Western Health and Social Care Trust

CHILDMINDING AND DAY CARE VETTING PROCEDURE

This is the Standard of Vetting that is required for Trust Registered Facilities

1. Trusts responsibilities under Children (NI) Order

It should be noted that these relate to applicants for registration.

(i) Children (NI) Order 1995

Article 122 – identifies the conditions in which a person may be regarded as disqualified and therefore "shall not be registered."

Article 124 – refusal of registration if applicant, person living with applicant, person employed on premises is "not fit to be in the proximity of children under the age of twelve".

(ii) Childminding and Day Care for Children Under age 12-Minimum Standards July 2012

Standard 12 states the following:

Those working with children or who have substantial access to them have Enhanced Disclosure with barred list vetting checks completed through the Access NI processes.

Prior to appointment, a fit person assessment for the applicant; person in charge (and anyone who acts as a deputy in their absence); or childminder has been completed by the Trust.

The Implementation Guidance that accompanies the Standards further clarifies that the designated child protection officer (if different from above) and the Category 2 childminding assistant (who can care for children on their own) also require to be Fit Person assessed.

Standard 12 gives guidance on what Trusts should have regard to in considering whether someone is "fit" to look after children aged under twelve.

- An Access NI Enhanced Disclosure Certificate with Barred List check
- A Letter confirming Trust Clearance
- Pre-employment health assessment

- Ability to provide warm and consistent care which promotes children's development
- Integrity and ability to be flexible in their work
- Knowledge, understanding and commitment to treat all children as individuals and with equal concern
- Appropriate knowledge, skills, experience and qualifications
- Promote children's positive behaviour
- Work in partnership with parents
- Comply with regional safeguarding and Child Protection procedures
- Apply equal opportunities legislation

Note: Trust checks include the following: Family and Child Care, Disability Services, Mental Health Services, Fostering, Adoption and Early Years.

2. Role of AccessNI

Access NI is a criminal history disclosure service in N Ireland. Access NI supplies criminal history information, upon request, to organisations and individuals.

Through AccessNI, criminal records history may be requested by way of a disclosure application. An application may be made for:

(i) Standard Disclosure - where a job is exempt under the Rehabilitation of Offenders (NI) (Exceptions) Order 1979.

This provides information on spent and unspent convictions but does not include cases pending.

(ii) Enhanced Disclosure - as a Standard disclosure, but where a position is "prescribed" in Regulations. Prescribed includes positions regarded as being in regulated activity. Regulated activity is work with children or vulnerable adults in which a person barred by the Disclosure and Barring Service must not engage. Regulated Activity for children and Regulated Activity for adults is set out in the Safeguarding Vulnerable Groups (NI) Order 2007 as amended by the Protection of Freedoms Act 2012.

An Enhanced check contains all of the information in the Standard Disclosure plus other relevant information held in police records and that police consider might be relevant to the position applied for and ought to be disclosed. Where appropriate and on specific application, an Enhanced Disclosure will also indicate if the applicant is on the list maintained by Disclosure and Barring Service '(DBS)' of those barred from engaging in regulated activity with children and/or the list of those banned from engaging in regulated activity with adults. Barred List (Children and Adults) and therefore is barred from working or volunteering with either or both groups. Relevant information held in police records can include information about investigations, prosecutions that are pending/on-going, behaviour that might be indicative of criminal activity or information about third parties that is relevant for home-based occupations.

An Enhanced check will also be referred to An Garda Siochana if the applicant had resided in the Republic of Ireland within 5 years of the date of the application.

Regulated activity with children is defined in Schedule 2 of the Safeguarding Vulnerable Groups (NI) Order (2007). It includes certain listed activities which include:

- teaching, training or instructing children
- caring for or supervising children
- provides health care
- relevant personal advice/guidance on well-being (if wholly or mainly for children)
- driving a vehicle only for children

It specifies certain places (including relevant childcare premises) where if criteria are met an activity in that specified place is regulated activity.

The criteria are:

- Frequently (once a week or more often), or on 4 or more days in a 30 day period or overnight.
- By the same person engaged in work for or in connection with the purposes of the establishment.
- Opportunity in consequence of anything permitted or required to do, to have contact with children.

