



Registered Charity No. 1033185

Title:	STAFFING AND SUITABLE PEOPLE POLICY
Outcome Statement:	Hainford & Frettenham Pre-school Learning Alliance is committed to equal opportunities. We aim to adhere to our policies in relation to the recruitment of new staff and supporting existing staff in their employment and personal development.
To meet the standards as part of:	- Ofsted - EYFS - Early Years Alliance
Applicable to & For use by:	Committee Members, Staff, Student, Volunteers
Appendices:	
Last reviewed:	June 2024
Reviewed by:	Hainford & Frettenham Pre-school Manager & Chairperson
Date of Committee Meeting policy adopted at:	
Chairperson Name and Signature:	
Review Date:	Summer term 2026

STAFFING AND SUITABLE PEOPLE

ABOUT OUR STAFF

Staff are our Pre-Schools most valuable resource, as it is only through their commitment and effort that good quality provision can be both established and maintained. We are therefore committed to supporting good training and development for staff so that they can perform their roles both efficiently and effectively.

The Pre-School is committed to providing for staff:

- A full induction process
- A regular system of supervisions/ appraisals.
- An up-to-date record of staff qualifications and training.
- Support with any wellbeing needs

This will help to ensure that staff development needs are being met and that staff training and qualifications are meeting the requirements of the setting and the EYFS Statutory Framework. The details of staff member's next of kin are also kept within their personal file. Staff salary and fees are reviewed annually.

Staffing Requirements:

The Manager/Deputy hold a minimum of Level 3 qualification and other staff members are trained to a minimum of level 2 qualifications. Any person employed by the pre-school who does not hold the required qualification will either be completing their training or must be willing to train. The setting employs at least one member of staff with an Early Years SENCo qualification. Staff must be trained in Paediatric First Aid, Safeguarding and Prevent Duty, with a SLP and deputy SLP within the team. At least one member of staff per day will hold a relevant Food Hygiene Certificate.

Staff will be provided with Hainford & Frettenham Pre-school uniform to wear during work hours. For permanent members of staff, this comprises of 2x jumpers, 2x polo shirts and a coat (part time staff) and 3x jumpers, 3x polo shirts and a coat (full time staff). Wearing of uniform is a mandatory requirement as it identifies staff quickly to parents/ carers and visitors. Suitable clothing and sensible foot wear must be worn at all times during sessions. Staff can purchase additional clothing, if desired, at cost price.

All staff must agree to comply with their job descriptions. Terms and conditions of employment, employees are:-

- required to observe the up-to-date Health and Safety at Work Act
- required to support the Committee in funding-raising events and to attend meetings as required
- entitled to Statutory Sick Pay
- required to abide by the terms and conditions of the Policies and Procedures of the Pre-School.

The Role of Staff

During the session:

- The adult to child ratio within a session is a minimum of:
 - children aged two years of age: 1 adult to 4 children
 - children aged three and four years of age: 1 adult to 8 children
 - adult to child ratio on outings: 1 adult to 2 children.
- All Staff will implement the Equal Opportunities Policy at all times.
- A designated member of staff for each session will ensure the register is marked as soon as the children enter the setting and total numbers recorded on the display board.
- Staff to make a point of welcoming each child on arrival and be available to speak to parents/carers, whilst taking into consideration safety of children in session.
- We use a key person approach to ensure that each child has a named member of staff with whom to form a relationship and who plans with parents for the child's well-being and development in the setting. The key person speaks regularly with the family for discussion and consultation on their child's progress.
- Children are supervised at all times.
- All staff will ensure activities are supervised and each part of the room remains attractive to the children.
- All staff must be constantly aware of the needs of the children so that no child can be quietly distressed or be causing concern amongst the children by disruptive actions.
- All staff must ensure that all accidents are recorded in the accident book with details of the treatment and that the parent/carer is told at the end of the session, asked to sign the appropriate form and given a copy of the report.
- All staff must ensure that all incidents are recorded and advise the parent/carer at the end of the session and ask them to sign the appropriate form.

At the end of the session:

- Staff will ensure that all children are collected by someone with authority to do so using a password if necessary. No child can be collected by a minor under the age of 16.
- After the children have left the equipment and toys are then stored away safely.
- All staff must ensure that the room is left clean and tidy.
- All staff to ensure that any broken equipment is reported to the Manager or an officer of the committee and written on the record

In the Pre-School

- We hold regular staff meetings and training days to provide opportunities for staff to undertake planning and to discuss the children's progress and any difficulties.
- The staff hold, or will train to obtain, the appropriate qualifications in accordance with the Department for Education Early Years Qualification List.
- Regular in-service training is available to all staff, both paid and volunteer members, through Norfolk Early Years, Safer and other recognised organisations.
- Staff training certificates are filed and kept on the premises in staff personnel files.
- Our budget includes allocation towards training costs.
- We support the work of our staff by means of regular supervisions.
- We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and follow safer recruitment practices

Changes to staff

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

The use of Social Networking Sites

Hainford & Frettenham Pre-school has pages on a social networking sites (Facebook and Instagram). The content of this page will only be used to promote the pre-school setting, advertise events for fundraising purposes or to display positive feedback. It will not display pictures, names or any personal details of the children or the parents / carers who attend the setting, unless prior agreement between the Chairperson and individuals involved has been sought.

It is forbidden that any members (staff, student workers, committee members, voluntary workers or parents) use social networking sites to discuss issues under our setting which are of a confidential nature, or to make inappropriate and judgemental comments about the work, staff, children and families. This also includes comments which could be perceived as complaining or broadcasting negative personal feelings held about the setting, work responsibilities or such like. Disciplinary action will be taken should this situation arise, by the Management Committee. Please see the Confidentiality Policy and Safeguarding Policy for more information.

STAFF DEVELOPMENT AND TRAINING

Staff Supervision:

The main objective of the pre-school's supervision and appraisal system is to review employee's performance and potential, and to identify suitable and appropriate training and development needs.

All staff must receive supervision in order to carry out work effectively and efficiently. Supervision is the process to ensure that staff are professionally challenged and developed, that help builds their confidence, knowledge and improve the quality of their work. It is also a primary source of wellbeing support to staff undertaking work that requires supervision, and at times can be demanding or stressful.

