



Tillingham Pre-school

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

2.1 Employment

Policy statement

We provide a staffing ratio above the Welfare requirements of the Early Years Foundation Stage to ensure that children have sufficient individual attention and to guarantee care and education of a high quality. We ensure that our staff and volunteers are appropriately qualified, and we carry out checks for criminal and other records through the Disclosure and Barring Service (DBS) in accordance with statutory requirements.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.4 Key person	3.4 The wider context	

Procedures

Ratios

- To meet this aim we use the following ratios of adult to children:
 - children aged two years of age: 1 adult : 3 children; and
 - children aged three to five years of age: 1 adult : 5 children.
- 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 meets regularly with the family for discussion and consultation on their child's progress.

- We hold regular staff meetings to undertake curriculum planning and to discuss children's progress, their achievements and any difficulties that may arise from time to time.

Vetting and staff selection

- We work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
- All our staff have job descriptions, which set out their 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 follow the requirements of the Early Years Foundation Stage and Ofsted guidance on checking the suitability of all staff and volunteers who will have unsupervised access to children. This includes obtaining references and ensuring they have a satisfactory enhanced criminal records check with barred list(s) check through the DBS. This is in accordance with requirements under the Safeguarding Vulnerable Groups Act (2006) and the Protection of Freedoms Act (2012) for the vetting and barring scheme.
- Where an individual is subscribed to the DBS Update Service we carry out a status check of their DBS certificate, after checking their identity and viewing their original enhanced DBS certificate to ensure that it does not reveal any information that would affect their suitability for the post.
- We keep all records relating to the employment of our staff and volunteers; in particular those demonstrating that suitability checks have been done, including the date of issue, name, type of DBS check and unique reference number from the DBS certificate, along with details of our suitability decision.
- We require that all our staff and volunteers keep their DBS check up-to-date by subscribing to the DBS Update Service throughout the duration of their employment with us.
- Our staff are expected to disclose (annually or as and when) 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.
- We obtain consent from our staff and volunteers to carry out on-going status checks of the Update Service to establish that their DBS certificate is up-to-date for the duration of their employment with us.

- 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.

Notifying Ofsted of changes

- We inform Ofsted of any changes to our Registered Person (trustees/director(s)/owner(s) our provision) and/or our Supervisor.

Training and staff development

- Our Supervisor and Deputy Supervisor hold the CACHE Level 3 Diploma for the Children and Young People's Workforce or an equivalent qualification and at least half of our other staff members 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 our staff - whether paid staff or volunteers - through the EES Training Programme and external agencies.
- Our budget allocates resources to training.
- We provide our staff with induction training in the first week of their employment. This induction includes our Health and Safety Policy and Safeguarding Children and Child Protection Policy. Other policies and procedures are introduced within an induction plan.
- 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. Our 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 our 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.

Managing staff absences and contingency plans for emergencies

- Our staff take their holiday breaks when the setting is closed. Where a staff member may need to take time off for any reason other than sick leave or training, this is agreed with our Supervisor and Deputy Supervisor with sufficient notice.

Or

- Where our 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 individual's contract of employment.
- We have contingency plans to cover staff absences, as follows:

Two members of Bank Staff namely: Susie Bedford (Level 3 NVQ) Jayne Moore (Level 2 NVQ)

Other useful Pre-school Learning Alliance publications

- The New Early Years Employee Handbook (2016)
- Recruiting Early Years Staff (2016)
- People Management in the Early Years (2016)

This policy was adopted by	_____	<i>(name of provider)</i>
On	_____	<i>(date)</i>
Date to be reviewed	_____	<i>(date)</i>
Signed on behalf of the provider	_____	
Name of signatories	_____	
Role of signatories (e.g. Chair, Supervisor)	_____	

Tillingham Pre-school

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that adults looking after children are suitable to fulfil the requirements of their roles.

2.2 Student placements

Policy statement

We recognise that qualifications and training make an important contribution to the quality of the care and education we provide. As part of our commitment to quality, we offer placements to students undertaking early years qualifications and training. We also offer placements for school pupils on work experience.

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.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.2 Parents as partners	3.4 The wider context	

Procedures

- We require students on qualification courses to meet the Suitable Person requirements of the Early Years Foundation Stage and have a satisfactory enhanced DBS check with barred list check(s).
- We require students in our setting to have a sufficient understanding and use of English to contribute to the well-being of children in our care.

- We require schools, colleges or universities placing students under the age of 17 years with us to vouch for their good character.
- We supervise students under the age of 17 years 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.
- Students and apprentices, over the age of 17, who are undertaking a level 3 qualification may be considered to be counted in the ratios if the Supervisor/Deputy Supervisor deems them to be suitably qualified and experienced.
- We take out employers' liability insurance and public liability insurance, which covers both students and voluntary helpers.
- We require students to keep to our Confidentiality and Client Access to Records Policy.
- 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.

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2.3 Disciplinary policy and procedure

Policy statement

Tillingham Pre-school aims to operate an open and honest method of working with employees. This procedure is designed to encourage all employees to achieve high standards of conduct and work performance and also aims to provide a fair, effective and consistent method of dealing with disciplinary matters. Difficulties experienced by both employees, management and committee should be raised at the earliest opportunity, with the aim of reaching a resolution informally as a result of full and frank discussion. In order to carry out its function, Tillingham Pre-school is obliged to comply with statutory regulations and policies. It is the responsibility of Tillingham Pre-school to ensure that members of management, committee and all employees adhere to these statutory provisions. Failure to comply with such procedures and any other breaches will be dealt with in accordance with the following disciplinary procedure.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other	3.4 The wider context	

Key principles

- Employees are expected to know the standard of conduct or work performance expected of them.

