

## **CROFTON EARLY LEARNERS**



### **Staffing and Employment policy**

#### **Statement of intent**

We provide a staffing ratio in line with or above the requirements of the National Standards for Sessional Day Care to ensure that children have sufficient individual attention and to guarantee care and education of a high quality. We carry out checks for criminal and other records through the Disclosure and Barring Service (DBS) in accordance with statutory requirements. We maintain confidentiality with regard to children and adults alike at all times.

#### **Aims**

To ensure that children below school age and their parents are offered high quality early years care, building foundations for their future education.

#### **Methods**

To meet this aim:

- We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and best practice.
- We use Ofsted guidance on obtaining references and criminal record checks through the DBS for staff and volunteers who will have substantial access to children.
- 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 provided in digital format.
- 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.
- Staff are expected to disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children – whether received before, or at any time during, their employment with us.
- 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.
- We inform Ofsted of any changes to our Registered Person, Trustees or our Leader/Manager.
- Applications are welcome from all sections of the community. Consideration will be on suitability for the post, regardless of marital status, age, gender, culture, religious belief, ethnic origin or sexual orientation. Applicants will not be placed at a disadvantage by our imposing conditions or requirements that are not justifiable.
- We work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
- We use the following ratios of adult to child:
  - children aged two years of age: 1 adult : 4 children; and
  - children aged three – five years of age: 1 adult : 8 children.
- A minimum of two staff/adults are on duty at any one time. All staff are deployed according to the needs of the setting and the children attending.
- Each child is allocated a keyperson with whom they can form a relationship, who plans with parents/carers for the child's well-being and development in the setting by meeting regularly with the family for discussion and consultation on their child's progress.
- Regular staff meetings are held to undertake curriculum planning, to discuss children's progress, achievements and any issues that may arise.

## Safeguarding and Welfare Requirement: Staff: Child ratios

Staffing arrangements must meet the needs of all children and ensure their safety

- Staff are required to sign a Statement of Terms and Conditions of Employment in accordance with the Employment Rights Act 1996.
- All staff have job descriptions which set out their staff roles and responsibilities (see Appendix C). Jobs are allocated on a rota basis. Additionally staff will be expected to help termly with the general cleaning/maintenance of toys/cupboards etc. Further responsibilities will be shared amongst the staff on an agreed basis. These are notified to staff in individual job descriptions.
- Our setting's leader and deputy hold the CACHE level 3 Diploma in Pre-school Practice or an equivalent qualification and a minimum of half of our staff hold or are in training for the CACHE level 2 Certificate in Pre-school Practice or an equivalent or higher qualification. We provide in-service training to all staff through the Pre-school Learning Alliance, CSAT and external agencies.
- We ensure that all staff receive training on Child Protection and First Aid following their probationary period. This training is then updated every 3 years. Current staff essential qualifications are listed in Appendix A.

### Managing staff absences and contingency plans for emergencies

- Staff are generally expected to 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 must be agreed with the Leader with sufficient notice and will be given at the Leader's discretion.
- Where staff are unwell and take sick leave in accordance with their contract of employment, we organise cover to ensure ratios are maintained.
- Sick leave is monitored and action is taken where necessary, in accordance with the individual's contract of employment.

### Staff taking medication/other substances

- If we have reason to believe that a member of staff is under the influence of alcohol or any other substance that may affect their ability to care for children, they will not be allowed to work directly with the children and further action will be taken.
- Staff medication on the premises will be stored securely and kept out of reach of the children at all times.

This policy was adopted at a meeting of

CROFTON EARLY LEARNERS

Held on

---

January 2022

Date to be reviewed

---

January 2024

---

## **DISCIPLINARY RULES AND PROCEDURES FOR MISCONDUCT**

### **Objective**

The objective of this procedure is to give employees the opportunity to improve their conduct or performance. It identifies who has authority to take disciplinary action and aims to ensure that employees are protected against unjustifiable or inconsistent disciplinary action. It also identifies the type of offence which would result in disciplinary action being taken, what that action would be and what further action would result if there is no improvement or a recurrence takes place.