All staff have the right to receive supervision and have a responsibility to ensure that it happens. Both supervisors and supervisees need to understand the requirements and needs of the supervision process. Although supervision is/can be provided on an ongoing basis during sessions as guidance for staff, it will also be provided on a one-to-one basis, with individual staff members and the Pre-school Manager. The Chairperson for the setting will provide supervision for the Pre-school Manager. One-to-one supervision will be conducted in a quiet space away from distractions and interruptions. The frequency of supervision will vary according to the level of seniority and experience of the supervisee and the work in which they are undertaking. Ordinarily, this will be of a frequency NOT LESS than once every term.

The Pre-school Manager or Chairperson is required to make notes of supervision sessions conducted. These notes are used as a record to evidence that supervision has taken place, will summarise any issues raised and document any items that have been discussed. They will contain action points for actions that are to be taken and the timescale that has been agreed for those actions to be completed

/ worked towards. Supervision notes will also be used to link into review meetings or appraisals undertaken under the setting. These will be signed by supervisor and supervisee and stored in staff files.

The main aims of supervision are for all staff members to:-

- Be clear about their duties and responsibilities
- Enable duties to be planned and progress monitored
- Ensure staff wellbeing is being considered and supported
- Ensure that standards are being met and maintained as per regulators (Ofsted / Early Years Alliance)
- Receive support in carrying out their work
- Ensure that learning and professional development requirements are planned for
- Ensure that policies and procedures are being worked to
- To set targets for staff to work towards

This enables the Pre-school Manager and the Management Committee to:-

- Monitor achievement against work requirements and standards as set by its regulators
- Improve standards and performance
- Identify areas of further training

Training Opportunities:

The pre-school will do all it can to support staff who are working towards improving their qualifications and training experience. All staff are encouraged to take up training opportunities to expand their professional development and ensure an up-to-date knowledge of childcare issues. It is the responsibility of the pre-school Manager to identify and promote suitable training courses for staff, and strongly encourage them to take advantage of these.

Mandatory Training:

Specific training courses, such as First aid, safeguarding children and prevent are obligatory. Staff members must always attend such courses when requested. Individual staff members will be identified by the pre-school Manager to be the responsible officer under each of the above. It is the responsibility of individual staff, together with the Pre-school Manager, to ensure that required certificates are kept up-to-date with recent legislation.

Costs of these courses will be reimbursed if booked in advance and prior to certificates end dating. In circumstances of certificates end dating, the pre-school may not cover the cost to re-take; this may be down to the individual staff member who will also be required to attend courses outside of their usual working hours.

Additional Courses /Training Fees:

The pre-school will consider assisting with the cost of any courses staff members wish to undertake which have a financial implication. This decision will be made by the Management Committee and will depend upon the finances of the pre-school at that time. Consideration will be given to reimbursing

staff at a time when the pre-school may be financially able, if staff members have encountered the cost of a course themselves for personal development. Decisions in doing this will be based upon:-

- The appropriateness of the course / training to the benefits of the pre-school
- The length of time the staff member has been in employment
- The financial implication to the setting

If the Pre-school has agreed to fund any course or training which has a financial implication, a written agreement will be drawn up by the Management Committee which will outline the terms and conditions of funding to the individual staff member. This must be signed by both the Chairperson and employee and will include reimbursement terms should staff members leave within set periods of completing courses attended and qualifications / knowledge obtained.

Meetings:

Staff Meetings: There will be regular staff meetings for planning, problem solving, information sharing and acknowledging work issues. These are also opportunities for staff to reflect on their work performance and review any difficulties they may be facing, as well as the progress of the children. Staff meetings will be the forum for setting objectives for the Pre-school and discuss curriculum activities. Chairperson or management committee may attend these meetings if deemed necessary. Staff will be paid for up to 2 hours of staff meeting time every month.

Committee Meetings: Staff are required to attend the AGM once a year. A representative of the staff, usually the Manager or Deputy Manager, are required to attend committee meetings. Other staff are welcome to attend, should they wish to. These meetings are determined by the pre-school Chairperson and may be held in unsociable hours. Payment for attendance at these meeting will be at the discretion of the management committee.

EMPLOYING NEW STAFF MEMBERS

Recruitment and Selection

Hainford & Frettenham Pre-school Learning Alliance will evaluate and review every vacancy and is committed to equality of opportunity and non-discrimination in its recruitment and employment practices. We aim to ensure that employment and progression within its setting are determined solely by application of objective criteria and personal merit. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates for interview, based on their skills, qualifications and experience.

If appropriate checks reveal that a person has a previous conviction, Hainford & Frettenham Pre-school Learning Alliance will comply with the DBS Code of Practice and Data Protection Act when receiving such information. We will consider all of the circumstances before making a recruitment decision including our duties under the Criminal Justice and Court Services Act 2000, and the Rehabilitation of Offenders Act 1974, The Education Act 2002, and the Equalities Act 2010.

Vacancies will be assessed, a job description and person specification for the position compiled prior to advertising.

Advertising

Staff vacancies are widely advertised online via Early Years Childcare and Extended Schools Service, and applications are welcome from all those with qualifications relevant to the position advertised, regardless of gender, race, culture, religion, means, or special needs and will be considered on individual merit.

Adverts will state clearly and concisely our organisation, location, and the pre-school's specific requirements, e.g. the job title and qualifications required. Contact details of how to apply and closing dates will be given. The advertisement will not use discriminatory language, unnecessary jargon, or superfluous details.

Interviewing

All applicant's past employment history will be obtained on application and prior to interviews being offered. We will shortlist those candidates who most meet the requirements of the job, inviting them for interview. The pre-school will endeavour to provide any special facilities requested by the candidate, prior to the interview, to prevent any discrimination. All interviews are consistent and equal to all applicants. The same interview questions, against the post in which applied, are asked to all interviewees and a record kept of their responses. The candidates will also be asked to meet and play with the children and staff under the supervision of the Chairperson or Pre-school Manager.

The interviewing panel consists of a minimum of two members, usually Manager (or Deputy) and the Chairperson. The interview panel only ever comprises of staff or current committee members. Hainford & Frettenham Pre-school will avoid making biased judgements and select the best candidate for the job, based on the recommendations from the interview panel.

Employing Staff

Hainford & Frettenham Pre-school Learning Alliance will instigate 2 written references from previous employers, one being the most recent employment, prior to commencement of employment, notifying OFSTED about staff, supervisory and committee appointments.

A permanent contract will not be offered until references have agreed to be satisfactory and appropriate DBS checks are completed. Staff or volunteers who have yet to receive clearance, will not have unsupervised access to children.

Unsuccessful applicants will be informed in writing.

