



## Staff Suitability Declaration

It is all employees' responsibility to safeguard children. You must therefore provide notification should you receive any convictions, cautions, court orders, reprimands or warnings since the date of your last DBS clearance with the nursery or since joining whichever is later. You must also inform the nursery of any changes to your health that may impact upon your ability to work with children or any changes to your own circumstances that we should be aware of.

### New employees only

Do you have any criminal convictions, cautions, court orders, reprimands or warnings? (please read Appendix A before answering this question)	YES/NO
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### All staff

Have you received any criminal convictions, cautions, court orders, reprimands or warnings since your last declaration to the school?	YES/NO
Do you have any health concerns that may affect your ability to work with children?	YES/NO
Have your own children been taken into care?	YES/NO
Have/are your own children the subject of a child protection order	YES/NO

If you have answered **YES** to the above, please provide further information below (you may provide an additional information sheet if necessary):

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## Disqualification by Association

All employees are required to provide relevant information about a person who lives in the same household as them, who may have influence over the employee working with children and who may therefore pose a risk to children i.e. "by association".

You are therefore required to disclose:

- Details of any order, determination, conviction, or other ground for disqualification from registration under the Childcare (Disqualification) Regulations 2009. You are required to declare whether anyone living in your household is disqualified from working with children under the childcare Act 2006. This covers the following offences:
  - offences against a child
  - against an adult (e.g. rape, murder indecent assault, actual bodily harm etc.) *Please see full list attached for more information...*
- The date of the order, determination or conviction, or the date when the other ground for disqualification arose;
- Information about the body or court which made the order, determination or conviction, and the sentence (if any) imposed; and
- A certified copy of the relevant order (in relation to an order or conviction).

Has anyone living in your household been barred from working with children by the DBS?	YES/NO
Has anyone living in your household been disqualified from working with children under the childcare Act 2006?	YES/NO

## Employees living in a shared household

To the best of your knowledge, is anyone living at your address subject to the above?	YES/NO
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If you have answered **YES** to any of the above, please provide further information below (you may provide an additional information sheet if necessary):

Any relevant information will be passed to OfSTED to make a decision as to whether the offence would lead to disqualification by association and you will be notified of their decision accordingly.

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## Declaration

I confirm that the information I have declared is correct and understand that I have a duty to inform the Manager should any of this information change at any time during my employment with the nursery.

Name (in capitals): \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix A (to be read by all new employees)

A check as to the existence and content of any relevant criminal record will be requested from the Disclosure and Barring Service after a person has been selected for appointment. Refusal to agree to a check being made could disqualify you from being considered for the appointment.

Under the Rehabilitation of Offenders Act 1974, you have the right not to disclose details of 'spent' convictions. However, for certain jobs, employers are allowed to ask about these offences. The Rehabilitation of Offenders Act 1974 (Exception Amendment) Order 1986 sets out details of all jobs to which this applies and the job you have applied for is included in the list. The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account.

## FILTERING OF CAUTIONS AND CONVICTIONS

The filtering rules (which remove certain old and minor convictions and cautions, reprimands and warnings from a DBS Certificate) were developed by the Home Office and the Ministry of Justice and introduced with new legislation:

The legislation is:

- Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

## The Filtering Rules.

### **For those 18 or over at the time of the offence:**

An adult **conviction** will be removed from a DBS Certificate if,

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the range of offences which will never be removed from a certificate, which include serious sexual and violent offences. (*see Exceptions to the Rules*). If a person has more than one offence, then details of all their convictions will always be included.

An adult **caution** will be removed after six years have elapsed since the date of the caution - and if it does not appear on the list of offences relevant to safeguarding.

### **For those under 18 at the time of the offence:**

For convictions, the same rules apply as for adult convictions, except that the elapsed time period is five and a half years.

For cautions, the same rules apply as for adult cautions, except that the elapsed time period is two years.

### **Exceptions to the Rules**

Some offences will never be removed from a DBS Certificate. These include the most serious sexual and violent offences. You can view this specified list of offences at: [www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check](http://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check)

Further information is also available from:-

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

If you are unable to access the internet please contact the school who will be able to send this information to you direct.

**You must provide details of any relevant criminal convictions that you may have. The disclosure of a criminal record may not necessarily prevent you from being appointed. The nature of the offence, how long ago it took place, your age at the time and any other relevant factors may be considered when a decision is made. Please note that some convictions are never considered 'spent' under the terms of the Act.**