It is designed to cover allegations concerning:

- an employee's work misconduct
- unsatisfactory attendance
- poor performance

which arise from the employee's neglect of his/her duties.

It does not cover the normal day-to-day supervision where a supervisor may have to counsel, train or otherwise discuss with an employee, instances of poor performance, nor does it cover ill health or other capability issues.

As part of normal supervision, the Leader or Deputy Leader may have to give an oral caution to an employee: this does not form part of the formal disciplinary procedure. The Leader *must* make clear to the employee when the formal procedure is being used.

The procedure applies to all contracted staff, but not to staff under a probationary or statutory induction period or to staff employed on a casual day-to-day basis.

### **Informal Action**

Cases of minor misconduct or unsatisfactory performance may be dealt with informally. The employer may have a quiet word of caution or advice and encouragement with the employee in order to improve an employee's conduct or performance. This informal approach may be used in dealing with problems quickly and confidentially. There will, however be situations where matters are more serious or where this informal approach has been tried but is not working. In these circumstances, the employer will use the formal procedure.

### **Investigations**

The purpose of an investigation is for the employer to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. The employer will usually appoint an investigating officer to carry out the investigation.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. The employee does not normally have the right to bring a companion to an investigative interview. However, the employer may allow the employee to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.

The employee must co-operate fully and promptly in any investigation. This will include informing the employer of the names of any relevant witnesses, disclosing any relevant documents to the employer and attending investigative interviews if required.

If the employee cannot attend the investigation meeting he/she should inform the employer immediately and we will arrange an alternative time. The employee must make every effort to attend the meeting, and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason, or is persistently unable to do so (for example for health reasons), the employer may have to reach its conclusions based on the available evidence.

## Safeguarding and Welfare Requirement: Staff: Child ratios

Staffing arrangements must meet the needs of all children and ensure their safety

### General Principles for the Formal Disciplinary Procedures

The employer expects all its employees to abide by the terms and conditions of their employment and the rules, regulations and standards established by the employer. The procedure for dealing with misconduct, capability and performance comprises a number of levels and the type of disciplinary action taken will depend on the severity and frequency of the misconduct as well as the general circumstances surrounding it. The employer reserves the right at its absolute discretion to invoke any stage of the procedures, depending in the seriousness of the misconduct complained of.

1. No disciplinary action shall be taken until there has been a full investigation into any alleged incident (please see above).
2. The employee has the right to receive, prior to disciplinary hearings:
  - A written statement of the alleged misconduct; and
  - Particulars on the basis for the allegation.
3. The employee has the right to reasonable opportunity, prior to disciplinary hearings, to consider their responses to the information provided on the allegation.
4. The employee will be entitled (where reasonably requested) to be accompanied at any disciplinary or appeal hearing by a fellow worker or Trade Union Official (who may be either a full-time official employed by a union or a lay union official who has been reasonably certified in writing by his/her union as having experience of, or as having received training in, acting as a worker's companion).
5. The employee must take all reasonable steps to attend the disciplinary and appeal hearings.
6. The employer will ensure that the disciplinary rules and procedures are applied fairly and consistently.
7. The employer will endeavour to ensure that;
  - All steps under the procedure are taken without unreasonable delay;
  - The timing and location of all hearings are reasonable;
  - Hearings are conducted in a manner which enables employees to explain their cases; and
  - Disciplinary appeal hearings will be conducted, as far as is reasonably practicable, by a more senior manager than the manager who took the disciplinary action being appealed. This does not apply where the most senior manager attended the disciplinary hearing at which the decision was made to take the disciplinary action being appealed.
8. Where a written warning has been issued a copy will be kept but disregarded for disciplinary purposes after a specified period, for example 12 months.
9. The employer will keep written records during the disciplinary process. These will include the complaint against the employee, notes taken during the hearings and appeals, findings and actions taken, details of the appeal and any other information relevant to the process.
10. The employer will take all reasonable steps to ensure that confidentiality is maintained throughout the process.
11. All warnings will clearly state the misconduct concerned and clearly indicate what the eventual outcome will be if there is no improvement on the employee's part or a recurrence takes place. Warnings normally relate to the same or similar misconduct and are not generally transferable between different types of misconduct. However, where a number of warnings are called for in respect of different types of misconduct this will entitle management to review the employee's overall suitability for continued employment and if necessary to issue a final general warning irrespective of the offence.
12. If a final disciplinary warning has been validly issued and is still current, the employer is entitled to take this into account when considering whether to dismiss for a subsequent act of misconduct, even if the two acts of misconduct are for different matters. The employer will take into account the degree of difference or similarity between the different matters when deciding what sanction to impose.