Employee & Employer Rights

A written contract is drawn up between the staff and the officers of the committee, signed by the staff member and Chairperson. The contract outlines terms and conditions of employment as per the job description. This should be read in conjunction with the job description and preschool policies. Copies of the contract are held by the staff and officers. Any queries from staff are referred to the officers.

Page 7 of 30

Staff Inductions

New members of staff will be issued with a job description and a copy of the pre-school's Policies and Procedures Documentation. They will shadow an existing member of staff initially and will undergo a period of induction during their first month of their employment.

As part of the induction, the Pre-school Manager will discuss and talk through everyday practices of the pre-school. These will include: -

- Showing new staff around the premises, pointing out fire exits, toilets, storage areas etc.
- Explaining staff shifts, and all aspects of the day-to-day management and running of the setting.
- Introducing the new staff members to their colleagues, children and parents/carers.
- Pointing out the practical implications of the pre-school's policies and practices, including how they relate to the pre-school's obligations under the EYFS Statutory Framework.
- Explaining the keyworker system in operation and how the setting observes and records the progress of the children.
- Being made aware of Safeguarding, Health and Safety and Risk Assessment procedures.
- If the person employed is new to childcare, appropriate introductory courses will be sought, as it is a condition of employment that staff must be willing to train.

A checklist for inductions will be used to ensure a full induction takes place.

Probationary Periods

New staff issued with a permanent contract will be subject to a 3 month probationary period under the setting. At the end of this period a Review Meeting will be arranged between the Chairperson and Pre-school Manager. The meeting is designed to share feedback from both the employer and employee as to how they are finding the position and progress since joining the setting. This is an opportunity for both parties to share any concerns, worries or uncertainties they may have as well as to give positive feedback.

During this meeting, a decision is made as to if the contract is to be withheld. The preschool can extend the trial period at its discretion. If appropriate at this time, for a Personal Developmental Plan to be drawn to highlight key areas of development and a timescale for achieving these.

STUDENT PLACEMENTS

This setting recognises that qualifications and training make an important contribution to the quality of the care and education provided by early years settings. As part of our commitment to quality, we offer placements to students undertaking early years qualifications and training.

We aim to provide for students on placement with us, experiences that contribute to the successful completion of their studies and that provide examples of quality practice in early years care and education.

- We require students on qualification courses through a college to meet the 'suitable person' requirements of Ofsted and have DBS checks carried out by the college.

- Student DBS certificates are checked under the Update Service Employer Check facility to ensure they are current and up to date.
- We require colleges and/or schools placing students under the age of 16 years with us to vouch for their good character.
- Students are required to read our Confidentiality Policy and sign the Confidentiality agreement. They will be signposted to the policy on the website so they can refer back to this, as required.
- We supervise students at all times and do not allow them to have unsupervised access to children.
- Students undertaking qualification courses who are placed in our setting on a short-term basis are not counted in our staffing ratios.
- Trainee staff employed by the setting may be included in the ratios if they are deemed competent.
- We take out employers' liability insurance and public liability insurance, which covers both trainees and voluntary helpers.
- We co-operate with students' tutors in order to help students to fulfil the requirements of their course of study.
- We provide students, at the first session of their placement, with a short induction on how our setting is managed, how our sessions are organised and our policies and procedures.
- We communicate a positive message to students about the value of qualifications and training.
- We make the needs of the children paramount by not admitting students in numbers that hinder the essential work of the setting.
- We ensure that trainees and students placed with us are engaged in bona fide early years training, which provides the necessary background understanding of children's development and activities.

STAFF SICKNESS AND ABSENCE

This sickness and absence policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment). We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

This policy does not form part of your contract of employment, and it may be amended at any time.

- Staff should only take holiday when the Pre-School is closed. For one-off events, where it is not possible to do so during the holidays, working days may be swapped with other staff, with prior agreement of both members of staff and the manager.
- Where staff may need to take time off for any reason other than sick leave or training this must be agreed with the Manager and Committee.
- Where staff are unwell and take sick leave, cover is organised to ensure ratios are maintained.

Sickness Absence Reporting Procedure

- If you are unable to attend work due to illness or injury, you or someone on your behalf must contact the manager (or in their absence, the deputy manager) on the first morning of absence by 7.15am. Only if you are too ill to do this yourself may someone make contact on your behalf.
- You must try and arrange cover for your work sessions on the pre-school staff WhatsApp group as soon as possible when you know you are unable to attend work.
- You must inform the manager (or deputy) of the reason for your absence and for how long you expect to be absent.
- For periods of absence up to 7 calendar days (including Saturday & Sunday) you will self-certify.
- For periods of absence longer than 7 calendar days, you must submit a doctor's certificate.

Occupational Sick Pay

- Staff are entitled to some sessions of paid sick leave. This is based on their contracted days as of 1st September of that academic year. Over the academic year, staff are entitled to paid sick days equivalent to the number of contracted days. For example, a staff member contracted for 3 days a week is entitled to a total of 3 days sick pay over the academic year.
- This does not affect your eligibility for statutory sick pay (see below).

Statutory Sick Pay

- There is an eligibility threshold for all staff to qualify for SSP based on the average earnings in the pay periods prior to the period of sickness absence.
- If eligible for SSP, the first three days of any period of sickness is classed as waiting days and SSP can not be paid for these days.
- Every day absent after that qualifies for SSP at the rate defined by the Government each year.

Keeping in Touch during Sickness Absence

If you are absent on sick leave, you should expect to be contacted from time to time by the pre-school manager in order to discuss your wellbeing and expected length of continued absence from work. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

Medical Information

At every supervision, staff members will be asked if they have any medical conditions which may impact on their work, or if they are taking any regular medications. This information is always kept in the strictest confidence with the purpose of us providing necessary support and awareness, particularly in an emergency situation.

The pre-school may ask you to obtain a copy of details regarding your medical condition from your doctor or health professional. You do not have to agree to this, but is done with the aim of ensuring you are supported appropriately and adjustments put in place, as required to allow you to fulfil your role

Return to Work Interviews

If you have been absent on sick leave for more than 2 days, we will arrange for you to have a return-to-work interview with the manager, deputy manager or chairperson, as relevant. A return-to-work interview enables us to confirm the details of your absence and also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention. If your doctor's certificate indicates any ways of helping you back to work, these will also be discussed.

Returning to Work from Long Term Sickness Absence

We are committed to helping staff return to work from long-term sickness absence. As part of our sickness absence meetings procedures (see below), we will, where appropriate and possible, support returns to work by:

- Obtaining medical advice;
- Making reasonable adjustments to the workplace, working practices or working hours;
- Considering redeployment; and/or
- Agreeing a return to work programme.