It has been clarified by DHSSPS that Trust Staff operating in a regulatory capacity have the right to see the original Access NI certificate. Normal practice is where there are no convictions or other information on the certificate, Trust staff will accept a completed pro-forma (available on the AccessNI website). However, where any information exists on an individual, the original certificate must be provided to the Trust.

The Trust will satisfy itself at inspection that the Registered Person has undertaken all the necessary vetting checks for all staff, students, contracted services, volunteers and specialist advisers in a satisfactory manner.

All Registered Persons must ensure an up to date record is maintained containing details of any adult who assists in looking after a child, including all those living on the premises and regular visitors. Details should include each adults vetting status.

3. Process to be followed for Vetting of Group Day Care

(i) Owners/Chairpersons

The Registration system is based on the concept of the “registered person” and may relate therefore to the owner of a private provision, the chair of a committee or senior person in a company. This is usually the person who has signed the application on behalf of the organisation or themselves.

Some large or multi-national organisations may delegate their responsibility as registered persons to a senior member of their staff working in the region who is exercising responsibility/accountability on behalf of the organisation.

The Trust following receipt of a Consent to Checks form will, as part of the Registration process, carry out the following checks:

- An AccessNI Enhanced Disclosure with Barred List Check.
- Disqualification for Caring Form. (See Application Form)
- Trust Check (SOSCARE/Community Information System). For those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces), a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.
- 2 References including one from the current/most recent employer, if appropriate (if current or most recent employer has known the applicant for less than one year a third reference may be sought from the employer prior to the current one. The second reference needs to be supplied by someone who has known the applicant for more than two years).
- Fit Person Assessment, by interview to assure the Trust that the owner/chair is fit to be responsible to care for children under twelve years.
- The Trust will ensure that a Medical Reference is supplied to them by the Applicant.

In the case of a new facility the applicant cannot seek to employ staff or care for children until the Fit Person Assessment is complete and a Clearance Letter has been issued. Where there is an existing registration for a facility, a new owner/applicant cannot take up post until the Fit Person is complete and clearance given. Also where a new Chairperson is appointed, the existing Chairperson should remain in post until clearance is given to the new applicant. In the instance where the applicant and manager is the same person, further staff must not be sought until a Vetting Clearance Letter is issued by the Trust.

(ii) <u>Managers/Officers in Charge/Leaders/Deputies/Designated Child Protection Officers in an early years setting</u>

The manager, officer in charge, leader is the person who has actual day to day responsibility for the provision of day care and is accountable to the owner/chair.

The deputy is the person who covers all planned absence of whatever duration by the person in charge and all on-going unplanned absence such as sick leave.

The designated child protection officer is the member of staff or committee member who has designated responsibility for Safeguarding and Child Protection. (The DCPO may be the person in charge or owner/chair).

The Trust will satisfy itself by way of written confirmation (VET/2) that the Registered Person (employing the staff) has undertaken all the necessary vetting checks as follows:

- AccessNI Enhanced Disclosure with Barred List Check.
- Consent to Checks/Disqualification for Caring Form.
- 2 References including one from the current/most recent employer (if current or most recent employer has known the applicant for less than one year, a third reference may be sought from the employer prior to the current one).
- Health Declaration/Medical Reference.

The Registered Person must provide the Trust with the completed AccessNI Enhanced Disclosure Notification Form. If the Disclosure Certificate contains ANY criminal history information, the Certificate must be witnessed by the Trust; if clear, the appropriate Access NI Enhanced Disclosure notification pro-forma may be used. If the Health Declaration or references contain information of concern, these must be forwarded to the Trust who will consider this as part of the decision on the applicants fitness.

The Trust, following receipt of Consent to Checks form, will carry out the following:

- A Trust check (SOSCARE /Community Information System) .For those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces), a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.
- A Fit Person Assessment by interview to assure the Trust that the applicant is Fit to be responsible for children under aged twelve years.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the Registered Person in respect of that member of staff and to the applicant.

