Guidance

Ofsted suitability checks for childminders and childcare providers

This page provides information on the types of suitability checks Ofsted will carry out as part of the childminding and childcare application process.

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Applies to England

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Introduction

We carry out childcare suitability checks on:

- anyone who applies to register with Ofsted to look after children
- anyone associated with an application

The checks we carry out depend on the register(s) you are applying to join and the type of childcare and role you are applying for.

We may contact you if we need to speak to you about a concern, and carry out additional checks.

We expect applicants, inspectors and administrators to act in line with our code of conduct and to show professionalism, courtesy, empathy and respect at all times.

The law states that an applicant must be an individual or organisation that is 'suitable' to provide early years or later years childminding or childcare provision. This requirement is set out in legislation for each type of childcare provider that registers with Ofsted on the Early Years Register and the General Childcare Register.

Once you have registered, as the provider you must continue to meet the requirements for suitability.

How we check suitability

Depending on the type of registration you are applying for, there could be up to 3 different types of suitability requirements to meet. How we check these differs according to the requirement(s) they relate to.

Some roles, such as the nominated individual, have other requirements they must fulfil.

If any person associated with the registration is not

suitable, they must not remain part of the registration. If they do, we will refuse the application or, if the provider is already registered, we will take steps to cancel the registration.

Suitability to provide childcare provision (for the registered person – the individual or organisation)

To be deemed suitable to provide the provision and to maintain suitability, an individual or organisation must demonstrate that they assume duties that include ensuring the effective protection, education and care of children. They must satisfy Ofsted that they will, at all times, act in the best interests of children. They must be fully capable of providing the childcare provision, without any legal, physical or other restrictions being in place that would prevent them from operating or prevent them providing the childcare provision: for example, if the company providing the childcare were to become insolvent.

Suitability to care for children (for anyone who will work with children)

To be deemed suitable to care for children and to maintain suitability, a person must satisfy Ofsted that they will, at all times, act in the best interests of children, as a reasonable and responsible parent or carer would under similar circumstances, and assume the duties their role requires in relation to the protection, education and care of children.

Suitability to be in regular contact with children (for anyone associated with a registration but not responsible for their care, such as a household member)

To be deemed suitable to be in regular contact with children and to maintain suitability, a person must

satisfy Ofsted that they will at all times act in the interests of children, as a reasonable and responsible person would under similar circumstances.

A person who is required by law to meet this requirement must do so regardless of whether or not they actually are in regular contact with children.

How we determine suitability

To consider an individual and/or organisation's suitability, we may consider factors such as their honesty, integrity, conduct, and behaviours relevant to the childcare role they are applying for. We may also consider other aspects of an individual's or organisation's behaviour that are compatible or incompatible with caring for or being in regular contact with children.

We will look at whether these behaviours align with what a reasonable person would do in the same or similar circumstances.

Ofsted is required to make reasonable adjustments for disabled people and those with protected characteristics during any of our work, to remove barriers and ensure equality, as per our code of conduct.

Types of evidence we gather

We use information from a range of sources to help us to determine a person's suitability, such as health information and Disclosure and Barring Service (DBS) checks. We can request that further checks be carried out by other agencies at any time if we need further information about a person associated with the registration.

If a person or provider is disqualified, they will be deemed not suitable. We can reconsider a person or

provider's suitability if they apply to Ofsted to have the disqualification waived and His Majesty's Chief Inspector has granted a waiver. Find out more about applying to waive disqualification.

Anyone associated with an application and who we decide is not suitable has the right to complain about any aspect of the process using Ofsted's complaints procedure. They cannot appeal against the suitability decision. However, if this leads to us making the decision to refuse an application to register the applicant can appeal this refusal.

Who we carry out checks on

We carry out checks on all applicants and some people associated with the application.

Types of checks

The checks we carry out may include:

- address history
- local authority children's services checks
- DBS certificate
- employment references (unless you are registering as a nanny, or are a childminder assistant or household member)
- employment history if you are applying to register as a childminder
- health check if you are applying to join the Early Years Register (unless you are a nanny, childminder assistant or household member)
- certificate of good conduct for anyone who has lived abroad in the last
  5 years
- Ministry of Defence checks (if applicable)

- a ‘known to childminder agency’ check

Address history

You will be required to provide all addresses that you have lived at within the past 5 years.

Local authority checks

We carry out local authority checks for all applicants and some people associated with an application. You do not need to contact your local authority; we will request this information.

We contact the children’s services department of every local authority that each person we are checking has lived in within the last 5 years and ask them to carry out a check against their records. We may also check with local authorities from further back than the last 5 years if we receive information to indicate this is necessary.

We ask each local authority whether it holds any relevant information that may affect a person or organisation’s suitability to care for or be in regular contact with children.

The local authority may also hold personal information about any children of the people we are checking. We do not ask for this information, but we may receive this data as part of:

- the information that we reasonably require about applicants and those associated with an application under Part 3 of the Childcare Act 2006
- the information that a local authority shares with us because it may affect someone’s suitability

Who we check depends on the type of registration.

Types of registration include:

- Childminder based at home (‘childminder with domestic premises’) – up to 4 people (including you) looking after children, partly or always in someone’s home.
- Childminder based outside the home (‘childminder without domestic premises’) – up to 4 people (including you) looking after children somewhere that is not someone’s home.
- Childcare on domestic premises – 5 or more people looking after children, mostly or always in someone’s home.
- Childcare on non-domestic premises – any number of people looking after children somewhere that is not someone’s home.