- Employees will be provided with a management statement of the case prior to any disciplinary meeting and will be allowed to respond to any alleged fault or failing at the meeting.
- At a disciplinary meeting and appeal, an employee is entitled to be accompanied by a recognised trade union representative or work colleague employed by the setting. Other external representatives may not accompany an employee.
- For minor or isolated infringements of rules or expected behaviour, managers and supervisors should give employees informal advice, coaching and counselling as part of their supervisory duties.
- Where an employee's conduct or performance fails to improve as a result of advice, coaching or counselling, or where the offence is more serious, then the disciplinary procedure will be applied. A prompt and thorough investigation into the concerns will take place prior to a disciplinary meeting taking place. The employee will be informed that an investigation is taking place as soon as possible. The setting reserves the right to dispense with an investigation interview with the employee (suspected of contravening policies or rules), and to proceed directly to a formal disciplinary meeting.

The employee must take all reasonable steps to attend the disciplinary meeting and any appeal. Except in cases of gross misconduct, no employee will be dismissed for a first offence.

1. Categories of gross misconduct

Gross misconduct can include:

- theft, fraud and deliberate falsification of records, expenses, qualifications and other offences of dishonesty
- physical violence
- serious bullying or harassment
- deliberate damage to property
- conviction of a criminal offence relevant to the employee's role

- gross negligence
- serious insubordination
- misuse of the setting's property or name
- misuse of electronic communications which defames individuals or brings the organisation into disrepute
- bringing the organisation into serious disrepute
- serious incapability whilst on duty brought on by alcohol, illegal drugs or legal highs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious failure to comply with policies, procedures and legal requirements that safeguard children
- serious breach of the early years setting's and statutory policies
- serious breach of confidentiality (subject to the Public Interest (Disclosure) Act 1998)
- defaming or bad mouthing the setting on social networking sites
- serious breaches of the Data Protection Act
- bribery and corruption

This provides the main categories of gross misconduct but is not an exhaustive list.

2. Steps prior to deciding to take disciplinary action

- When any incident of misconduct or negligence or poor performance is alleged to have occurred, the manager must establish the facts to decide whether there is a need for a disciplinary meeting.
- Where appropriate/possible, signed written statements should be obtained as quickly as

possible from the individual(s) concerned and should include where possible, dates, times, details of those present and the issues of concern.

3. Procedure

- At the earliest opportunity the manager must inform the employee that an allegation/incident has occurred and that an investigation is to take place.
- Following an appropriate investigation, the manager must prepare a written statement of the employee's alleged conduct or characteristics, or of the circumstance which have led to the contemplation of taking disciplinary action.
- The manager must send the statement and any witness statements to the employee, including any evidence that will be relied upon at the meeting and invite her/him to attend a disciplinary meeting to discuss the matter. The employee should also be informed of their right to be accompanied at the meeting. Employees should be given an appropriate amount of notice of the meeting in order to prepare their response and to contact any witnesses that she/he wishes to call to the meeting to give evidence.
- A disciplinary meeting must take place before any disciplinary action is taken, (except where the action in question consists of suspension pending a disciplinary meeting). At the disciplinary meeting, the Supervisor/Chair (investigation officer) should ensure that the circumstances of the complaint against the employee are presented to the disciplinary panel and that the employee is provided with an opportunity to respond. The disciplinary panel will then decide whether or not to issue a disciplinary penalty. The outcome of the disciplinary meeting must be confirmed in writing within 10 working days, include the right of appeal and the name of the person to whom any appeal letter should be addressed.
- Where practicable the investigating officer(s) will normally not sit on the disciplinary panel.
- Where practicable the disciplinary panel should consist of a minimum of two people not previously involved in the case.

4. Appeal

- Any employee who feels they have been disciplined unfairly may appeal in writing to the person named in the disciplinary letter. All appeals must be submitted in writing, clearly setting out the grounds for appeal, within 7 working days of the date of the disciplinary meeting letter.
- Normally an appeal meeting will be arranged with the employee together with the Supervisor/Chair i.e, the person who issued the disciplinary penalty, within 15 working days of the employee's request.
- A letter detailing the outcome of the appeal should be issued within 10 working days of the appeal meeting.

5. Disciplinary penalties

- The Supervisor/Chair should not issue any disciplinary penalties without a formal meeting.
- There are six disciplinary penalties, which may result from misconduct:
 - informal action
 - formal verbal warning (first formal warning)
 - written warning
 - final written warning
 - dismissal with notice
 - summary dismissal (dismissal without notice on the grounds of gross misconduct)
- The gravity of the offence will determine which disciplinary penalty is issued. All disciplinary penalties must be confirmed in writing.

6. Informal action

Employees committing what are deemed to be minor breaches of discipline will normally be approached by the Supervisor and spoken to informally about the matter. A performance improvement plan will be agreed; detailing objectives and time scales; if the objectives are not met within the agreed timescale then a full written warning will be issued.

Employees experiencing any sort of difficulty either personally or at work are encouraged to raise the matter with their Supervisor as the issues arise and will be given the opportunity to do so at an informal meeting. It is hoped that difficulties may be resolved informally where possible and a further meeting will be arranged to review the situation within a reasonable time.

If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered to be too serious to be classed as minor, employers should provide employees with a clear signal of their dissatisfaction by taking further action.