The applicant MUST NOT commence employment until the Vetting Clearance Letter has been issued. The applicant should be advised at the time of application that any offer of employment is subject to Trust clearance.

(iii) <u>Other staff employed or regularly volunteering in an Early Years setting (to include e.g. nursery assistants, out of school assistants, playgroup staff, regular volunteers, admin staff, cooks, cleaners)</u>

Note: Regular volunteers are all those who are engaged in work with the children once a week or more often or on four or more days in a 30 day period.

The Trust will satisfy itself by way of written confirmation that the Registered Person (employing the staff) has undertaken all the necessary checks as follows:

- Access NI Enhanced Disclosure with Barred List Check
- Consent to Checks/Disqualification for Caring Form
- Health Declaration/Medical Reference.
- 2 References including one from the current/most recent employer (if current or most recent employer has known the applicant for less than one year a third reference may be sought from the employer prior to the current one.

The Registered Person must provide the Trust with the AccessNI Enhanced Disclosure Notification Form. If the Disclosure Certificate contains ANY criminal information, the Certificate must be forwarded to the Trust; otherwise the appropriate AccessNI pro-forma may be used.

If the Health Declaration or references contain information of concern, these must be forwarded to the Trust who will consider this as part of the decision on the applicants fitness.

The Trust will then, following receipt of Consent to Checks form, carry out the following:

- A Trust check (SOSCARE/COMMUNITY INFORMATION SYSTEM) For those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces) a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the Registered Person in respect of that member of staff.

The applicant MUST NOT commence employment until the Vetting Clearance Letter has been issued. It would be helpful if the applicant was advised at the time of application that any offer of employment is subject to Trust Clearance.

Staff being employed in a **Holiday Scheme** should be re-vetted on an annual basis if they have been working for another employer in between time or there has been a break in employment activity. However those staff who are employed on a contractual basis as relief/bank staff are not required to be re-vetted for each period of employment. They will however be required to complete a Self-Declaration Vetting Form (VET/3). (If the Registered Person is also working in the Scheme, he/she will also need re-vetting.)

Staff who have been on maternity leave or extended sick leave will not normally require re-vetting if they maintain contact with their employer. If however this continues for an indefinite period, the Trust should be informed and the Trust will consider on a case to case basis if re-vetting is required.

If a person has been vetted for a post and changes post but remains with the same employer, they do not require to be re-vetted. If the applicant is moving across Trusts but remaining with the same employer, again they do not require to be re-vetted. The only exception to this is where the post was previously "unregulated" activity and they move to a post that is "regulated activity". A Fit Person Assessment is only required if not previously carried out and is applicable to the post. However if the applicant has already had a Fit Person Assessment carried out this will not need to be completed in full but may require to be updated e.g. qualifications and training. A Fit Person Assessment is transferable across Trusts if undertaken within the previous three years and is for the same position. If an individual applies for a post with a new employer, full re-vetting needs to take place.

If a new owner/chairperson takes over as the registered person, the staff currently in post do not require to be re-vetted.

Note: Where a member of staff is employed on a peripatetic basis across a number of settings crossing Trust boundaries, the Vetting Clearance Letter from the Trust of origin will be sufficient.

4. Process to be followed for vetting of Childminders

(i) Childminding applicant

The registration system is based on the concept of the "registered person" who in this case is the childminder.

The Trust following receipt of a Consent to Checks form will, as part of the registration process, carry out the following checks:

- An AccessNI Enhanced Disclosure with Barred List Check.
- Disqualification for Caring Form. (See Application Form)
- Trust Check (SOSCARE/Community Information System). For those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces), a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.
- 2 references. Where possible one of these should be from the current/most recent employer. A personal reference needs to be supplied by someone who has known the applicant for more than two years.
- Fit Person Assessment, by interview to assure the Trust that the applicant is Fit to be responsible to care for children under twelve years. (This will include their ability to provide warm and consistent care, integrity, knowledge and understanding of all children equally and appropriate knowledge, skills, experience and training.)

The Trust will ensure that a Health Declaration/Medical Reference is supplied by the applicant.

