



The Little Firefly Disqualification Policy

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

Under the EYFS, The Little Firefly ensures that:

- People looking after children are suitable to fulfill the requirements of their role
- Staff understand their responsibility for disclosing any convictions, cautions, court orders, reprimands or warning that may affect their suitability to work with children. These include any received before or during their employment at the nursery.
- Information is recorded about staff qualifications, identity checks and vetting processes that have been completed.
- In the event of a disqualification of a member of staff, the nursery would not continue to employ this person.
- Report to OFSTED and DBS any changes that may affect their suitability to work with children within 14 days.

In the event of becoming aware of a Disqualification

When The Little Firefly becomes aware of relevant information which may lead to the disqualification of an employee, we will take appropriate action to ensure the safety of the children and will not continue to employ that employee. Relevant information will be given to Ofsted and the DBS. These include:

- a) Details of any order, determination, conviction, or other ground for disqualification from the registration under the regulations made under section 75 of the Childcare Act 2006
- b) The date of the order, determination or conviction, or date when the other ground for disqualification arose;
- c) The body or court which made the order, determination or conviction, and the sentence (if any) imposed; and
- d) A certified copy of the relevant order (in relation to an order or conviction).

If a person discloses that they themselves or a partner has become disqualified, the following procedure will be followed:

- The staff member would be suspended while an investigation is carried out and will be reported to Ofsted within 14 days.

- The member of staff would need to apply for a waiver from Ofsted to allow them to continue to work with children.
- If the waiver is granted the nursery will make a decision as to whether we wish to continue to employ the person.
- If the waiver is not granted the nursery manager will invite the individual to a disciplinary meeting in accordance with the disciplinary procedure within the nursery (see disciplinary policy and procedure).

Reasons for a Disqualification

There are many reasons why a person may be disqualified from working with children according to the Childcare Act 2006. These are grouped under the following general heading:

- Convictions or cautions for an offence against a child;
- Convictions or cautions for certain violent or sexual offences against an adult;
- Being on the Protection of Children Act (PoCA) list;
- Being on the list 99;
- Being made the subject of a disqualifying order;
- Grounds relating to the care of children;
- Having a registration refused or cancelled (this does not apply to a person whose registration as a childminder or childcare provider is cancelled in England for non-payment of fee after 1st September 2008);
- Offences include those committed overseas that had the offence been committed in the UK, would disqualify that person from registration, regardless of how the offence is described in the law of the other country

It is an offence under section 76 of the Childcare Act 2006 to employ in connection with Early Years someone who is disqualified from working with children.

Checking Suitability

Checking staff suitability will not only be done during the recruitment and selection process (please refer to The Little Firefly's recruitment policy) but is an ongoing process that is embedded into our regular practice. Disclosure and Barring Service (DBS) checks are done for all staff when they commence employment at the nursery and they are also asked to register with the Disclosure and Barring update service to enable status checks to take place. A status check will only take place when the individual person's permission has been given.

Staff are also asked to sign a declaration to confirm annually that nothing has changed regarding their suitability to work with children since their last DBS check. Please note failure to declare information may lead to a disciplinary hearing or immediate dismissal. We will ensure to investigate checks and references to determine the suitability of staff by undertaking the following:

- We will allow only people who have undergone an enhanced DBS to have unsupervised contact with children on the premises;
- We will keep a record of the number and date of issue of the enhanced DBS to demonstrate to Ofsted that the checks have been completed;

- We will implement any requirements under the Safeguarding Vulnerable Groups Act 2006 including the new vetting and barring scheme for those working with children;
- The Little Firefly expects that all people who work directly with children need to declare all convictions and /or cautions; as well as court orders which may disqualify them from working with children or affect their suitability to do so;
- Staff will be asked to sign a declaration and fill out a suitability questionnaire on an annual basis to enable the continual supervision of suitability in the setting.

Applying for a waiver

People who are disqualified from working with children (through an offence committed by themselves or because someone they live with is disqualified) may sometimes still be able to work with children by applying to Ofsted for a waiver. The application must be made by the disqualified person, not by the nursery.

The Little Firefly will consider the waiver application on its own merits and a waiver may be granted with limitations. For example a waiver may apply to one particular type of employment or to one particular premises.

In some cases, the law does not allow Ofsted to consider granting consent to waive the disqualification in relation to childcare if a person:

- Is included on the list held by the Disclosure and Barring Service.
- Has been found to have committed an offence against a child within the meaning of section 26(1) of the criminal justice and Courts Services Act 2000 and the court has ordered that she or he is disqualified from working with children.