**2.1 Employment**

(Including suitability, contingency plans, training and development, disciplinary and grievance procedures and compassionate leave)

**Policy Statement**

We provide a staffing ratio in line with the Safeguarding and Welfare requirements of the Early Years Foundation Stage; ensuring that our children have sufficient individual attention, and we can guarantee care and education of a high quality. Our staff are appropriately qualified and we carry out checks for criminal and other records through the Criminal Records Bureau in accordance with statutory requirements.

**Procedures**

***Vetting and staff selection***

* We work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
* All staff have job descriptions, which set out their staff roles and responsibilities.
* We welcome applications from all sections of the community. Applicants will be considered on the basis of their suitability for the post, regardless of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation, sex, age, marriage or civil partnership. Applicants will not be placed at a disadvantage by our imposing conditions or requirements that are not justifiable.
* We use Ofsted guidance on obtaining references and enhanced criminal record checks through the Criminal Records Bureau for staff and volunteers who will have unsupervised access to children. This is in accordance with requirements under the Safeguarding Vulnerable Groups Act (2006) for the vetting and barring scheme.
* We keep all records relating to employment of staff and volunteers, in particular those demonstrating that checks have been done, including the date and number of the enhanced CRB check.
* Staff are expected to disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children – whether received before, or at any time during, their employment with us.

***Changes to staff***

* We inform Ofsted of any changes in the person responsible for our setting.

***Training and staff development***

* Our setting leader and deputy hold the CACHE Level 3 Diploma for the Children and Young People’s Workforce or an equivalent qualification and a minimum of half of our staff hold the CACHE Level 2 Certificate for the Children and Young People’s Workforce or an equivalent or higher qualification.
* We provide regular in-service training to all staff - whether paid staff or volunteers - through the Pre-school Learning Alliance and external agencies.
* Our setting budget allocates resources to training.
* We provide staff induction training in the first week of employment. This induction includes our Health and Safety Policy and Safeguarding Children and Child Protection Policy. Other policies and procedures will be introduced within an induction plan.(See Induction pack )
* We support the work of our staff by holding regular supervision meetings and appraisals.
* We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and best practice.

***Staff taking medication/other substances***

* If a member of staff is taking medication which may affect their ability to care for children, we ensure that they seek further medical advice. Staff will only work directly with the children if medical advice confirms that the medication is unlikely to impair their ability to look after children properly.
* Staff medication on the premises will be stored securely and kept out of reach of the children at all times.
* If we have reason to believe that a member of staff is under the influence of alcohol or any other substance that may affect their ability to care for children, they will not be allowed to work directly with the children and further action will be taken.

***Staff and social networking***

Every employee has an opportunity to express and communicate on-line in many ways, and NBU5 does not wish to discourage an on-line presence. Above all else, everyone needs to use good judgement on what material makes its way on-line.

*Responsibility*

Any material presented on line in reference to NBU5 by any employee is the responsibility of the poster. At no times should any posts be made in reference to Children, Parents or other professionals that employees may come in to contact with through work. At no time must any photographs or materials be published that identify the setting or Children and pictures of staff may only be used with the express permission of the staff members concerned. Any member of staff found to be posting remarks or comments that breach confidentiality and or are deemed to be of a detrimental nature to NBU5 or other employees or posting/publishing photographs of the setting, children or staff unless staff permission has been gained may face disciplinary action in line with the company disciplinary procedures.

*Topic Matter Guidelines*

Nacton and Bucklesham Under 5 employees are encouraged to use the following guidelines in social networking practices:

* Remember that no information sent over the web is totally secure and as such if you do not wish the information to be made public refrain from sending it over a social network site. Even though you may think you are anonymous or use an alias you may be recognised. Maintain professionalism, honesty, and respect.
* Apply a "good judgement" test for every activity related to NBU5. Could you be guilty of leaking information, discussing confidential information? Is it negative commentary regarding NBU5 or its employees? Activity showing good judgement would include statements of fact about NBU5, and its products and services, facts about already-public information, or information on the NBU5 Website. Furthermore, if any employee becomes aware of social networking activity that would be deemed distasteful or fail the good judgement test, please contact Meryl Taverner or Sue Winder.

*Company assets*

The use of company assets (computers, Internet access, email, etc.) is intended for purposes relevant to the responsibilities assigned to each employee. Social networking sites are not deemed a requirement for the most positions.

Company-sensitive matters

Any on-line communication regarding proprietary information such as lay-offs, strategic decisions, or reduction of working hours deemed inappropriate for uncoordinated public exchange is forbidden.

***Compassionate Leave***

This setting recognises that at certain times staff members may require time off, due to either serious illness of a family member or bereavement. The aim of this policy is to ensure that procedures are in place to allow this to happen. Staff members need to know that in these situations they will be supported. Conversely, the management of the setting needs to be assured that the running of the setting and the safety of the children will not be adversely affected.

* Staff members would be entitled to 5 days paid compassionate leave upon the death of an immediate family member.
* Should a staff member require compassionate leave to care for a seriously ill relative, they should seek agreement from the committee chairperson. Each case will be decided upon individual circumstances.
* Before compassionate leave is taken, plans should be put in place to ensure that an appropriately qualified replacement is able to cover the absence of the staff member and act as the key person for the applicable children.

***Managing staff absences and contingency plans for emergencies***

* Nacton and Bucklesham Under 5’s is a term time only setting, our staff take their holiday breaks when the setting is closed. Where staff may need to take time off for any reason other than sick leave or training, this is agreed with the Leaders and Chair with sufficient notice.
* Where staff are unwell and take sick leave in accordance with their contract of employment, we organise cover to ensure ratios are maintained.
* Sick leave is monitored and action is taken where necessary in accordance with the contract of employment.
* We have contingency plans to cover staff absences, as follows:

One of the Play Leaders must be telephoned before 8am of morning of absence at the latest.