7. Formal verbal warning

- Minor breaches of organisational discipline, misconduct or time keeping, or failure to meet performance criteria, may result in a formal verbal warning given by the Supervisor. The Supervisor may give this at a disciplinary meeting with the employee. The warning should be confirmed in writing. If the warning relates to unsatisfactory performance then it should set out:
 - the performance required
 - the improvement required
 - the timescale for improvement
 - any review date
 - any support that can be offered to assist the employee to improve their performance
- If the warning relates to conduct, then the nature of the misconduct and the change in

behaviour required should be set out in the warning letter.

- The employee may be accompanied at the meeting by a work colleague or a recognised trade union representative.
- The warning will be placed on the employee's personnel file. After a period of three months, if no further disciplinary action has been found necessary and the minor breach has been resolved, the warning will expire.

8. Written warnings

- If the infringement is regarded as more serious, or the employee's work or conduct are considered unsatisfactory after they have received a formal verbal warning and after a period has elapsed in which the employee has had time to remedy their work or conduct, a disciplinary meeting conducted by the Supervisor will be held.
- The employee will be informed of the nature of the complaint and such evidence as may exist, and will be given an opportunity to respond. The employee will be told of the decision and given a letter of confirmation within 10 working days of the disciplinary meeting. The written confirmation will state:
 - the date of the disciplinary meeting and those present
 - the penalty imposed
 - details of the misconduct, poor performance or poor time keeping that has occasioned a warning and the performance required or the change in behaviour required
 - the timescales for performance improvement, where appropriate
 - details of any necessary action to remedy the situation, any period of review, extra training or supervision etc., or the possibility for redeployment/demotion
 - that any further misconduct etc. will result in a further disciplinary meeting and will normally result in a confirmed final warning, which if unheeded will result in dismissal with appropriate notice

- that there is a right of appeal
- After a period of six months, if no further disciplinary action has been found necessary and the minor breach has been resolved, the warning will expire.

9. Final Written Warning

- If the employee's work or conduct fails to improve, or where the infringement is sufficiently serious, the Supervisor will follow the same procedures as for issuing a written warning. If proven, a final warning, which will be in writing, will be given to the employee warning that any further misconduct will result in dismissal with appropriate notice.
- After a period of 12 months, if no further disciplinary action has been found necessary and the breach has been resolved, the warning will expire.

10. Gross misconduct

- Employees dismissed with notice will be paid for this notice period. An employee may be dismissed without notice if there has been an act of gross misconduct, or a major breach of duty or conduct that brings the organisation into disrepute. The employee will be suspended with pay while the circumstances of the alleged gross misconduct are investigated.
- A dismissal must be confirmed in writing within 10 working days of the date of the disciplinary interview. As well as covering the points stated in section 9 above, the letter should also include details of any outstanding money owed to the employee, how and when it will be paid and the final date of employment.
- In certain cases, where a member of staff is dismissed from the organisation or internally disciplined because of misconduct relating to a child, the setting informs the Disclosure and Barring Service.

11. Suspension

- Suspension should be used in circumstances where the Supervisor needs to conduct an investigation prior to a hearing where it is felt that the impact of not suspending the employee, during the period, is more likely to be detrimental than suspending them.
- Cases which involve potential gross misconduct will usually result in suspension, particularly when relationships have broken down or where the setting's property or responsibilities to other parties are involved, or where the employee's presence may prejudice the inquiry.
- Suspension should be kept brief and reviewed to ensure that it is not unnecessarily protracted.
- Where a member of staff is suspended because of alleged misconduct relating to a child, the setting informs Ofsted, social services and may also contact the Police and other relevant agencies.

12. Timescales

- Employees are required to take all reasonable steps to attend hearings. However, should, for a reasonably unforeseen reason, either the employee, the Supervisor or their companions be unable to attend meetings, they must be rearranged.
- Should an employee's companion be unable to attend, then the employee should make contact within 5 days of the date of the letter to arrange an alternative date that falls within 10 days of the original date provided.
- Time limits may be extended by mutual agreement.

Legal framework

- Criminal Justice and Court Services Act (2000)
- Equalities Act (2010)
- Data Protection Act (1998) Non Statutory Guidance

Further guidance

Can be found at www.legislation.gov.uk or www.hse.gov.uk or other government websites

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Tillingham Pre-school

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles

2.4 Grievance policy

1. Introduction

The following procedure should be followed in order to settle all grievances concerning any employee(s) of Tillingham Pre-school.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other	3.4 The wider context	

2. Principles

- The key objective of the procedure is to allow grievances to be settled quickly, fairly and at the lowest possible level within Tillingham Pre-school, whilst allowing employees the opportunity to appeal to a higher level if necessary.
- The procedure covers all employed staff in Tillingham Pre-school who have a grievance.
- It covers all matters which may become a source of grievance, excluding:
 - those concerned with disciplinary action, unless the disciplinary action amounts to discrimination, or the action was not taken on the grounds of the employee's conduct or capability
 - decisions on strategic business issues, which are taken by the trustees, but not excluding the operational impact of those decisions

- Employees are encouraged to raise concerns verbally with their Supervisor prior to raising a formal grievance.
- Employees are entitled to be accompanied by a trade union representative or by a work colleague at a grievance meeting and appeal.

3. Procedure

Tillingham Pre-school's policy is to encourage free interchange and communication between managers and the staff they manage. This ensures that questions and problems can be aired and resolved quickly and that grievances are settled informally.

4. Informal procedure

- If an employee has a complaint about their individual circumstances at work, then they are entitled to raise a grievance. Employees are expected to discuss ordinary day-to-day issues informally with their Supervisor through supervision meetings or if necessary request a separate meeting. Where this is not possible employees should raise their concerns verbally with the next level of management, prior to raising a formal grievance.
- If after seeking to resolve concerns informally, employees are not satisfied, then they should write to the setting explaining their grievance.