Disabilities

We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedures (set out below), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work. If you consider that you are affected by a disability, you should inform the supervisor.

Time Off for Dependents

In emergencies where normal childcare arrangements break down or where an employee is primarily or solely responsible for a child, dependent or relative who becomes ill or incapable, then an employee can request two days leave to organise appropriate care. This leave will be unpaid and the request should be made to the chairperson as soon as a problem is identified.

Time off for medical appointments

Where possible, appointments for doctor, dentist, opticians, hospital etc. should be made outside of normal working hours. If you are unable to arrange this, then permission will need to be obtained from the manager and chairperson for this time off. You will need to arrange cover if required. You will not be paid for this time off.

Bereavement/Compassionate Leave

Compassionate leave is permitted at the discretion of the pre-school Committee and will be decided on a case-by-case basis.

Unauthorised Absence

Cases of unauthorised absence will be dealt with under the pre-school's Disciplinary Procedure. Absence that has not been notified according to the sickness absence reporting procedure (above) will be treated as unauthorised absence.

Formal Sickness Absence Meetings Procedure

We may apply this procedure whenever we consider it necessary, including, for example, if you:

- Have been absent due to illness on a number of occasions;
- Have discussed matters at a return to work interview that require investigation; and/or
- Have been absent for more than 10 days.

We will give you written notice of the date, time and place of a formal sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

You may bring a companion to any meeting or appeal meeting under this procedure. Your companion may be either a trade union representative or a fellow member of staff. Their identity must be confirmed to the manager in good time before the meeting takes place. A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf.

You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified, you should immediately inform the manager who will seek to agree an alternative time.

Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within 10 days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

If, at any time, the manager or chairperson considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under the Disciplinary Procedure.

Stage 1: FIRST SICKNESS ABSENCE MEETING

The purpose of a first sickness absence meeting may include:

- Discussing the reason for your absence.
- Where you are on a long-term sick leave, determining how long the absence is likely to last.
- Where you have been absent on a number of occasions, determining the likelihood of further absences.
- Considering whether medical advice is required.
- Considering what, if any, measures might improve your health and/or attendance.

- Agreeing a way forward which includes the action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.
- The meeting report will be held on the employee's personnel file.

Stage 2: FURTHER SICKNESS ABSENCE MEETING

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. The purposes of further meetings may include:

- Discussing the reasons for your ongoing absence and its impacts on the pre-school and staff.
- Where you are on long-term sick leave, discussing how long your absence is likely to last.
- Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Consider your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
- Considering possible redeployment opportunities.
- Where you are able to return from long-term sick leave, agreeing a return to work programme.
- Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include a warning that you are at risk of dismissal.
- The meeting report will be held on the employee's personnel file.

Stage 3: FINAL SICKNESS ABSENCE MEETING

Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. The purpose of the meeting will be:

- To review the meetings that have taken place and the matters discussed with you.
- Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- To consider any further matters that you wish to raise.
- To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- To agree a review point and the possible termination of your employment if there is continued absence.
- The meeting report will be held on the employee's personnel file.

Appeals

You may appeal against the outcome of any stage of this procedure. An appeal should be made in writing, stating the full grounds of appeal to the Committee Chairperson within 5 days of the date on which the decision was sent to you.

You will be given written notice of an appeal meeting. In cases of dismissal, the appeal meeting will be held as soon as possible. Where practicable, an appeal meeting will be conducted by the Committee Chairperson and the manager or deputy manager.

Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 10 days of the appeal meeting. There will be no further right of appeal.

MATERNITY

This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth, and sets out the arrangements for pregnancy related sickness, health and safety and maternity leave. This policy does not apply to agency workers.

The status of the employee's contract of employment during the maternity leave period is treated as if she is temporarily absent from work. This means that all contractual benefits, except pay, must continue as normal. Annual leave entitlement will accrue as normal.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

The committee and managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring it's success.

Entitlement to maternity leave

All employees are entitled to up to one year (52 weeks) of maternity leave from day one of their employment. The 52 weeks consists of 26 weeks ordinary maternity leave (OML) followed continuously by 26 weeks of additional maternity leave (AML).

- An employee cannot return to work earlier than two weeks after the date of childbirth.
- Statutory Maternity Pay (SMP) for eligible employees can be paid for up to 39 weeks, usually as follows: The first 6 weeks, 90% of average weekly earnings (AWE) before tax. The remaining 33 weeks, at either the annual rate set by Government or 90% of their AWE, whichever is lower. Tax & National Insurance will need to be deducted
- To qualify for Statutory Maternity Pay (SMP) the following conditions must be met:
 - a) The employee must have been continuously employed by her current employer for at least 26 weeks by the beginning of the 15th week before the Expected Week of Confinement (EWC). This 15th week is referred to as the "qualifying week".
 - b) The employee must have average weekly earnings in the calculation period (which is eight weeks or two months before the end of the qualifying week) at or above the lower earnings limit for payment of National Insurance contributions. The lower earnings limit is reviewed by the Government in April each year.
 - c) The earliest that leave can be taken is 11 weeks before the expected week of childbirth unless the baby is born early.
 - d) pay entitlements there is an entitlement to receive contractual maternity pay in line with the conditions of service.

Notification of pregnancy

- The employee should inform the preschool manager as soon as possible that they are pregnant. This is important as there may be health and safety considerations.
- Before the end of the 15th week before the week that the employee expects to give birth (qualifying week), or as soon as reasonably practicable afterwards, the employee must inform their employer:
 - a) That they are pregnant
 - b) The week, starting on a Sunday, in which their doctor or midwife expects you to give birth (expected week of childbirth), and;
 - c) The date on which they request that their maternity leave begins (intended start date). Should the employee decide that she intends to commence maternity leave at an earlier date, she is required to give a minimum 28 days notice of the revised date.
- The employee must provide a certificate from the doctor or midwife (usually a MatB1 form) confirming the expected week of childbirth.
- The employee is not required to give notice of her intention to return to work following maternity leave unless she returns before the end of the 52 week period, in which case she must give 21 days notice of her intention to return
- If the employee wishes to resign her employment, the normal contractual notice period will apply.

