

c. Disqualification Policy

We have a legal responsibility to ensure that all staff and volunteers at Nursery Village are suitable to work with children and are not disqualified from working in childcare.

We fulfil this responsibility by:

- Having effective systems in place to ensure the suitability of all staff, volunteers and any other people who come into regular contact with children, including obtaining information about whether a person is disqualified.
- Ensuring all staff and volunteers 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 with Nursery Village).
- Recording the information about staff qualifications, identity checks and vetting processes that have been completed.
- Taking appropriate action in the event of the disqualification of a member of staff to ensure the safety of children.

To ensure suitability and to ensure everyone is aware of their responsibility for disclosing information to us, we will do the following:

- Have and implement a [Safe Recruitment Policy](#).
- Have a separate Self Disclosure Form for all staff and volunteers. This will be signed prior to a position being taken up with us and re-signed annually.
- Ask specific questions about whether somebody is disqualified or has had any convictions, cautions, court orders, reprimands or warnings that may affect their suitability to work with children.
- Display advise for staff reminding them of their requirement to inform us of any changes to their disqualification status or convictions, cautions, court orders, reprimands or warnings.

Procedures

On receiving information that suggests a person is disqualified we will:

- Ensure they do not carry on working with children in the Nursery.
- Terminate their employment if disqualification is confirmed.
- Inform Ofsted (using disqualification@ofsted.gov.uk) and supply them with all necessary information.
- Let the member of staff or volunteer know that Ofsted has been informed and explain the implications of disqualification to them, including whether they can apply to Ofsted for a waiver of disqualification.

We will also:

- Report to OFSTED any changes to staff or volunteers that may affect their suitability to work with children as soon as reasonably practicable but at the latest within 14 days. We understand that failure to do so would be a breach of the Early Years Foundation Stage (Safeguarding and Welfare Requirements) Regulations.
- Report any member of staff or volunteer dismissed or who resigns before or during disciplinary action for inappropriate behaviour or concerns to the Disclosure and Barring Service, OFSTED and Local Authority Designated Officer (LADO).

Third Party Disclosures

If we receive a disclosure via a third party relating to concerns about a member of staff or volunteer's suitability to work with children, we will treat this as an allegation and will follow our [Safeguarding Policy](#) for reporting allegations against a member of staff or volunteer.

Applying for a Waiver

If a member of staff or volunteer is disqualified from working with children, then they need to obtain a waiver from Ofsted to allow them to continue working with children. Application to have disqualification waived must be made by the disqualified person themselves. We cannot do it on their behalf.

If a Waiver is Granted

We will make a decision as to whether we wish to continue to employ the person. If they are re-employed, we will invite them back to work on full pay with preserved continuous service (unless a volunteer).

If a waiver is not granted

We will invite the person to a disciplinary meeting in accordance with our Staff Handbook and Disciplinary Policy. The reason for any dismissal would be illegality, as it is illegal to continue to employ them.