5. Formal procedure

- Employees must state in writing the nature of the alleged grievance and send the written complaint to their Supervisor.
- Where the grievance is against their Supervisor, the matter should be raised with a more senior manager, the Chair of the Committee.
- Normally within five working days of receiving a grievance, the Supervisor will write to the employee, inviting them to attend a meeting where the alleged grievance can be discussed. The meeting should be scheduled to take place as soon as reasonably possible, and normally at least 48 hours' notice of this meeting should be provided to the employee.

- Employees are required to take all reasonable steps to attend the meeting. However, should, for a reasonably unforeseen reason, either the employee, employee's companion, or the Supervisor be unable to attend the meeting, it must be rearranged.
- Should an employee's companion be unable to attend, then the employee should make contact within five days of the date of the letter to arrange an alternative date that falls within 10 days of the original date provided. These time limits may be extended by mutual agreement.
- At the meeting the employee must inform the Supervisor hearing the grievance what the basis for the complaint is.
- After the final meeting, the Supervisor hearing the grievance must write to the employee informing them about any decision and offering the right of appeal. This letter should be sent within 10 working days of the grievance meeting and should include the details of how to appeal.
- Should the employee consider that the grievance has not been satisfactorily resolved, then they must set out their grounds of appeal in writing within seven working days of receipt of the decision letter, confirming that they wish to appeal against the decision or failure to make a decision.
- Within five working days of receiving an appeal letter, the employee should be invited in writing to attend an appeal hearing where the alleged grievance can be discussed. The appeal meeting should be scheduled to take place as soon as reasonably possible.
- Employees are required to take all reasonable steps to attend the appeal hearing. However, should, for a reasonably unforeseen reason, either the employee, the Supervisor or the employee's companion be unable to attend the meeting, it must be rearranged.
- Should an employee's companion be unable to attend then the employee should make contact within five days of the date of the letter to arrange an alternative date that falls within 10 days of the original date provided. These time limits may be extended by mutual agreement.

- After the appeal meeting, the appeal hearing manager must write to the employee informing them of the employer’s final decision. This letter should be sent within 10 working days of the appeal hearing.
- This is the final stage of the procedure.

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Tillingham Pre-school

Safeguarding and Welfare Requirement: Suitable People, Staff Qualifications, Training, Support and Skills

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

2.5 Capability procedure

1. Introduction

This procedure applies to all employees who have successfully completed their probation period and establishes guidelines for supervisors and employees in relation to the management of unsatisfactory performance. It is designed to ensure that cases of unsatisfactory performance are dealt with similarly and fairly, with the prime objective of improving an employee's performance to the required level.

2. Principles

- The first step is to establish whether it is a misconduct or capability issue, as only concerns about work performance due to lack of knowledge or skills should be addressed through the capability procedure. For example, an individual incapable of working to required standards through no fault of their own should be taken through the capability procedure, whereas concerns about work performance due to carelessness, neglect or lack of effort should be dealt with through the disciplinary procedure as misconduct.
- Supervisors have a responsibility for setting realistic and measurable standards of performance, for explaining these standards to employees and for supporting employees to achieve the standards set.
- Supervisors also have a responsibility for making employees aware of the standards expected of them and where expectations change and develop over time, informing employees of these changes.
- All employees have a contractual responsibility to perform their duties to an acceptable standard and are expected to be proactive in terms of ensuring that they are clear and understand the standards of performance required of them.

3. Informal stage

- When there is evidence that an employee is not performing at an acceptable level, the Supervisor should investigate the circumstances without delay and make every effort to establish the reasons for the unsatisfactory performance.
- If, following this assessment, the Supervisor considers that the employee's performance is poor due to capability then an informal discussion with the employee will be arranged.
- At this meeting the key points to be covered by the supervisor will be to make clear the areas in which the employee's performance is below expectations (explaining the grounds/evidence for this view) with the aim of identifying any problems or reasons for the unsatisfactory performance, which could be resolved. Solutions to the problem could include closer supervision, additional guidance, advice, training, coaching or some other kind of ongoing support to the individual.
- Give the employee the opportunity to explain their unsatisfactory performance and to raise any concerns they may have about the job, or the support and guidance they have been given to do it.
- Ensure that the employee is aware of the level of performance required in relation to each element of the duties about which there is a concern.
- Set a reasonable time frame within which improvement is expected and arrange a further meeting at the end of this time to review the situation.
- The content and outcome of this meeting will be confirmed by the Supervisor in writing to the employee, including the type of improvement required, any additional support or training that will be provided, any other agreed actions and the timescale for improvement and review. The Supervisor should also make the employee aware of the consequence of failing to reach the expected standard of performance.
- When discussing unsatisfactory performance, Supervisors must be specific about their concerns and demonstrate evidence and/or give examples to support their assertions.

- At the end of the informal review period the Supervisor will need to write to the employee to confirm the outcome of the informal review period, stating either that performance targets have been reached, ending the process, or performance targets have not been reached, requiring a formal stage 1 meeting under the capability procedure.
- If there is an improvement in the performance which is not sufficient, then the informal review period can be extended to allow the employee to reach the required level and demonstrate they can maintain the improvement over a sustained period of time.