## Safeguarding and Welfare Requirement: Staff: Child ratios

Staffing arrangements must meet the needs of all children and ensure their safety

13. When deciding what sanction to impose, the employer will take into account the factual circumstances giving rise to any previous warnings.
14. If an employee has been issued with a final written warning this normally means that **any** further misconduct within the duration of that warning may result in dismissal.
15. **Precautionary Suspension:** In certain cases, for example in cases involving gross misconduct, where relationships have broken down or there are risks to the employer's property or responsibilities to other parties, consideration will be given to a brief period of suspension **with full pay** whilst an unhindered investigation is conducted. The employer will also consider alternative actions which would be more acceptable to the employee yet serve the same purpose as a suspension e.g. agreeing to a temporary transfer to other duties or another work station without loss of pay or the taking of annual holidays to which the employee is entitled. Any action taken will be reviewed to ensure it is not unnecessarily protracted. It will be made clear that any action taken is not considered a disciplinary action.
16. If the employee has difficulty at any stage of the procedure because of a disability, he/she should discuss the situation with their line manager as soon as possible.

### Types of misconduct

The following list shows examples of the type of rules/offences which the employer has categorised for each level of misconduct. This is not an exhaustive list and management reserves the right to decide how any other misconduct shall be categorised:

#### A MINOR MISCONDUCT

- Absenteeism
- Poor Timekeeping/lateness
- Failure to comply with Absence Notification and Certification Procedure
- Careless work and poor effort at work
- Minor breach of safety/hygiene/security rules
- Misuse of telephone
- Wearing unacceptable or inappropriate clothing
- Breach of CEL Policies

#### B MAJOR MISCONDUCT

- Excessive absenteeism
- Failure to comply with the Holiday Request Procedure
- Workmanship or performance of duties below the acceptable standard
- Failure to adhere to Rules and procedures
- Serious breach of CEL Policies
- Neglect causing damage to or loss of employer's, customer's or other employee's property/ equipment/tools
- Serious neglect of safety/hygiene/security rules
- Smoking in the workplace
- Consuming intoxicants during working hours or bringing intoxicants into the premises without permission
- Unsatisfactory attitude to parents
- Use of foul language
- Insubordination

#### C GROSS MISCONDUCT

Gross Misconduct by an employee entitles the employer to summarily dismiss without notice or payment in lieu of notice and without entitlement to any accrued holiday pay. The following matters will be deemed by the employer to constitute gross misconduct. Such matters are by way of example only and are not exhaustive.

- Misuse of personal mobile phone.
- Acts of theft, fraud or other dishonesty whether committed in the course of the employee's duties or not.
- Breach of professional confidence or disclosure of confidential information.
- Violent, willful or reckless behaviour which does, or could, result in damage to the person or property of the employer, its employees, clients or other persons with whom it has dealings.