Meryl Taverner 01473 659783

Sue Winder 01473 226070

The Leaders have a list of Emergency staff to call on for cover. This is also kept in the Operational Plan along with contact numbers and qualifications.

***Disqualification***

* Where we become aware of any relevant information which may lead to the disqualification of an employee, we will take appropriate action to ensure the safety of children. In the event of disqualification, that person’s employment with us will be terminated.(see below)

***Disciplinary and grievance procedure for employees***

*Minor disagreements*

Minor disagreements among pre-school staff, or between staff and committee, can usually be resolved at the regular staff management meeting or informally by discussion.

*Disciplinary procedure*

A more serious situation arises when a dispute cannot be easily resolved, or when the committee is dissatisfied with the conduct or activities of an employee.

* Procedures:

Any disciplinary matter will normally be dealt with using the following procedure. At every stage the employee should be given reasonable notice, in writing, (5 days if possible) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and s/he should be offered the opportunity to be accompanied by a colleague or union representative if s/he so wishes. The disciplinary panel will consist of the Chairman and the other Trustees (at least two), or other nominated Committee Members in their place. It shall be observed that persons directly involved with the complaint shall not sit on the Disciplinary Panel, unless this cannot be avoided.

* ORAL WARNING
* The employee should be interviewed by the disciplinary panel who will explain the complaint.
* The employee will be given full opportunity to state his/her case.
* After careful consideration by the disciplinary committee, and if the warning is considered to be appropriate, the employee needs to be told:
* what action should be taken to correct the conduct
* that s/he will be given reasonable time to rectify matters
* what training needs have been identified, with timescales for implementation
* what mitigating circumstances have been taken into account in reaching the decision
* that if s/he fails to improve then further action will be taken
* that a record of the warning will be kept
* that s/he may appeal against the decision within a limited time period (5 days).
* FORMAL WRITTEN WARNING

If the employee fails to correct his/her conduct and further action is necessary, or if the original misconduct is considered too serious to warrant an initial oral warning:

* The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case.)
* If a further formal warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee
* The letter will:
  + contain a clear reprimand and the reasons for it
  + explain what corrective action is required and what reasonable time is given for improvement
  + state what training needs have been identified, with timescales for implementation
  + make clear what mitigating circumstances have been taken into account in reaching the decision
  + warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice
  + explain that s/he has a right to appeal against the decision.
* FINAL WRITTEN WARNING

If the employee fails to correct his/her conduct and further action is necessary, or if the original misconduct is considered too serious to warrant any initial warnings:

* The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case.)
* If a final warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.
* The letter will:
  + contain a clear reprimand and the reasons for it
  + explain what corrective action is required and what reasonable time is given for improvement
  + state what training needs have been identified, with timescales for implementation
  + make clear what mitigating circumstances have been taken into account in reaching the decision
  + warn that failure to improve will result in further disciplinary action which could result in dismissal
  + explain that s/he has a right to appeal against the decision.
* DISMISSAL

If the employee still fails to correct his/her conduct, then:

* the employee will be interviewed as before
* if the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons for dismissal and giving details of the right to appeal.
* SUSPENSION

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are being made. These should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. Obviously these investigations should be carried out within as short a time as possible.

Instant dismissal is possible only in extreme circumstances of gross misconduct. The following list gives examples of gross misconduct. This list is not exhaustive:

* theft or fraud
* ill-treatment of children
* assault
* malicious damage
* gross negligence which threatens the health and safety of others
* being unfit through use of drugs or alcohol.
* Bringing Playgroup into disrepute.
* Racist/discriminatory behaviour.
* Breach of confidentiality.

Otherwise, an employee should not be dismissed without the appropriate warnings.

GRIEVENCE PROCEDURE

If an employee is dissatisfied s/he must have the opportunity for prompt discussion with her/his immediate supervisor. For the supervisor of a pre-school this would normally be the chairman or committee representative. For other pre-school staff it would be the pre-school leader. If the grievance persists, a management panel should be set up for the purpose of further discussion, at which the employee may, if s/he wishes, be accompanied by a colleague.

There must be a right of appeal, to the chair or to the full pre-school committee. At this level also, the employee’s colleague or trade union official may be present.

The aim of the above procedure is to settle the grievance fairly and as near as possible to the point of origin. It is intended to be simple and rapid in operation.

APPEALS

At each stage of the disciplinary procedure the employee must be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Chairman within five days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. The remaining Committee members will serve as an Appeal Panel. The employee may bring someone with them, for example a colleague, or Trade Union official, to speak for her/him.

* The employee will explain why s/he is dissatisfied and may be asked questions.
* The Chairman will be asked to put their point of view and may be asked questions.
* Witnesses may be heard and may be questioned by the appeals committee and the Chairman
* The committee will consider the matter and make known its decision.
* A written record of the meeting will be kept.

**Nothing in these grievance procedures precludes the operation of English Law**

|  |  |  |
| --- | --- | --- |
| This policy was adopted at a meeting of |  | name of setting |
| Held on |  | (date) |
| Date to be reviewed |  | (date) |
| Signed on behalf of the management committee |  | |
| Name of signatory |  | |
| Role of signatory (e.g. chair/owner) |  | |

**Other useful Pre-school Learning Alliance publications**

* Employee Handbook (2012)
* Recruiting and Managing Employees (2011)