4. Formal stages

- Where an employee's performance fails to improve as a result of having been given relevant support, for example, guidance, advice, coaching or training, and performance remains below the required standard, then the formal stages of this procedure will apply.
- It is important to make it clear to the employee, the outcomes of the various stages potentially resulting in the following sanctions:

Stage 1 – First Written Warning (12 months on file)

Stage 2 – Final Written Warning (18 months on file)

Stage 3 – Dismissal

- If an employee's unsatisfactory performance is sufficiently serious or gross negligence is alleged, it may be appropriate to move directly to stage 2 or 3. This might occur where the employee's actions have had, or are likely to have, a serious or harmful impact on a setting, a service user or person. Alliance members can use their free 24-hour legal advice line prior to taking the decision to move to a higher stage.
- At any stage during the formal stages of the procedure, if the employee's performance meets the required standard and this is sustained, the process ends.

5. Stage 1 – Potential issue of First Written Warning

- If there is continued unsatisfactory performance, the employee should be invited to a formal meeting to discuss the matter. The meeting will normally be conducted by the Supervisor

who will be accompanied by a committee member/trustee. At this meeting the employee will have the opportunity to explain their unsatisfactory performance.

- At the stage 1 meeting the employee will be reminded of the earlier informal discussions and the steps taken to support an improvement in their performance. They will be told as precisely as possible, the reasons for the Supervisor's continued concerns about their performance.
- If, having heard any explanations offered by the employee, the Supervisor remains concerned and an extension is not appropriate, the Supervisor will write to the employee issuing them with a **First Written Warning** normally within 10 working days. The letter will indicate:
 1. the unsatisfactory performance
 2. the performance required
 3. the improvement required
 4. the timescale for improvement
 5. any review date
 6. any support that can be offered to assist the employee to improve their performance
 7. the consequence of not meeting the performance targets
 8. the right to appeal
- This warning will be placed on the employee's personnel file and will be removed as spent after a period of 12 months.
- At this meeting further consideration should be given to any additional training or support that could reasonably be provided to the employee to enable them to reach the required standard of performance.
- A reasonable time period (immediately or within a reasonable timescale) will be set within which improvement is expected and a further meeting arranged at the end of this time to

review the situation.

- If there is improvement in the performance which is not sufficient, then the first written warning can be extended to allow the employee to reach the required level and demonstrate that they can maintain the improvement over a sustained period of time.

6. Stage 2 – Potential issue of a Final Written Warning

- If the problem is more serious, or if there has been a failure to meet the performance targets set at the stage 1 meeting, the employee shall be invited in writing to a stage 2 meeting, normally with at least ten working days' notice. The letter inviting the employee to the meeting shall set out the issues to be considered.
- The meeting will normally be conducted by the Supervisor who will be accompanied by a committee member/trustee, as at the stage 1 meeting. At this meeting the Supervisor will review the history of the case, including the steps that have been taken to support the employee to achieve the required level of performance.
- If no satisfactory explanation is given for the failure to meet the required standard of performance, the Supervisor will write to the employee issuing them with a **Final Written Warning** normally within 10 working days. The letter will indicate:
 1. the unsatisfactory performance
 2. the performance required
 3. the improvement required
 4. the timescale for improvement
 5. any review date
 6. any support that can be offered to assist the employee to improve their performance
 7. the consequence of not meeting the performance targets, for instance, that the employee may be dismissed if no acceptable improvement in performance is achieved within the given timescale

8. the right to appeal as outlined in section 10 will apply (see below)

- This formal and final written warning will be placed on the individual's personnel file and will be removed as spent after a period of 18 months.
- Further consideration should be given to any additional training or support that could reasonably be provided to the employee to enable them to reach the required standard of performance. A review period (immediately or within a reasonable time scale) will be set within which improvement is expected and a further meeting arranged at the end of this time to review the situation.

7. Stage 3 – Potential dismissal

- If the employee does not improve as specified in the final written warning issued under stage 2, or where serious performance issues arise or gross negligence is alleged (and after such investigation as is appropriate in the circumstances), the employee will be invited to a stage 3 meeting. Where practicable the panel (who will decide the outcome) should consist of a minimum of two people not previously involved in stage 1 and 2.
- A letter will be sent to the employee, normally ten working days before a stage 3 meeting, detailing the purpose of the meeting, and the circumstances that have led the employer to consider dismissing the employee. The employee will be invited to make any written submissions. The employee will also be advised that one consequence of the meeting may be the termination of employment. Prior to the meeting the employee will be provided with copies of the papers that will be considered at the meeting.
- At the stage 3 meeting, the Supervisor normally will present the history of the case, including the steps that have been taken to support the employee to achieve the required level of performance. The employee's explanation will be heard and considered.
- The person conducting and hearing the case will consider the facts of the case and any representations made. On the basis of the information presented the chair may decide on the following outcomes:
 1. that there are insufficient grounds to dismiss the employee under this procedure

2. extension or renewal of a warning or final written warning issued under this procedure
3. that the employee should be dismissed on grounds of capability (with appropriate notice)

The above list is not exhaustive and the outcome may vary according to the circumstances of the case.

- The decision will be confirmed in writing within 10 working days of the meeting and will notify the employee of her or his right to appeal against any sanction. In the event that the decision taken is to dismiss the employee, the letter will include the reasons for the dismissal and the date that her or his employment will terminate together with details of any notice arrangements.

8. Representation

- The employee has the right, if they wish, to be accompanied by a workplace colleague or trade union representative at all formal (stage 1, 2 and 3) meetings.
- It should be noted that the representative/companion has no right to answer questions on behalf of the employee, to address the meeting if the employee does not wish him or her to do so, or to prevent the employer explaining its case.