The Trust will issue the registration certificate which will indicate that all associated with the application have vetting clearance. The applicant MUST NOT commence childminding until the Registration Certificate has been issued. Any adults who require vetting subsequent to the application will require a Vetting Clearance Letter.

Childminders and any assistants who have been on maternity leave or extended sick leave will not normally require re-vetting if they maintain contact with their employer/The Trust. If however this continues for an indefinite period, the Trust should be informed and the Trust will consider on a case to case basis if re-vetting is required.

Note: Childminders moving within or across Trusts do not require to be re-vetted. All documentation from one Trust should be passed to the new Trust. Any household member at the new address who has not previously been vetted, will require to be vetted prior to childminding taking place. A Health and Safety assessment will also need to be completed prior to childminding commencing.

(ii) <u>Childminding Assistants Category One</u>

The Trust following receipt of a Consent to Checks form will, as part of the registration process, carry out the following checks:

- An AccessNI Enhanced Disclosure with Barred List Check.
- Disqualification for Caring Form.
- Health Declaration/Medical Reference.
- 2 References. Where possible one of these should be from the current/most recent employer. A personal reference needs to be supplied by someone who has known the applicant for more than two years.
- Trust Check (SOSCARE/Community Information System) for those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces, a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland) HSE (in ROI) and SSAFA/Army Welfare.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the Registered Person in respect of the applicant and to the applicant.

The applicant MUST NOT commence employment until the Vetting Clearance Letter has been issued. Applicant should be advised when applying that any offer of employment is subject to Trust Clearance.

(iii) Childminding Assistants Category Two

The Trust following receipt of Consent to Checks form will, as part of the registration process, carry out the following checks:

- An AccessNI Enhanced Disclosure with Barred List Check.
- Disqualification for Caring Form.
- Health Declaration/Medical Reference.
- 2 References. Where possible one of these should be from the current/most recent employer. A personal reference needs to be supplied by someone who has known the applicant for more than two years.
- Trust Check (SOSCARE/Community Information System) for those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces, a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland) HSE (in ROI) and SSAFA/Army Welfare.
- Fit Person Assessment, by interview to assure the Trust that the applicant is Fit to be responsible to care for children under age twelve. (This will include their ability to provide warm and consistent care, integrity, knowledge and understanding of treating all children equally and appropriate knowledge, skills, experience and training).

The Trust will ensure that a Health Declaration/Medical Reference is supplied by the applicant.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the Registered Person in respect of the applicant and to the applicant.

The applicant MUST NOT commence employment until the Vetting Clearance Letter has been issued. Applicant should be advised when applying that any offer of employment is subject to Trust Clearance.

(iv) Others associated with a Childminding Application to include family members over the age of criminal responsibility,(i.e. age 10)

As outlined in the Standards, all persons who have access to children must be suitable to do so. Therefore all family members and Category 1 Assistants require to be vetted.

The Trust following receipt of a Consent to Checks form will, as part of the registration process, carry out the following checks:

- An AccessNI Enhanced Disclosure with Barred List Check (if over the age of criminal responsibility).
- Disqualification for Caring Form.

- Trust Check (SOSCARE/Community Information System) for those who were resident in the UK/ROI during the past five years (or overseas with the Armed Forces), a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.
- The Access NI check on a child aged between ten and eighteen should be carried out on the child only and not the home address.

The Trust will ensure that a Health Declaration/Medical Reference is supplied by the Spouse/partner of the applicant and any other person where there are concerns that their health may impact on the provision of childcare.

Children who are cared for by the childminder when over the age of ten are not in regulated activity and therefore do not require to be vetted (e.g. a child who has turned twelve and remains with a childminder).

(v) Regular Visitors

A regular visitor is an adult (aged 18 and over) who visits the childminding home once a week or more while children are being minded and as such requires the following checks:

- Soscare Check
- Criminal Record Self-Declaration Form
- Health Self Declaration Form

Any regular visitors must not be left unsupervised with the minded children at any time.

Children aged between 10 and 18 who visit the childminders home do not require to be vetted but are the responsibility of the childminder under their Safeguarding Policy.

