

Staff Suitability and Continuing Disclosure Policy



Document reference	DT-P-02.1
Document type	Policy
Revision	A - August 2026
Effective date	1 September 2026
Owner / approver	Leadership and Management Team
Next review	August 2027, or sooner if legislation or guidance changes

CONTINUING DUTY

Suitability is not a one-off recruitment check. Staff and prospective staff must immediately disclose information that may affect their suitability to work with children. This includes, but is not limited to, relevant arrests, charges, convictions, cautions, court orders, reprimands and warnings, whether they arise before or during employment.

1. Policy statement

Dottie Tots Nursery School must ensure that every person looking after children, and every other person whose role or presence brings them within the EYFS suitable-person requirements, remains suitable throughout their employment, volunteering or placement. We act promptly, fairly and proportionately when information is disclosed or a concern arises, with children's safety as the overriding consideration.

A disclosure does not automatically mean that a person is unsuitable. Information is assessed lawfully and individually. Dottie Tots does not ask for, record or consider protected cautions or protected convictions that a person is not legally required to disclose.

2. Scope

This policy applies to employees, managers, directors where relevant to registration, volunteers, students, apprentices, work-experience placements, agency workers and other people regularly working at or in contact with children at Dottie Tots. Some statutory requirements differ according to role and registration type; managers must use the linked DBS and pre-employment procedure when deciding scope.

3. Legal and guidance framework

- Early Years Foundation Stage statutory framework for group and school-based providers, effective 1 September 2026 - particularly paragraphs 3.13 to 3.29.
- Childcare Act 2006 and Childcare (Disqualification) and Early Years Provision (Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.
- Safeguarding Vulnerable Groups Act 2006, Rehabilitation of Offenders Act 1974 and exceptions/filtering legislation.
- Equality Act 2010, UK GDPR, Data Protection Act 2018, employment law and current Ofsted and DBS guidance.

4. What suitability means

Suitability includes whether a person is legally permitted, safe, competent and able to fulfil their role. It is informed by recruitment checks, conduct, professional boundaries, safeguarding behaviour, physical and mental capability with appropriate adjustments, substance or medication effects, qualifications and training, allegations or investigations, disclosures and any other relevant evidence.

5. Individual duty to disclose

Staff and prospective staff must tell their manager immediately, and must not wait for an annual declaration, supervision meeting, court outcome or DBS update. Where the manager is implicated or unavailable, disclosure is made to the Designated Safeguarding Officer and/or Ofsted Nominated Person.

- Any relevant arrest, charge, conviction, caution, court order, reprimand or warning, in the UK or overseas.
- Being barred, becoming disqualified, receiving notice of possible barring or disqualification, or any restriction affecting work with children.
- A safeguarding allegation, investigation, disciplinary matter, regulatory finding or professional restriction that may affect suitability.
- Any conduct, relationship, association, online activity or change in circumstances that may present a safeguarding risk or call professional judgement or boundaries into question. This does not permit routine questions about another household member's criminal history in a non-domestic setting.
- A health condition, medication, substance use or change in capability that may affect safe care, supervision, judgement or fulfilment of role requirements.
- Any error, omission or change affecting information previously supplied during recruitment or on a declaration.

PROTECTED INFORMATION

Individuals must not disclose protected cautions or protected convictions that the law permits them to withhold. Managers must not ask for or use that information. Advice must be sought where the position is unclear.

6. Annual declaration and event-driven review

- A blank controlled Staff Suitability Self-Declaration Form is completed before appointment or placement where required by Dottie Tots.
- Relevant staff complete a fresh declaration annually. The annual date does not replace immediate disclosure.
- Suitability is discussed appropriately during supervision, probation and appraisal without requiring unnecessary personal or medical details.
- A new declaration and assessment are completed whenever relevant information changes or a concern arises.
- Failure to disclose honestly or promptly may be addressed under disciplinary or placement procedures, but each case is considered fairly.

7. Receiving a disclosure or concern

1. Listen without judgement, establish the immediate facts and thank the person for reporting. Do not promise secrecy.
2. Consider whether children face an immediate risk. Remove or restrict duties where necessary and ensure safe staffing and ratios.
3. Notify the DSL and an authorised senior manager. If the information concerns that person, use the alternative escalation route.
4. Record facts, source, date, interim controls and decisions securely. Avoid speculative language and unnecessary sensitive detail.

5. Obtain appropriate safeguarding, LADO, HR, legal, occupational-health, Ofsted or DBS advice according to the issue.
6. Complete a documented suitability assessment and communicate the outcome and controls to those who need to know.

8. Interim safeguarding action

Interim action is precautionary and is not a finding of wrongdoing. Depending on risk, Dottie Tots may adjust duties, increase supervision, prevent lone working or personal care, remove ratio responsibility, redeploy, suspend, pause a placement or exclude a person from the premises. Decisions are reviewed regularly, kept no broader or longer than necessary and comply with employment and equality duties.