For a childminder based at home registration, we check:

- the applicant
- childminder assistants
- anyone aged 16 years or over who lives or works on premises where childcare takes place

For a childminder based outside the home (without domestic premises) registration, we check:

- the applicant
- childminder assistants

For a childcare on domestic premises registration, we check:

- the applicant
- anyone aged 16 years or over who lives or works on premises where childcare takes place
- anybody caring for children
- the nominated individual (where the applicant is a partnership, body corporate or unincorporated association)

- those who make up the registered person (where this is an organisation that has childcare as its sole or main purpose)

For a childcare on non-domestic premises registration, we check:

- the applicant
- the nominated individual (where the applicant is a partnership, body corporate or unincorporated association)
- those who make up the registered person (where this is an organisation that has childcare as its sole or main purpose), such as committee members and trustees

We ask the local authority if it holds any information about the individuals listed above that may affect their suitability to care for and/or be in regular contact with children. This information could include:

- whether the individual has been connected with a child protection inquiry
- whether the individual has had a child removed from their care because of their care of that child
- whether allegations about the individual have ever been referred to a local authority designated officer (LADO) in relation to working with children in any setting, and the outcome of those allegations
- anything giving rise to concerns that children on childcare premises may be at risk of harm

We need to process this data in order to carry out thorough and effective checks on individuals. This is part of how we perform our public function and task as the regulator of registered childcare provision.

When carrying out checks for us, local authorities may also identify information relating to individuals connected to the person we are checking but who are

not named in the information we gave to them. We may need this information if it gives rise to concerns that children on childcare premises may be at risk of harm. We expect local authorities to exercise caution when sharing any personal information about such individuals, but we do need to have enough information to be able to assess the suitability of the person we are checking.

Our privacy notice for childcare sets out what personal information we collect, what we do with it, how long we keep it and individuals' rights under data protection legislation.

DBS certificate

Everyone who is registering to provide childcare will need to have a DBS check. Other people associated with your registration may also need a check depending on what kind of provider you will be registered as.

If you are applying for a new registration, you must have the correct type of DBS check before you submit your application. If you do not, your application may be delayed.

The usual type of DBS check for working with children is:

- 'enhanced'
- with 'children's barred lists'
- for the 'child workforce'
- 'home based' (if you are living or working in a home where childcare takes place)
- issued in the last 3 months (unless you are subscribed to the update service)

Who needs a DBS check and what type of check they need is set out on our page about DBS checks.

Employment history and references

What references you need to supply depends on what type of registration you are applying for.

If you are applying to register as a childminder, you must provide details of 2 referees and your full employment history. If you have worked with children either in an employed or voluntary role within the last 5 years, one of these referees will need to be someone we can contact about this role.

Childminder assistants and those living or working on domestic premises where childcare will take place do not need to provide us with employment references. However, we may request this information if we need to. Childminders employing assistants must carry out the relevant checks on them before they start work.

If you are applying to register as a childcare on non-domestic premises or childcare on domestic premises provider, and will be working directly with children, and you have worked or volunteered with children in the last 5 years, you will need to provide a referee we can contact about this role. You will not need to supply your full employment history.

If you are registering as a nanny, you are not required to provide details of your employment history or references.

Health check

If you are applying to join the Early Years Register as a childminder or childcare on domestic premises provider, you will need to provide a health declaration form completed by a GP. This is to check for any health issues that may affect your suitability to be in contact with children.

If you are registering as a childminder or childcare on

domestic premises provider, we may request a health declaration form for members of your household and/or any childminder assistants if there are concerns about their health. In some circumstances, we may need to request a medical assessment following a review of their health declaration form.

For other people associated with an application, we will ask for health information where we consider it is necessary to be able to make a suitability decision about them in their roles.

If you have lived abroad in the last 5 years

If you or any person associated with your application has lived abroad in the last 5 years, we need to know which countries you/they have lived in.

We will also need a certificate of good conduct from the embassy of every country where the person has lived. The Home Office provides information about checks for overseas applicants.

We do not need a certificate of good conduct if you:

- are a refugee
- are a UK resident who has been working or travelling abroad, for example on a gap year
- have travelled extensively and have not remained in any country long enough to establish a history

If you cannot get a certificate, we will consider what other information is available. Types of other information might include:

- a reference from a ‘person of good standing in their community’ in the country in which you lived, such as a doctor or lawyer
- employer references, particularly relating to childcare

- evidence to support any work permit

Ministry of Defence checks

If you or any person associated with the application has lived or worked on a UK military base overseas, we have an agreement with the Ministry of Defence for carrying out checks. This is to make sure that there are no issues that might affect suitability.

‘Known to childminder agency’ checks

You will be asked whether you have previously been registered with a childminder agency (CMA). If you have, we will carry out a ‘known to CMA’ check. To do this, we contact the relevant CMA and ask for information to help us determine your suitability.

Once your checks are complete

Once we have received all your checks, we will assess the information. This will feed into our decision about your suitability.

Sometimes we may need to contact you to explore this information further, either by telephone or during a registration visit. If we need to discuss this with you at the registration visit, we will let you know in advance.

In some cases, the information about you in these checks may result in us deciding you are not suitable to provide childcare or be in regular contact with children. If you are the main applicant, this may mean that your application is refused. For more information about what happens if your application is refused, please see the guidance for your provider type: Registration requirements for providers.

If there are suitability concerns about a person associated with your application for registration, such

as a household member or childminder assistant, this may mean that we cannot proceed with your application.

After registration

Providers must notify Ofsted of any significant event that may affect the suitability of any person associated with the registration.

Legislation

Ofsted regulates early years and childcare under the Childcare Act 2006 and associated regulations.

Applicants for registration as a childminder or another childcare provider must provide any information reasonably required by the Chief Inspector under sections 35(2)(b), 36(2)(b), 54(2)(b), 55(2)(b), 62(2)(b) and 63(2)(b) of the Childcare Act 2006 respectively.

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