5. Specialist Advisers providing support in a range of day care facilities

Agencies who employ special advisers eg Early Years Organisation, NICMA, PlayBoard, Altram, or an individual adviser must satisfy the Trust that they have carried out the following:

- Be in possession of an Enhanced Disclosure AccessNI Certificate including Barred List Check.
- Have 2 references, one of which should be from their current/most recent employer (if current or most recent employer has known the applicant for less than one year then a third reference may be requested sought from the employer prior to the current one.
- A Health Declaration/Medical Reference.

The Adviser will then present these to the Trust who on receipt of Consent to Checks form will, as part of the registration process, carry out the following:

- A Trust check (SOSCARE/Community Information System) For those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces) a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the Specialist Adviser. The Adviser will then be able to use this clearance to work across groups in the Region (i.e. across the Trusts).

If any issues arise on the Enhanced Disclosure Certificate, the references or the Health Declaration/Medical Reference, the information must be forwarded to the Trust who will consider this as part of the decision on the applicant's fitness.

The adviser must provide this Vetting Clearance Letter to all Registered Persons before commencing work at the facility. The Registered Person must provide evidence at inspection that they have seen this Clearance Letter.

Note: this vetting process will be carried out by the Trust in which the adviser resides.

6. Contracted Services – Staff who provide support services

- Caretaker (in rented premises)
- Taxi-driver/bus companies providing transport
- Cleaners

The responsibility for ensuring that appropriate vetting has been undertaken by the relevant employer lies with the Registered Early Years Provider. The Trust must satisfy itself that the provider has evidence of the process having been followed in terms of:

- An AccessNI Enhanced Disclosure with Barred List Check.
- 2 References including one from the current/most recent employer—**excluding taxi-driver/bus companies** (if current or most recent employer has known the applicant for less than one year a third reference should be sought).
- Health Declaration/Medical Reference.-**excluding taxi drivers/bus companies**

The Trust will then, following receipt of Consent to Checks form, carry out the following checks:

- Trust Check (SOSCARE/Community Information System). For those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces, a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland) HSE (in ROI) and SSAFA/Army Welfare.

If all vetting is satisfactory, the Trust will issue a Vetting Clearance Letter to the Registered Person in relation to the applicant.

The applicant MUST NOT be engaged with the setting until the Vetting Clearance Letter has been issued.

Vetting is not required where the post is not in regulated activity for example a caretaker who is NOT present during the time the children are on the premises and has no opportunity for contact with the children is not in regulated activity and therefore does not require to be vetted. Likewise an administrator or receptionist in a facility which houses other businesses will only require to be vetted if their role allows them to have direct contact with the children in the registered rooms. Consideration will need to be given to these roles on a case to case basis.

A taxi/bus company used regularly (four or more times in a 30 day period) and therefore vetted can transport children unaccompanied. However where a taxi/bus company is used on an ad hoc basis a member of staff needs to accompany the child unless exclusively arranged by the parent.

Cooks/Cleaners will only require to be vetted if they are employed on the premises during session hours regularly (four or more times in a 30 day period).

7. Students/Trainees

Students undertaking a vocational course where they are assisting in the care of children are involved in regulated activity.

(i) <u>Where students/trainees are involved with settings, it will be the responsibility of the provider to ensure that the sponsoring educational establishment has undertaken their vetting process</u> (to include an Enhanced Access NI Check)

The Trust following receipt of a Consent to Check form will, as part of the vetting process carry out:

- Trust Check (SOSCARE/Community Information System) For those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces) a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the College or Training organisation in respect of that student/trainee and the student. This should then be shared with the provider. This vetting clearance will cover the student for the duration of their course.

The student/trainee and educational establishment should be made aware by the facility that an offer of a placement is subject to Trust Clearance.

A Student/trainee MUST NOT commence placement until a Vetting Clearance Letter has been issued.

(ii) School Placements

Students who are still at school may apply to do a work placement within a day care setting. These placements are usually for one week. These students do not have to undergo the vetting process. Instead the School that organised the placement takes responsibility for their pupils by way of a letter of Indemnity. This letter of Indemnity should be seen by the provider. Students must not engage in regulated activity, should not be left alone with children at any time or take responsibility for their personal care.