Administration of Maternity Leave

- When the employee notifies the chairperson that she is pregnant, she should be given the a schedule of maternity leave pay
- A certificate of pregnancy from a registered medical practitioner or midwife (MatB1) should be provided to the employer. The MatB1 form is not issued until the 20th week before the EWC

Health & Safety

- Pregnant employees must be given specific health and safety protection under UK Health & Safety legislation. The main provisions are set out below:
- Risk assessment
 - a) Employers must assess all workplaces for risks to health and safety of their employee's and others affected by their work activities. In particular, they must consider if there are specific or enhanced risks for new and expectant mothers who are defined as "an employee who is pregnant, who has given birth or miscarried within the previous six months, or who is breastfeeding". Such risks would include: exposure to harmful substances or microbial agents/infectious diseases; extremes of heat and cold; noise, movement and posture; lifting/handling loads; and potential exposure to violence (including verbal abuse).
 - b) Where an unacceptable risk is identified the employer must take any protective or preventative measures required by other health and safety legislation to remove it. Risk assessments are available on the HSE website. Where this would not prevent the employee from being at risk, a hierarchy of measures should be followed:
 - If it is reasonable to do so, working conditions or hours of work should be altered to avoid (or minimise) the risk;
 - If this is not possible, or the risk cannot be avoided by this, the employee should be offered suitable alternative employment on existing , or no less favourable terms and conditions.

If no suitable alternative work is available, the employee should be given leave of absence with full pay. If the employee refuses an offer of suitable alternative work, the leave may reasonably be unpaid.

Ante-natal care

A pregnant employee has a right to reasonable paid time off to attend ante-natal care appointments. The employee should produce evidence of appointments if requested to do so.

Pregnancy related illness

If a pregnant employee is absent from work due to a pregnancy related illness in the 4 weeks before the EWC, then the period of maternity leave will commence automatically.

Premature birth

Where a baby is born prematurely the employee should ensure that the chairperson is informed. The period of maternity leave will commence automatically the day after the birth unless maternity leave has already commenced. Discretion should be used as to whether it is appropriate to extend the maternity leave period or take any other special action as necessary

Death of a baby and still birth

- If the baby dies or is stillborn after 24 weeks of pregnancy, the statutory maternity leave and pay will continue as normal.
- If the death occurs before 24 weeks (miscarriage), special leave or sick leave should be granted.

Keeping in touch (KIT) days

- Employee's may, by agreement with their employer, attend work for up to ten days under their contract of employment during the maternity leave period. These days are known as "keeping in touch" (KIT) days. Such days are different to the reasonable contact that employees and employers may make with one another, as during KIT days employees can carry out work for the employer, for which they will be paid.
- Any work done on any day during the maternity pay or maternity leave period will count as a whole KIT day, up to the ten day maximum. Therefore, if an employee comes in for a one hour training session and does no other work that day, she will have used one of her KIT days.
- The type of work that the employee undertakes on a KIT day is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the employment contract.
- The employee will be paid for the work undertaken during KIT days without loss of SMP. The rate of pay will be their standard hourly rate.

Pensions

- During paid maternity leave, the employer will continue to pay into the employee's pension scheme on their basic salary calculation minus the standard qualifying earnings limit.
- The employee will pay contributions based on the actual maternity pay received during the first 39 weeks of the maternity pay period if the qualifying earnings limit is reached.
- During unpaid maternity leave, the qualifying earnings limit will not be met so employer pension contributions will not be made.

Holiday Pay & Pay Awards

- Holiday will still accrue during a period of maternity leave, including unpaid leave.
- Where a pay award is made during the period of maternity leave the employee's holiday pay will be recalculated to adjust for the uplift.

Returning to work

Employees on maternity leave are not permitted to return to work during the first two weeks after the birth (compulsory maternity leave).

An extension of the maternity leave period will only be considered if the full entitlement to maternity leave has not been exhausted. If a return to work from maternity leave is prevented due to sickness, normal sickness arrangements will apply.

SHARED PARENTAL LEAVE

An employee and their partner may be able to get Shared Parental Leave and Statutory Shared Parental Pay if they are:

- having a baby
- using a surrogate to have a baby
- adopting a child
- fostering a child who you're planning to adopt

Staff and partners can share up to 50 weeks of leave and up to 37 weeks of pay between them. They need to share the pay and leave in the first year after their child is born or placed with your family. They can use SPL to take leave in blocks separated by periods of work, or take it all in one go. They can also choose to be off work together or to stagger the leave and pay.

To get Shared Parental Leave and Shared Parental Pay, staff members and their partner need to meet the eligibility criteria, give appropriate notice to the preschool manager and chairperson, and give up some of their maternity or adoption leave and pay. For further information about this, please see <https://www.gov.uk/shared-parental-leave-and-pay>

FLEXIBLE WORKING POLICY

The flexible working policy gives eligible employees an opportunity to request a change to their working pattern, either formally or informally, without detriment or loss of career development opportunities as a result. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of employees. This policy does not form part of any employee's contract of employment and it may be amended at any time.

To be eligible to make a request you must:

- Be an employee
- Have at least 26 weeks' continuous service at the date your request is made;
- Not have made a formal request to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made.)

Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under this policy to the Manager who will consider the request according to the preschools childcare, business and operational needs.

Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.

Any employee interested in flexible working may request an informal meeting with the Manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues, children, childcare and service delivery before submitting a formal or informal request.

Forms of Flexible Working

Flexible working can incorporate a number of changes to working arrangements including but not limited to:

- Reduction or variation of working hours;
- Reduction of the number of days worked each week; and/or
- Working from a different location (for example, from home).

Making an Informal Flexible Working Request

Employees who wish to make an informal request for flexible working may make a request to the Pre-School Manager, who will consider it according to business and operational requirements.

It will help the Pre-School Manager to consider your request if you:

- Make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent

- Provide as much information as you can about your current and desired working pattern, including working days, hours and start/finish times, and give the date from which you want your desired working pattern to start

Making a Formal Flexible Working Request

You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

Your written and dated application should be submitted to the Manager and, in order to meet the requirements of the formal procedure and to help the manager consider your request, should:

- State the reason for your request
- Provide as much information as you can about your current and desired working pattern, including working days, hours, start and finish times, and give the date from which you want your desired working pattern to start;
- Address the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on the delivery of childcare. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;
- Provide information to confirm that you meet the eligibility set out above
- State whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and if so, when;
- State if you are making your request in relation to the Equality Act, for example as a reasonable adjustment for a disability;
- Ideally submitted at least two months before you wish the changes you are requesting to take effect.

Formal Procedure: Meeting

The Manager will arrange to meet with you within 28 days of your application being submitted. The meeting will also be attended by Committee Chairperson. You may bring a colleague or trade union representative to the meeting if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient for you.