9. Suitability assessment and decision

The authorised decision-maker considers the nature and seriousness of the information, relevance to the role and children's ages, pattern and recency, circumstances and explanation, evidence of insight or change, legal restrictions, credibility and corroboration, professional advice, protective controls and the welfare of children. The decision and reasons are recorded as one of the following:

- Suitable with no additional action.
- Suitable with adjustments, controls, support, monitoring or review date.
- Temporarily unable to undertake particular duties pending information or advice.
- Unsuitable for the role or legally prohibited from the work.

No manager may permit a disqualified person to be employed in connection with early years provision unless a valid waiver applies to that work. A person on the Children's Barred List must not undertake regulated activity.

10. Disqualification and domestic-premises distinction

Disqualification under the Childcare Act is assessed only for people and provision within its statutory scope. Disqualification by association applies to childcare on domestic premises or under the relevant domestic-premises registration conditions. It is not applied generally to staff working solely in Dottie Tots' non-domestic nursery premises, and Dottie Tots does not routinely ask those staff about the criminal history of people in their household.

Where Dottie Tots operates or registers childcare on domestic premises, the additional household provisions and notification requirements are applied to that provision and specialist advice is obtained where necessary.

11. Health, medication, alcohol and other substances

- Staff must not work under the influence of alcohol or another substance that may affect their ability to care for children.
- A practitioner taking medication that may affect safe care should seek medical advice and may work directly with children only where advice confirms that their ability is unlikely to be impaired.
- Dottie Tots asks only for information needed to understand functional impact, safety and reasonable adjustments. A diagnosis does not automatically make a person unsuitable.
- Occupational-health or medical evidence is sought with appropriate consent where necessary. Medication on the premises is stored securely and out of children's reach.

12. Allegations, LADO and safeguarding processes

An allegation or safeguarding concern is managed under the Child Protection and Safeguarding Policy and Managing Allegations Procedure, including consultation with the LADO where the threshold is met. The suitability assessment must not undermine or pre-empt an external investigation. Ofsted must be notified of allegations of harm or abuse by anyone living, working or looking after children at the premises, and of action taken, as soon as reasonably practicable and within 14 days.

13. Ofsted and DBS notifications and referrals

- Ofsted is notified of a significant event likely to affect the suitability of a person in regular contact with children on the premises, including disqualification, within the applicable statutory timescale.
- Where the statutory referral conditions are met, Dottie Tots refers a person to the DBS, including where they are dismissed or would have been dismissed had they not left because they harmed a child or put a child at risk of harm.
- Police, children's social care, professional regulators, placing organisations or other bodies are informed where the relevant legal or safeguarding threshold is met.

14. Confidentiality, records and data protection

Declarations and assessments contain special-category and criminal-offence data. They are stored separately and securely with role-based access. Only necessary information and the decision or controls are shared. Records identify the lawful basis, source, decision-maker, rationale, actions, review date and notifications. Retention and secure destruction follow Dottie Tots' retention schedule and applicable safeguarding requirements.

15. Support and fairness

Individuals are treated with dignity, given an opportunity to provide relevant information and told the outcome so far as confidentiality and external processes allow. Reasonable adjustments and wellbeing support are considered. Retaliation against a person who makes an honest disclosure or raises a safeguarding concern is not tolerated.

16. Responsibilities

- Designated Safeguarding Officer and Ofsted Nominated Person: governance, final decisions, notifications, referrals and audits.
- Managers: create a disclosure culture, receive and escalate information, apply interim controls and maintain confidentiality.
- DSL: safeguarding advice, LADO liaison and coordination with child-protection processes.
- All staff and relevant individuals: understand and comply with the immediate, continuing duty to disclose.

17. Related documents

- Staff Suitability Self-Declaration Form - DT-F-02.1A.
- Safer Recruitment and Selection Policy - DT-P-01.8.
- DBS, Barred-List and Pre-employment Checks Procedure - DT-PR-01.8A.
- Child Protection and Safeguarding Policy; Managing Allegations Procedure; Staff Code of Conduct; Whistleblowing Policy; Supervision and Disciplinary Procedures; Data Protection and Retention Policies.

18. Sources

- EYFS statutory framework effective 1 September 2026:
<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>
- Disqualification under the Childcare Act 2006:
<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>
- DBS barring referrals: <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

19. Monitoring and review

The Leadership and Management Team audits annual declarations, change notifications, assessment decisions, review dates and statutory actions. This policy is reviewed annually and sooner following statutory change, an incident, an audit finding or evidence that arrangements are not effective.

Appendix 1 - Staff acknowledgement

I confirm that I have read and understood this document, know how it applies to my role and will follow it. I understand that concerns or uncertainty must be raised immediately with my manager or the Designated Safeguarding Lead.

Name	Role	Signature	Date

Document: DT-P-02.1 - Staff Suitability and Continuing Disclosure Policy