9. Timescales

- Employees are required to take all reasonable steps to attend the meetings. However, should, for an unforeseen reason, either the employee, the Supervisor or their companion be unable to attend the meeting, it must be rearranged.
- An employee will receive a minimum of 48 hours advanced notice in writing of any stage 1, 2 or 3 meetings arranged under this policy from receipt of the letter to the addressee. This letter will include a statement which sets out the areas of unsatisfactory performance and any other relevant circumstances. Where witnesses are to be called by the Supervisor or the individual, prior notice of this should be given.

- Should an employee's companion be unable to attend then the employee should make contact within 5 days of the date of the letter to arrange an alternative date that falls within 10 working days of the original date provided.
- Time limits may be extended by mutual agreement.

10. Right of appeal

- An employee has the right to appeal against any formal action taken against them in line with this procedure and must do so in writing to the identified person in their outcome letter, within seven working days of the date of the outcome letter, stating their grounds for appeal.
- Normally for appeals, the Chair of the appeal meeting will not have had any prior involvement in the process.
- Normally an appeal meeting will be arranged with the employee together with the manager of the Supervisor who issued the sanction (e.g. a trustee, the chair). This should happen within 15 working days of the employee's request.
- The appeal meeting will take into account any new evidence that either party may present and consider its relevance to the sanction imposed.
- Where an appeal is upheld, reference to the warning or dismissal will be removed from file. Alternatively, the outcome of the appeal hearing may be to impose a lesser penalty, for example, a final warning instead of dismissal. The outcome of the appeal will be set out in a letter to the employee.
- A letter detailing the outcome of the appeal should be issued within 10 working days of the appeal meeting.

This policy was adopted by	_____	<i>(name of provider)</i>
On	_____	<i>(date)</i>
Date to be reviewed	_____	<i>(date)</i>
Signed on behalf of the provider	_____	
Name of signatories	_____	
Role of signatories (e.g. Chair, Supervisor)	_____	

Tillingham Pre-school

Safeguarding and Welfare Requirement: Suitable People, Staff Qualifications, Training, Support and Skills

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

2.6 Sickness absence policy and procedure

Key principles

The setting encourages all its employees to maximise their attendance at work while recognising that employees will, from time-to-time, be unable to come to work for short periods owing to sickness.

We value the contribution our employees make to our success. So when an employee is unable to work for any reason, that contribution is missed. If an employee is frequently and persistently absent from work, this can damage the quality of our childcare and education, and place an additional burden of work on the employee's colleagues. In addition, the setting may incur additional costs or lose income. By implementing this policy, we aim to balance the business needs of the setting and the genuine needs of employees to take occasional short periods of time off work due to sickness.

This policy explains:

- keys steps for effectively managing absence
- procedures to be followed by staff
- how the setting works with employees to keep absence levels to a minimum

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other	3.4 The wider context	

Types of sickness absence

Not all patterns of absence fall neatly into one of the following groups and/or the pattern may change over a period of time, so some flexibility of approach may be needed.

Frequent short-term sickness absence

This is when an employee has been absent from work through sickness or injury on a number of occasions within a defined time frame, or absences which fall into a pattern over the same period. See the 'trigger points' below.

Long-term sickness absence

This is when an employee has been, or is expected to be, absent from work for more than four consecutive weeks. See the trigger points below.

Trigger points that initiate action

The trigger points below will normally initiate the appropriate sickness absence process:

- seven working days or more of absence in a rolling six-month period
- three instances of sickness absence in a rolling six-month period
- ten non-continuous working days or more in a 12-month period
- four weeks/28 days of continuous absence
- any recognisable recurring patterns
- sickness absence related to mental health issues (e.g. depression, anxiety, stress)
- a physical impairment which requires workplace modifications
- other reasons for absence that may cause concern

Managing short-term and frequent intermittent absences

The procedures relating to sickness absence reporting and management are set out below.

Notification

Employees who need to be absent from work due to sickness must comply with the following rules:

- Notify their Supervisor/Deputy Supervisor before leaving for home, or to visit their GP, in the event of becoming ill and unable to carry out duties whilst at work.
- Thereafter, notify their Supervisor/Deputy Supervisor by telephone if they are ill or unable to attend work for any other reason. Notification should be as early as possible and in any event prior to the employee's start time. Employees should be prepared to state the reason why they cannot attend work, and how long they think the absence will last. If the absence is due to an injury at work, this must be reported.
- Employees should maintain regular phone contact with their Supervisor/Deputy Supervisor to advise on the progress of the illness or injury and the likely date of return to work. The frequency will depend on the circumstances, but as a minimum it should be after the first four working days and/or when there is any change to previously given information.
- In exceptional circumstances, for example in the event of hospitalisation, someone else may notify the Supervisor/Deputy Supervisor on the employee's behalf.
- Text messaging or leaving a message with anyone at random is not acceptable.
- If an employee believes that her or his condition may be related to an activity or incident at work, she or he should inform the Supervisor/Deputy Supervisor. In these circumstances, the Supervisor/Deputy Supervisor should record the information so that an accident report form based on the information given can be completed (if this was not done at the time of the injury). The form should be sent for the employee to update and sign and return.
- If an employee has been exposed to a communicable illness (e.g. diarrhoea and vomiting) she or he must inform their Supervisor/Deputy Supervisor.
- Employees must have ceased to experience diarrhoea and vomiting for 48 hours before returning to work.