The meeting will be used to consider the working arrangements you have requested. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and the operation of the Pre-School. If the arrangements cannot be accommodated, discussion at the meeting also provides an opportunity to explore alternative working arrangements.

The Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the Pre-School.

Formal Procedure: Decision

Following the meeting, you will be notified in writing within 14 working days.

If your request is accepted, or where we propose an alternative to the arrangements you requested, we will write to you with details of the new working arrangements, details of any trial period, an

explanation of changes to your contract of employment and the date on which they commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some practical matters, such as changing your key children to other staff.

You should be aware that changes to your terms of your employment will be permanent and that you will not be able to make another formal request until 12 months after the date of your original application.

If the manager and chairperson need more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 working days. This may be because they need more time to investigate how your request can be accommodated or consult with other members of staff and/or the Committee.

There will be circumstances where, due to childcare ratios, business and operational requirements, we are unable to agree to a request. In these circumstances, we will write to you:

- Giving the business reasons for turning down your application;
- Explaining why the business reasons apply in your case; and
- Setting out the appeal procedure.

The eight business reasons for which we may reject your request are:

- The burden of additional costs;
- Detrimental effect on ability to meet customer demand;
- Inability to reorganise work among existing employees;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency to work during the periods that you propose to work; and
- Planned changes

Formal Procedure: Appeal

If your request is rejected you have the right to appeal;.

Your appeal must:

- Be in writing and dated;
- Set out the grounds for which you are appealing, for example;
 - New information was not known by the Pre-School Manager at the time the decision was taken
 - You wish to challenge the accuracy of the information used by the Pre-School Manager during the decision making process and/or;
 - You feel your flexible working application was not handled reasonably or in line with this policy
- Be sent to the Chairperson of the Committee within 14 working days of the date on which you received the written rejection of your request.

The Chairperson will acknowledge the letter of appeal and arrange for a meeting to take place within 14 working days of receipt of the appeal letter. An invite letter will be sent to you, including a copy of this policy and any documents which will be referred to in the appeal hearing. The meeting will be held at a convenient time for all those attending and you may be accompanied by a colleague or trade union representative.

Any additional information or documentation to be referred to during the appeal hearing must be submitted and shared with those attending the hearing no later than 5 working days prior to the hearing.

The appeal will be heard by the Chairperson and the Pre-School Manager. You will be informed of the appeal outcome withing 14 working days of the date of the appeal meeting. The decision will be final.

If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters such as arrangements for handling over work that the Pre-School Manager will discuss with you.

You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until at least 12 months after the date of your original application.

If your appeal is rejected, the written decision will give you the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

CAPABILITY, DISCIPLINARY AND GRIEVANCE PROCEDURES:

CAPABILITY PROCEDURES

This policy is designed to support employees in trying to reach and maintain the required level of performance and an acceptable standard of work. Poor performance, which is due to negligence, lack of care or other misbehaviour, will be dealt with as a disciplinary matter under the Grievance Policy.

What constitutes an acceptable standard of work?

What is and is not an acceptable standard of performance is not fixed. As childcare practice evolves, the expectations and demands placed on employees and their roles must also evolve and develop. Performance which may once have been regarded as acceptable will not therefore always remain acceptable. Both Hainford and Frettenham Pre-school and our employees are therefore subject to constantly changing demands and requirements to improve and develop, often initiated by a change in government policy or by aiming to increase the standard of care offered in accordance with the EYFS and Ofsted requirements.

We define Capability as: The quality of being capable to do something to an acceptable standard

We define incapability as: Lack of ability to complete a task to an acceptable standard.

Where, despite employer support, an employee continues to show incapability, there are two grounds on which an employee can be dismissed.

1. **Poor performance or incompetence**

A failure to achieve a required standard, due to the inability of the individual to prove themselves capable of performing the necessary duties and responsibilities of the job (evidenced by lack of ability or aptitude, skill, qualifications, knowledge, etc)

2. **Medical incapacity**

Where the continued employment of an employee is no longer feasible due to illness, which has resulted in long-term absence or persistent short-term absences, which are not sustainable operationally and where the possibilities of reasonable adjustments that could be made to allow the employee to be capable of continuing to work have been explored.

Dismissal on either ground may only be made after taking steps set out in this Capability Policy.

Hainford and Frettenham Pre-school aims to provide a formal method for handling situations where a lack of capability becomes apparent when undertaking duties and where there is no question of a deliberate failure or refusal on the employee's part to perform at the required standard.

The success of Hainford and Frettenham Pre-school depends on the effective performance of all its employees. We are committed to providing employees with appropriate training, supervision and support to enable them to meet the high standards expected of them. Where employees experience problems in attaining the appropriate standards, we will endeavour to support them in order for them to reach the required standard.

It is not always appropriate to label incapability and poor job performance as misconduct warranting disciplinary action, though it may be so sometimes. This is a matter for Hainford and Frettenham Pre-School's discretion. The pre-school needs to be able to address performance inadequacy and deal with it effectively.

If the employee believes that poor performance is due to specific problems they have, for example, harassment or bullying then the employee must make sure that the pre-school management committee is aware of their explanation so that it can be considered and (if appropriate) action taken under the relevant policy.

This policy applies equally to all employees except those subject to a review period. However, we reserve the right not to follow all or part of the procedure for employees with less than two years service.

This policy provides guidelines only and does not confer any legal rights on employees. Hainford and Frettenham Pre-school reserves the right to adapt and amend the process according to the circumstances of the capability issue.

The aims of the policy are to:

- a) Clarify how the standard of capability will be defined.
- b) Identify constructive action which may be taken to improve performance.
- c) Through such constructive action, enable employees to achieve and maintain a standard of work that is acceptable to Hainford and Frettenham Pre-School
- d) Follow a consistent and fair procedure to bring about positive change. If there is no improvement in the employee's performance after a period of support and training then the employee may ultimately be dismissed.

Employees Responsibilities

Hainford and Frettenham Pre-School deems the responsibility of employees to be to:

- a. Achieve a required standard of performance with commitment and motivation
- b. Seek assistance if there are difficulties in achieving the required standard.
- c. Cooperate with the supervisor, deputy supervisor, chairperson and committee in attempting to achieve the required standards.
- d. Participate in discussions around the problems.
- e. Undertake all coaching and training deemed necessary.
- f. Take reasonable steps to maintain and improve their talents and skills.

Records

It is important that managers keep records of the employee's performance, the monitoring arrangements and details of the meetings held throughout this period.