(iii) Students coming from outside of Northern Ireland to do a short placement are required to bring evidence of their own criminal record clearance.

8. Education and Library Board Staff and Trust Staff

Education and Library Board and Trust staff e.g. speech and language therapists working in regulated activity with children in a registered Early Years setting must show evidence to the setting of completed vetting by their employers by way of a letter, to include AccessNI Enhanced Disclosure with Barred List Check.

9. Applications from people who have lived outside the UK or ROI *(This relates to all of the above applicants)*

All applicants must undergo an Access NI Enhanced Disclosure Check even if they have only just entered the country. It is recognised that the Enhanced Disclosure Check only covers criminal history information from the UK, though if the person lives or has lived within the last five years in the ROI, it is possible to obtain information about any offences in that country. The Police National Computer may have information about convictions in other EU Member States, but only if certain qualifying criteria are met.

Applicants who have lived in countries whether EU Member State or otherwise should contact the police force of that country through their website or contact the Embassy and make every effort to provide information on their criminal history/clearance. It is however acknowledged that it is not always possible to secure this information and the Access NI clearance will have to suffice.

Note: there is no requirement for Social Services checks to be carried out in the country of origin on applicants who have lived outside the UK and Ireland.

10. Vetting of Children between the ages of 10 and 16

Vetting of children of age 10 and over is required as 10 is the age of criminal responsibility.

When registration of a childminder is taking place all persons over the age of 10 associated with the application should be subject to an AccessNI Enhanced Disclosure with Barred List Check.

Children within a Registered Childminders family under the age of 10 should be subject to an AccessNI Enhanced Disclosure with Barred List Check at the Inspection following their 10th birthday.

It is recognised that for children between the ages of 10 and 16 it may be difficult to provide all the verification documentation as listed by Access NI. It is therefore acceptable for a birth certificate/passport to be provided along with a letter from their school confirming identity.

(For details on verification of identity, see point 13)

11. Parents who act as occasional volunteers

Parents who help out on an occasional basis do not require to be vetted but should never be left alone with children and should not provide personal care to a child. (The definition of regular is once a week or more often or 4 or more days in a 30 day period or overnight.)

12. Home Childcarers

If the Home Childcare applicant is seeking approval directly through the Trust the following procedure should be followed:

- The Trust carries out an AccessNI Enhanced Disclosure with Barred List Check.
- The Trust carries out a Trust Check (SOSCARE/Community Information System) for those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces), a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the applicant. This clearance allows Homecarers to be employed across Trusts and work for different employers without further SOSCARE/Community Information System checks being required.

If the Home Childcare applicant is seeking approval and employed through Employers for Childcare the following procedure should be followed:

- Employers for Childcare must provide the Trust with the completed Approved Home Childcare Disclosure Notification. If the Disclosure Certificate contains ANY criminal history information, the Certificate must be forwarded to the Trust.
- A Trust Check (SOSCARE/Community Information System) for those who were resident in the UK/ROI during the past 5 years (or overseas with the Armed Forces), a check should be undertaken with the relevant Local Authority (in England, Wales or Scotland), HSE (in ROI) and SSAFA/Army Welfare.

If all vetting is satisfactory the Trust will issue a Vetting Clearance Letter to the applicant and the Employers for Childcare.

The applicant MUST NOT commence employment until a Vetting Clearance Letter has been issued. Applicant should be advised when applying that this is the case.

When seeking annual renewal, a SOSCARE/Community Information System check should be carried out by the Trust who carried out the initial approval, prior to approval.

13. Verification of Identity

Verification of Identity will be required for all persons making application to be in regulated activity. The list of documents required to verify identification is outlined by AccessNI on the application form. Verification for all owners/chairpersons, managers/persons in charge, childminders, and all those associated with childminding applications, must take place on a face to face basis at the Trust Early Years Team office.

An applicant residing in another Trust area can present to their local Trust Early Years Team office for identification to take place. Confirmation will be given to the Registering Trust who will proceed with the vetting.

Note: After identity has been verified, Trusts are not required to keep copies of the documentation provided.