Record keeping and certification

Employees are required to provide the following:

- On return to work, they should complete a self-certification form for periods of absence from one to seven days. This should be signed in front of the Supervisor/Deputy Supervisor, who should then countersign it and keep a copy on file.
- For any period of absence of more than seven days, a medical statement covering the relevant periods of absence should also be provided and sent to the Supervisor/Deputy Supervisor.
- Where an employee has been provided with a medical statement indicating that they are 'fit for work' with recommended workplace adjustments, they are required to contact their Supervisor/Deputy Supervisor immediately before returning to work.

The Supervisor/Deputy Supervisor is expected to:

- create a record whenever an employee phones in to report that she or he is unable to come to work due to sickness (this includes recording when the call was made, the stated reason for the absence and how long the employee expects to be absent)
- keep confidential records of all absences, discussions and medical certificates and make sure that the records clearly identify the reasons for an employee's various absences

Monitoring

The first step in managing sickness absence is to identify when sickness trigger levels are reached, which then requires management action. This can only be done through maintaining records and monitoring absence levels on an individual and group basis. The setting will also be alert to patterns, for example persistent Monday or Friday absenteeism.

Return to work interviews

The setting will normally hold return to work discussions each time an employee returns to work following a short-term absence. Key elements of this discussion include:

- welcoming the employee back to work
- clarifying the reason for the employee's absence
- speaking to the employee about the absence and the reason for it in a fair and factual way - this alerts employees to the fact that absences are being monitored and will potentially deter casual absences
- where appropriate, identifying ways to assist the employee to improve her or his attendance in the future
- establishing, through investigation and discussion with the employee, the underlying reasons for frequent absences
- checking whether or not absences are in part because of personal or family problems
- checking whether the employee's absences are in any way work related, for example, as a result of workplace stress - if the problem is work related, the Supervisor/Deputy Supervisor should take prompt steps to remove or reduce factors contributing the employee's problem
- establishing whether any medication is being taken which may impact on the employee's ability to carry out their role

Formal sickness absence procedure

If attendance, due to short-term or intermittent absence, becomes a matter of concern, for example, when trigger levels are reached, the setting will discuss this with the employee informally with a view to improving attendance.

The following procedure aims to provide a consistent approach to managing short-term absence initially through informal interventions, and where attendance does not improve and concerns continue, through a formal process.

Informal review meeting

The Supervisor/Deputy Supervisor will:

- clarify with the employee absence dates and reasons.
- discuss whether the employee has any underlying health concerns, and if so, gain consent for medical report
- consider any personal problems the employee may have that are impacting upon their attendance and explore what options may be available to support them
- set targets for improvement in attendance (e.g. not to reach the trigger level again within the next six months) and ensure that the employee is committed to achieving this
- inform the employee that reaching one of the trigger points in the next six months may result in formal absence proceedings
- give the employee a copy of the sickness absence procedure

Formal Stages

Stage 1 – First formal

Where frequent, short-term sickness absences persist and the employee has reached one of the trigger points within the six-month informal review period, a formal sickness review meeting will be held with the employee.

Organising the meeting

- The meeting will take as soon as possible, within the review period, once a trigger point has been reached.
- A minimum of 48 hours' notice should be given of any formal sickness review meeting. This will include details of the sickness dates and reasons given.
- If an employee is unable to make a formal scheduled meeting, she or he can suggest an alternative date within five working days of the original date set. If a date cannot be arranged within a reasonable time frame, a decision may be taken in the absence of the employee.

Right to be accompanied

- Employees are entitled to be accompanied by a trade union representative or fellow employee.
- At all formal sickness review meetings, the Supervisor/Deputy Supervisor can choose to be supported by another committee member/trustee.

Points to be covered at formal sickness review meetings

- Review the employee's attendance.
- If a pattern is identified, the Supervisor/Deputy Supervisor will put her or his observations to the employee directly so that the employee has the opportunity to provide an explanation.
- Review the reasons for the absence. The employee should be given an opportunity to explain any circumstances, which might be contributing to the level of absence, or any other matter which she or he feels ought to be taken into account.
- Seek medical advice, if appropriate, to determine whether there is any underlying medical cause for the employee's frequent absences.
- Consider whether or not there is an underlying reason for the absence.
- Discuss how the absence record may be improved.
- Schedule follow-up meetings at an agreed time to monitor the ongoing situation and review the improvements made, if any.
- Discuss any management support required or other needs.
- Make the employee aware that if the trigger levels are reached again, the matter may be referred to the next formal stage of the procedure.
- Warn the employee of the consequences of continuing unsatisfactory attendance: that she or he may eventually be dismissed.

Potential outcomes

- Decide that no further action is necessary.
- Specify what, if any, assistance can be offered to the employee.
- Consider whether a further medical report is necessary.
- Continue to monitor the absence once a month for the next six months.
- Issue a first written warning, which will remain live for 12 months.

Confirm outcome in writing

- The outcome of the meeting must be confirmed in writing within 10 working days of the meeting.
- The right of appeal must be included in the letter.

Stage 2 – Second formal

Where a trigger level has been reached during the monitoring period, the steps outlined in Stage 1 should be repeated.

At Stage 2, potential outcomes are as highlighted at stage 1, except that a final written warning could be issued, which will remain live for 18 months.

Stage 3 – Third formal

Where the trigger levels have been reached during the monitoring period, the steps outlined in Stage 1 should be repeated. However, the person previously managing the matter should present the case to another [manager/trustee/owner/director] who has not been previously involved in the case. This individual will then make the final decision on the outcome of the meeting.

At Stage 3, potential outcomes are as highlighted at stage 1, except the formal absence review

meeting could result in the termination of employment of the employee due to frequent short-term absence.