Confidentiality

The contents of interviews under this procedure will remain confidential and will be kept in accordance with the GDPR regulations. This allows employees access to certain data at their request.

Questions & Answers

In what circumstances is it appropriate to use the Capability Policy rather than the Disciplinary procedure?

The policy is designed to be used by employees who are not performing to the required standards of the pre-school for their particular role. The reasons for poor performance may be due to a lack of appropriate skills, poor working habits, inadequate training, or failure to cope with the demands of the job. If poor performance is due to a “bad attitude” or deliberate actions, then the Disciplinary procedure is more appropriate. If other factors are causing poor performance, e.g. harassment or bullying, then other policies and procedures may be more appropriate in tackling the problem at the first instance.

Could I lose my job due to poor performance?

The policy is aimed at assisting employees to improve their performance so that they can contribute to the success of Hainford and Frettenham Pre-School. It is designed to ensure that employees receive appropriate encouragement and support so that they meet acceptable standards of performance. Managers should tackle capability performance on an informal basis first. If this is unsuccessful, then the formal procedure is used in order to provide a programme of constructive action. This is done in consultation with the employee. In total there are two potential formal action stages. It is only if there is no improvement after both stages have been exhausted that an employee will be given notice of dismissal. There is a right of appeal against the decision.

What kind of support can I expect as I go through the Capability Procedure?

Apart from the constructive support of your Manager in tackling your performance issues, you are encouraged to seek the support of a colleague. If you have a disability, the pre-school will attempt to make reasonable adjustments in consultation with yourself, and any other appropriate body or person.

The Policy doesn't specify any time limits for improvements. Why is this?

No time limits are specified because each individual case will be treated on its merits. The time needed to achieve an acceptable level of performance will depend on a number of factors including job type, resources, availability of specific training, the individual's current skill level, how long performance has been deemed unsatisfactory, length of service and so on. Managers will be expected to specify a reasonable time limit in consultation with the employee.

Does the Policy take into account that some employees may have a disability which impacts on their performance?

Hainford and Frettenham Pre-School has a duty to make reasonable adjustments for disabled employees. The pre-school encourages employees with disabilities to suggest ways in which their needs can reasonably be accommodated. However, on commercial grounds and in accordance with good childcare practice it may not always be possible to offer the most effective solution.

Employees with Disabilities

Under the Equality Act 2010, a disabled person is someone who has a physical or mental impairment, which has a substantial and long term adverse effect on their ability to do normal day to day activities.

If an employee is not achieving the required standards of work due to a lack of capability because of a disability, Hainford and Frettenham Pre-school must identify any reasonable adjustments that can be made. This should be done in full consultation with the employee and any other appropriate bodies.

The pre-school will consider what reasonable adjustments it can make to accommodate the person's disability so as to allow them to meet an acceptable level of performance.

The considerations must be made by the supervisor and Chairperson of the Committee.

Below are examples of some reasonable adjustments that may be considered for the employee:

- Reasonable adjustments to premises and modifications to equipment.
- Allocating some of the disabled person's duties to another person.
- Transferring them to an existing vacancy.
- Altering their working hours.
- Allowing them to be absent during work hours for rehabilitation, assessment or treatment.
- Giving or arranging training for him/her and providing additional supervision.
- Where practicable providing a reader or interpreter for specific situations.

Employees with less than 2 years' continuous service (the "Requisite Service")

An employee with less than the Requisite Service will normally be informed in writing if his/her performance fails to meet the pre-school's required standards and normally be invited to attend a meeting to discuss the reasons for his/her poor performance.

The employee must take all reasonable steps to attend a meeting and may be accompanied by a colleague or trade union representative if desired. At the meeting he/she will be given a full opportunity to comment on the reasons for his/her poor performance and to put forward any defence or arguments to explain it.

After the hearing, the employee may be dismissed or some lesser sanction imposed, including demotion. The employee will receive notification of the pre-school's decision in writing.

If the employee has been dismissed or has been demoted, he/she has the right to appeal in accordance with the procedures set out below.

The employee is entitled to be accompanied at any hearing or appeal hearing in accordance with the provisions below.

Employee With Over 2 Years continuous service

Informal Stage – Investigation and Counselling

If Hainford and Frettenham Pre-School considers that the employee's performance is below the required standard, the employee will be notified in writing of the concerns/complaints and invited to attend an initial meeting with the Pre-school manager/ deputy manager or chairperson, as appropriate, to try to establish the reason. The employee will be given the opportunity to respond to the complaints or concerns about their performance.

- Should the interview establish that the employee's poor performance is due to a lack of relevant skills then they will, where reasonable and appropriate, be offered help to obtain the necessary skills through training and supervision. The employee will then be given such time as the pre-school considers reasonable to reach the required standard of performance;
- Where the employee's poor performance results from an acknowledged lack of support, equipment or necessary facilities, Hainford and Frettenham pre-school will seek to address this by providing, where reasonable, appropriate assistance. The employee will then be given such time as the pre-school considers reasonable to reach the required standard of performance.

In the case of both the provision of training and equipment and facilities, although the pre-school will seek to address this, the responsibility lies with the employee to ensure that this happens. Accordingly, it is not an acceptable response for the employee just to leave it to the pre-school to provide this. The employee must be proactive about ensuring that this is provided and must notify the manager if agreed actions have not been implemented.

If the employee feels that necessary supervision or support is not forthcoming, they must notify the Manager of their concerns so that this can be addressed.

Formal Performance Management Procedure

If no or insufficient improvement has been made following an informal discussion or if the unsatisfactory performance is considered to be too serious to have informal discussions, the employee should be invited to attend, initially, a stage one formal meeting. This must be done in writing, stating the areas of performance which are unacceptable so that the employee has time to prepare for the meeting. The employee should be given copies of any documents that may be produced at the meeting. Employees have the right to be accompanied at all stages of the Capability Procedure by a colleague or trade union representative.

Stage One – Written Warning

Following the meeting the employee will be issued with an improvement plan stating:

- The performance problems
- The improvements required and applicable targets. These must be reasonable and acceptable and where possible drawn up and agreed with the employee

- The timescale for achieving this improvement. This will largely depend on the extent of the performance problem, however, 4-6 weeks is to be used as a guide. Due regard should also be given to any training the employee is to attend to allow them sufficient time to apply what they have learnt.
- Any review date (guideline of 4-6 weeks)
- Any support or assistance that the pre-school will provide to assist the employee
- That the plan represents stage one (written warning) and that failure to improve may lead to a final written warning and ultimately dismissal
- The employee's right to appeal against the decision

Stage Two – Final Written Warning

If, following the first review period the employee fails to show sufficient improvement, the employee will be invited in writing to attend a stage two meeting. The supervisor or chairperson will discuss the continuing issues with the employee's performance and give them the opportunity to state their case and put forward any mitigating factors. The improvement plan should be reviewed or re-issued to indicate adjustments to the plan that a final written warning has been issued.

