3.12). This must include the criminal records disclosure reference number, the date a disclosure was obtained and details of who obtained it.

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 (3.13).

In the event of a disqualification providers must not continue to employ the disqualified person (3.14).

Where a provider 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 (3.14).

The provider must report to Ofsted any changes in circumstances of staff that may affect their suitability to work with children as soon as reasonably practicable but at the latest within 14 days. Failure to do so is a breach of Early Years Foundation Stage (Safeguarding and Welfare Requirements) 2014 (see 3.16)

Rainbow’s End Montessori Schoolrecognises its responsibility to safeguard the welfare of all children by a commitment to practice which protects them. As such we adhere to the Safeguarding & Welfare requirements of the Statutory Framework for the Early Years Foundation Stage 2014 regarding Suitable People, as listed above.

To monitor the continued suitability of people who work with children at Rainbow’s End Montessori School employees (including regular volunteers) are required to complete and sign a Staff Suitability & Disqualification Declaration prior to employment at the setting and, thereafter, termly (at individual Staff Supervision meetings). These are filed in the staff member’s personal staff file.

**Criteria for Disqualification**

In addition to inclusion on the Children’s Barred List, the criteria for disqualification includes:

• being cautioned for or convicted of certain violent and sexual criminal offences against children and adults;

• grounds relating to the care of children (including where an order is made in respect of a child under the person’s care);

• having registration refused or cancelled in relation to childcare or children’s homes or being disqualified from private fostering;

**Staff Suitability and Disqualification Declaration Form**

Providers have a legal responsibility to ensure that each member of their staff team is suitable to work with children and is not disqualified from working in childcare.

A person may be disqualified if one of the following applies:

* You have been cautioned for, or convicted of certain violent or sexual criminal offences against adults or children.
* You are subject of an order, direction or similar in respect of childcare, including orders in respect of your own children
* You have had your registration refused or cancelled in relation to childcare, including orders made in respect of your own children

In order to comply with the Safeguarding & Welfare requirements of the Statutory Framework for the Early Years Foundation Stage 2014 we require you to complete and sign the declaration below.

If you are unsure of how to answer any of the questions then you should seek further guidance from your Employer.

**Self-Declaration**

**Name:**

**Position in Setting:**

**1. Are you disqualified from caring for children?**

 **Yes / No**

**2. Have you been barred from working in regulated activity with children?**

 **Yes / No**

**3.** **Do you have any convictions, cautions, reprimands or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?\***

**Yes / No**

**4. Have your own children been subject to a child protection order?**

 **Yes / No**

**5. Are you disqualified from private fostering?**

 **Yes / No**

**Please provide further information where you have answered “yes” to any of the above questions.**

**I confirm the accuracy of the above statements and will make my employer aware of any changes in these circumstances, including any cautions or convictions that may affect my suitability to work with children.**

**Signed:**

**Dated:**

\*For existing staff this will already been obtained through DBS / CRB checks. Any information disclosed will not be used to re-assess your suitability for a post unless the conviction, caution or reprimand specifically affects your suitability for the post.