Managing long-term absence

For the purpose of this policy, long-term sickness absence is defined as: absence certified as sickness which lasts for more than four weeks.

It is recognised that there are occasions when individuals may need to take a protracted period of absence to recover from more serious health conditions. These types of absences include:

- long/medium term planned absence to cover health conditions where the length of absence can be predicted (e.g. broken bones or in-patient operative procedures requiring rehabilitation)
- long/medium term unplanned absences where it is much more difficult to predict the likely duration of the sickness absence period (e.g. depression)

The general principles that the setting will normally adopt are as follows:

- A regular communication link is maintained between the employee and the manager throughout the entire period of absence.
- Reasonable attempts are made to investigate the nature of the illness via medical report(s) and no decision is made concerning an individual's employment without medical advice.
- In cases of long-term recoverable sickness, the employee should be allowed a reasonable period of time in which to achieve recovery.

Employees are expected to:

- familiarise themselves with the Fit For Work service
- contact their Supervisor/Deputy Supervisor immediately before returning to work to discuss any Fit for Work recommendations for workplace adjustments

- cooperate with the setting with regard to the possible implementation of any adjustments to job duties, hours or working conditions, resulting from agreed discussions and recommendations made by her or his doctor; recommendations are not binding on the setting but will be carefully considered

Factors that might influence the setting's handling of an employee's sickness absence include:

- the nature of the job
- the nature, length and effect of the illness
- the availability of alternative employment
- whether the employee has a disability as defined by the Equality Act 2010
- the setting's need for the work to be done by that employee
- the impact that the absence has on the setting
- the length of the individual's employment
- whether the employee has a terminal illness

Formal stages

First formal review

The Supervisor/Deputy Supervisor should contact the employee to arrange a meeting to discuss the position and ascertain when (and if) a return to work can be expected. At this point a medical report should be requested.

Process at all review meetings

- In the event that the employee is too ill to attend this meeting, the Supervisor/Deputy Supervisor could consider meeting at the home of the employee.
- The employee is entitled to be accompanied by a trade union representative or a work colleague.

- If an individual is unable to make a formal scheduled meeting, she or he can suggest an alternative date within five working days of the original date set. If a date cannot be arranged within a reasonable time frame, a decision may be taken in the absence of the employee.
- The outcome of the meeting must be confirmed in writing within 10 working days of the meeting.
- The right of appeal against any penalty issued must be included in the letter.

Second formal review

Once medical advice has been received, this should be discussed at a second meeting with the employee. The employee has the right to be accompanied by a trade union representative or a work colleague. There are likely to be four possible outcomes:

- A return to work within a reasonable period. The details of these arrangements will need to be agreed on an individual basis between the parties concerned and could include a phased return (such as part-time hours).
- Alternative employment. If the report indicates that the employee is incapable of carrying out the duties of their current post but may be able to perform other duties, the setting will make every reasonable effort to find such employment. This will include giving the employee priority consideration for appropriate vacancies.
- Reasonable adjustment. If the employee has a disability as defined by the Equality Act 2010, then the setting will consider making reasonable adjustments to the particular job to accommodate the employee's short-term or long-term requirements.
- Termination of the employment contract on the grounds of incapability due to ill health, or ill health retirement.

The decision to terminate should only be taken by a [manager/trustee/owner/director] not previously involved in review meetings.

In some cases it may be necessary to have more than two meetings with the employee before a final decision can be made.

Disability as defined by the Equality Act 2010

For both short-term and long-term sickness cases, where the employee is disabled within the meaning of the Equality Act 2010, the review meeting(s) will:

- seek to establish the nature of the illness and its likely duration
- seek consent for a medical report, in order to establish the nature of the illness, its likely duration and its effect on the employee's ability to carry out his or her job; the employee may be asked to see an independent doctor appointed by the setting to enable a medical report to be prepared
- consider making reasonable adjustments to the particular job to accommodate the employee's short-term or long-term requirements
- consider offering alternative employment or a shorter working week or such other adjustments to the employee's job as may be reasonable in the circumstances

This policy was adopted by	_____	<i>(name of provider)</i>
On	_____	<i>(date)</i>
Date to be reviewed	_____	<i>(date)</i>
Signed on behalf of the provider	_____	
Names of signatories	_____	
Role of signatories (e.g. chair, Supervisor)	_____	

Tillingham Pre-school**Safeguarding and Welfare Requirement: Suitable People**

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

2.7 Policy statement on the recruitment of ex-offenders

Policy statement

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicant's suitability for positions of trust, Tillingham Pre-school complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other	3.4 The wider context	

Tillingham Pre-school is committed to the fair treatment of it's staff, potential staff, volunteers and committee members, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applicants from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. As Enhanced Disclosures are normally required for all those working with children, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

We encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information be sent under separate,

confidential cover to the Tillingham Pre-school Supervisor and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Positions which involve working with children in educational institutions, such as Tillingham Pre-school, are contained in the Exemptions Order of the Rehabilitation of Offenders Act 1974 and so the disclosure covers both spent and unspent convictions as defined in the act.

We ensure that all those in Tillingham Pre-school who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment/placement or recruitment to the committee.

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment, a placement or committee position.

Having a criminal record will not necessarily bar your from working with us. This will depend on the nature of the position and the circumstance and background of your offences, also if Ofsted deem you suitable for the position applied for.

This policy was adopted by	_____	<i>(name of provider)</i>
On	_____	<i>(date)</i>
Date to be reviewed	_____	<i>(date)</i>
Signed on behalf of the provider	_____	
Name of signatories	_____	
Role of signatories (e.g. Chair, Supervisor)	_____	