Stage Three – Dismissal / Other Penalty

If, following the second review period, the employee still fails to show sufficient improvement in their performance, the employee will be invited in writing to attend a further and final meeting. If, after the employee has presented their case, the supervisor or chairperson has the opinion that a further review period would not assist the employee to improve, it is likely that the employee will be dismissed on the grounds of capability.

The employee may be offered redeployment as an alternative to dismissal for example demotion with the appropriate adjustment to salary and benefits. The employee must be given all information prior to making their decision to accept redeployment. They must agree to any such change in writing and this will act as a permanent change to their contract of employment.

Attendance at meetings

The employee must make all reasonable efforts to attend any meeting. If the employee fails to attend, Hainford and Frettenham Pre-School may proceed with the meeting in their absence

The manager must also ensure that the Chairperson is in attendance at all formal stages of the capability process.

Appeals

On being informed of the decision to issue a warning or to dismiss, the employee will be given the opportunity to appeal in writing. This must be done in writing within 5 working days following notification of the action and should state the reasons for their appeal.

The employee has the right to be accompanied at the appeal hearing by a colleague or trade union representative.

The decision of the appeal hearing will be final. The employee will be informed of the decision and reasons for this as soon as possible. The decision will be confirmed in writing.

Sickness During Capability Procedure

If an employee goes off sick at any time whilst they are subject to the application of the Capability Process, they may remain entitled to Statutory Sick Pay subject to the usual government rules for qualifying.

Grievance Procedure

If an employee is dissatisfied they must have the opportunity for prompt discussion with their immediate Manager. For the pre-school Manager this would normally be the current Chairperson of the Management Committee. For other pre-school staff, it would be the Pre-school Manager. If the grievance persists, the Management Committee must come together for the purpose of further discussion, at which the employee may, if they wish, be accompanied by a friend.

If a grievance persists, there should be a sub-committee set up for the purpose of further discussion, at which the employee may, if they wish be accompanied by a friend. There must be a right of appeal initially to the full Pre-Schol Committee. At this level also, the employee's friend or trade union official may be present. The aim of this 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.

Confidentiality Breaches

For action which will be taken in the event of a breach of confidentiality - please refer to our Confidentiality Policy.

Minor disagreements:

It is recognised that disagreements may arise among pre-school staff or between staff and the pre-schools Committee members. These can usually be resolved informally by discussion, if necessary, with the help of the Early Years Alliance (EYA), and provided they are outside the limit of disciplinary or grievance procedure.

DISCIPLINARY PROCEDURES

The disciplinary and grievance procedure under the setting will be used only when necessary and as a last resort. Where possible, informal and/or formal discussions or other good management practice will be used to resolve matters prior to any disciplinary action being taken. If a more serious situation arises when a dispute cannot be resolved, or when the Management Committee of the setting are dissatisfied with the conduct or activities of an employee. Instant dismissal is possible only in extreme circumstances of gross misconduct.

Examples of such misconduct would be:

- (a) Theft or fraud
- (b) Ill-treatment of children
- (c) Assault
- (d) Malicious damage
- (e) Gross carelessness which threatens the health and safety of others
- (f) Being unfit through the use of drugs or excessive alcohol

Otherwise, an employee will not be dismissed without the appropriate warning. Any disciplinary matter will normally be dealt with in three stages:

- (a) an oral warning
- (b) a written warning
- (c) a notice of dismissal

The employee may be accompanied by a friend or family member at each stage if their wishes, and that friend or family member may speak on their behalf.

If an oral warning is to be given:

- The employee should be interviewed by the Chairperson and the Pre-school Manager, (if appropriate), who will explain the complaint.
- The employee will be given a full opportunity to state their case.
- If the warning is still considered to be appropriate, the employee will be informed: -
 - o what action should be taken to correct the conduct
 - o that they will be given reasonable time to rectify matters
 - o that if they fail to improve then further action will be taken
 - o that a record of the warning will be kept on file
 - o that they may appeal against the decision

If the employee fails to correct* their conduct and further action is necessary:

- The employee will be interviewed and given the opportunity to state their case, as before.
- If the need for disciplinary action is established, a letter will be sent to the employee immediately.

The letter must:

- Contain a clear reprimand and give the reason for it.
- Explain what corrective action is required and that reasonable time will be given for improvement.
- Warn that failure to improve will result in further action being taken.
- Explain that they have the right to appeal against the decision

If the employee still fails to correct their conduct then:

- (a) The employee will again be interviewed and given an opportunity to state their case as before.

- (b) If the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons for the dismissal, and giving details of the right to appeal.

* If progress is satisfactory within the time given to rectify matters, the record of verbal warning on the individuals file will be destroyed.

Appeals:

At each stage of the disciplinary procedure the employee must be told they have the right to appeal against any disciplinary, and that the appeal must be made in writing to the Pre-school Chairperson and the Management Committee within five days of the disciplinary interview. The Management Committee will normally hear the appeal, and it will be heard as soon as possible. Procedures will be informal and the employee may take a friend or family member to speak for them.

- (a) The employee will explain why they are dissatisfied and may be asked questions.
- (b) The Pre-school Manager or Chairperson will be asked to put their view and may be asked questions.
- (c) Witnesses may be heard and may be questioned by the Management Committee and by the Chairperson and the Pre-school Manager.
- (d) The Management Committee will consider the matter and make known their decision.

A written record of the meeting will be kept. If the employee remains dissatisfied, they may appeal to the Early Years Alliance, set up an appeals procedure within two weeks of receiving the request. Procedure will be as above.

Suspension:

If the circumstances appear to warrant instant dismissal, an employee may be suspended while investigations are made.

Notice of termination of employment

The employee is required to give four weeks' notice in writing. The committee will give four weeks' notice to an employee who has been employed for less than two years and then one complete week for each complete year of service for employees employed for more than two years but less than twelve. The committee will give twelve weeks' notice to employees employed for at least twelve years.

An employee can discuss any part of this policy with the Pre-school Chairperson or Management Committee.