14. Persons not considered "Fit" following vetting

If a Trust is not satisfied that the applicant or person employed or likely to be employed is fit to look after or be in the proximity of children under age twelve, the Trust may refuse registration or approval of the individual (Article 124 or to cancel Article 128).

Where a Trust is unable to issue a Vetting Clearance Letter due to concerns raised in some part, or all of the vetting process, the applicant will be made aware and discussions surrounding the issues will take place. In some cases, following clarification, resolution will be found and a Letter of Clearance will be issued. If however concerns remain and the applicant wishes to proceed, the Trusts Early Years Panel Process will be invoked in order to make a decision.

15. Appeals

(i) In deciding on an application for registration (where vetting indicates that an applicant would not be a fit person), the Trust would indicate its intention to refuse registration or to cancel registration where this was decided in relation to an already registered person.

Article 131 outlines the process for refusing or cancelling a Registration:

- 14 days notice in writing of the intention to refuse or cancel registration.
- The recipient of this notice can inform the Trust of his objection to the step being proposed.
- If the Trust, after listening to the objection, through the Appeals Panel decides to take the proposed steps, written notice should be given to the recipient (applicant or registered provider).
- A person aggrieved by the decision to proceed with the refusal or cancellation of registration may appeal against it to the court.

(ii) In deciding about the fitness of an individual to work in a regulated position, a negative vetting would require a decision about a person's suitability for a post. It would only have implications for registration status [(i) above] if the Registered Provider persisted with their employment. An appeal against a decision not to deem a person as a "fit person" should be considered within the Trust outside of the Early Years Panel that made the decision.

16. Additional Guidance Notes

- In relation to those engaged to provide support but not directly employed/working directly with children (including "specialist" support staff), the Trust should indicate to providers if it feels that the process has not been followed appropriately and require the provider to do so.

- In the event that the Trust becomes aware that a person providing support may not be suitable to be in the proximity of children, it should undertake a full vetting process as for owner/manager. This might arise when the Trust becomes aware that someone has been disciplined or dismissed for reasons suggesting that children's safety has been compromised/affected.

- A provider/employer who invokes disciplinary action/sanction against a staff member requires to give consideration to whether a referral to the Trust's Gateway Services is warranted. The employer/provider must therefore consider if the individual poses a risk to children which warrants further investigation and the referral to Gateway, if required, should be made at the time of the particular incident or expression of concern. On receipt of such referral the Trust Gateway Service will investigate to determine if it is considered the individual does pose an ongoing risk and act accordingly.

  The outcome of any such investigation will be considered by the Trust Early Years Panel in any future deliberations in relation to future or continued involvement in an Early Years Service.

- In terms of a sanction imposed by an employer in relation to disciplinary action, the Trust will accept this sanction until the person has exhausted all avenues of appeal open to them, including the outcome of a referral to DBS (Disclosure and Barring Services). An employer is required under the Safeguarding Vulnerable Groups (NI) Order 2007 to refer to DBS when a member of staff has been dismissed (or would have been dismissed if they had not resigned or taken early retirement/redundancy) in circumstances where a child has been harmed or placed at risk of harm. Under this Order, the Trust has a duty to ensure that a referral has been made to the DBS if this is appropriate and can make a referral if one has not been made by the provider.

- The Trust must consider the grounds for disciplinary action taken/dismissal and consider whether the outcome was appropriate and proportionate. This is unequivocal when a person has been "barred" by DBS but, where a decision has been made by the DBS not to include an individual in the Children's Barred List, this does not necessarily free him/her for positive vetting in the future. This process is open to the same appeal process within the Trust as for owner/managers, that is, appeal to be considered outside of the Early Years Panel.

- When a Trust confirms that a person has not been positively vetted and is aware that he/she works across Trust boundaries, contact should be made between Trusts to advise on the decision made. In the event that there is a difference of decisions, the relevant Trusts should reconsider the evidence upon which they based a previous decision, taking into consideration additional information where it is made available, and seek consensus to ensure consistency in decision-making across Trusts. Where an agreed position cannot be reached, this should be brought to the attention of the HSCB with a view to seeking consistency in decision-making.