



Safer Recruitment Policy

Updated October 25, 2018

Gardens Montessori must have effective systems in place to ensure that practitioners, and any other people who are likely to have regular contact with children, are suitable. They must tell staff that they, staff, are expected to disclose any convictions, cautions, court orders, reprimands or warnings which may affect their suitability to work with children (whether received before or during their employment).

Gardens Montessori must not allow people whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with children being cared for. It is an offence under s.76 of the Childcare Act 2006 to employ, in connection with an early years provision, someone who is disqualified from working with children.

A person who is barred from working with children or vulnerable adults is breaking the law if they work or volunteer, or try to work or volunteer with those groups.

Gardens Montessori has a duty:

- to refer workers found to be unsuitable for working with children for possible placement on the barred list
- to check all new recruits against the list and ensure that they undergo a [criminal records check](#) through the Disclosure and Barring Service (see below)
- not to knowingly engage a barred person in a regulated activity (see below)

Guidance by HM Government defines types of work that are considered a “regulated activity” under the Safeguarding Vulnerable Groups Act 2006 and which a barred person must not do.

Regulated Activity in Relation to Children: Scope specifies that schools, nursery schools, children’s centres in England and childcare premises are all considered regulated activities.

Disclosure and Barring Service (DBS) checks come in three types:

1. Standard checks for spent and unspent convictions, cautions, reprimands and final warnings.
2. Enhanced checks include additional information held by local police that may be reasonably considered relevant to the role being applied for.
3. Enhanced with list checks include a check to see if the person is on a “barred list” of people who might be unsuitable to work with children.



In England, the Statutory Framework for the Early Years Foundation Stage states that providers must obtain an enhanced criminal records disclosure in respect of every person aged 16 and over who:

- works directly with children
- lives on the premises on which the childcare is provided and/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).

Further requirements for DBS checks are set out in *Disclosure and Barring Service (DBS) Checks for Childcare Providers Who Register with Ofsted*.

In schools and early years, volunteers, parent helpers and any governors must have valid DBS checks.

With regard to agency staff, *Keeping Children Safe in Education* states that schools must obtain written notification from any agency, or third-party organization that the appropriate checks have been carried out for any staff supplied.

Although schools are obliged by law to keep a single central record of DBS recruitment checks, sometimes referred to as the “SCR” or “single list”, that obligation does not extend to early years providers. However, Gardens Montessori keeps a note on each staff member’s database record of the DBS number, the date of issue and whether or not the Update Service has been subscribed to. In line with the retention section of its Disclosure Handling policy, Gardens Montessori does not keep copies of DBS certificates.

The statutory guidance states that organizations have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm to, a child, or has received a caution or conviction for a relevant offence, or has left employment due to an impending caution.

Disqualification Under the Childcare Act 2006, published in June 2016 by DfE, sets out statutory guidance for local authorities, maintained schools, academies and free schools about employing staff who have been disqualified from providing childcare.