## Safeguarding and Welfare Requirement: Staff: Child ratios

Staffing arrangements must meet the needs of all children and ensure their safety

- Possession of, or being under the influence of, alcohol or drugs on company premises save for any drugs prescribed by a qualified medical practitioner.
- Acts of indecency, sexual harassment or other similar misconduct with or towards another employee, client or person with whom the employer has dealings.
- Persistent or unexplained absence from work.
- Serious neglect of the employee's duties resulting in actual or likely loss, damage or injury.
- Use of threatening, abusive or insulting language to other employees, clients or persons with whom the employer has dealings.
- Breach of the employer's Equal Opportunities Policy
- Breach of the Health and Safety at Work (NI) Order 1978 or serious infringement of health and safety rules
- Submission of false references
- Failure to disclose any criminal convictions/disqualification information
- Actions likely to result in damage to the employer's image or reputation in the community or to the employee's image or reputation
- Refusal to carry out reasonable work instructions
- Wilful damage to or gross neglect of employer's, client's or other employee's property
- Falsification of records
- Leaving the employer's premises or site without consent
- Serious act of insubordination
- Harassment or bullying
- Physically violent behaviour

### NOTE:

**Any allegation of bullying in the workplace or any allegation of discrimination, victimisation or harassment linked to anti-discrimination legislation including gender, gender reassignment, sexual orientation, marriage, civil partnership, disability, race, age, religious beliefs or political opinions will be thoroughly investigated and where appropriate will be dealt with under the disciplinary procedure. The disciplinary response will depend upon the nature and seriousness of the incident and in extreme cases may result in summary dismissal.**

### Formal Procedure

When taking formal disciplinary action, the employer will comply with the Statutory Procedures by ensuring that the following steps are taken at all stages of the formal disciplinary process.

#### **Step 1 Statement of grounds for action and invitation to meeting**

The employer will provide to the employee a written statement of the alleged misconduct which has led to the consideration of formal disciplinary action or dismissal. The employer will also inform the employee what the likely range of consequences will be if the employer decides after the hearing that the allegations are true. The employer will invite the employee to a hearing to discuss the issue.

#### **Step 2 Meeting**

Prior to the hearing the employee will be informed what the basis was for including in the correspondence under Step 1 the ground or grounds given in it. The employee will be given reasonable opportunity to consider his/her response to that information before any hearing takes place.

An appropriate manager of the employer will be appointed to deal with the disciplinary matter and another member of the employer may also be present to take notes. At the disciplinary hearing the employer will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own. The employer may adjourn the disciplinary hearing if it needs to carry out any further investigations such as re-interviewing witnesses in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

After the meeting the employer will inform the employee in writing of the decision and offer the right to appeal.

#### **Step 3 Appeal**

If the employee wishes to appeal the employer's decision he or she will inform the employer within five working days of being informed of the disciplinary sanction. Where an appeal is requested, the employee will be invited to an appeal hearing. The appeal hearing will usually be held within five working days of the request for an appeal.

## Safeguarding and Welfare Requirement: Staff: Child ratios

Staffing arrangements must meet the needs of all children and ensure their safety

If the employee raises any new matters in their appeal, the employer may need to carry out further investigations (as well as adjourning the appeal hearing). If any new information comes to light the employer will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.

After the appeal hearing the employee will be informed in writing of the employer's final decision usually within five working days. There will be no further right of appeal.

### Minor Misconduct

If the alleged breach falls within the minor misconduct category the employer will follow the formal procedure outlined above and the following action will be taken if the employer is satisfied that an offence has occurred:

*Stage 1* You will be given a verbal **warning**. It will be recorded and retained on your personal file but will not be considered for disciplinary purposes after 6 months, provided your conduct improves.

*Stage 2* If there is a repetition of the misconduct or breach or in the case of more serious misconduct or breach within 6 months you will be given a **first written warning**. It will be recorded and retained on your personal file but will not be considered for disciplinary purposes after 12 months, provided your conduct improves.

*Stage 3* In the case of continued misconduct or breach, or very serious misconduct or breach within 12 months you will be given a **final written warning**. This will contain a clear notice that any further offence within 12 months may result in dismissal.

*Stage 4* In the event of further misconduct or breach within 12 months you may be **dismissed**.

### Major Misconduct

If the alleged breach falls within the major misconduct category the employer will follow the formal procedure as outlined earlier. If the employer is satisfied that an offence has occurred you will receive a final written warning which will contain clear notice that any other offence within 12 months may result in dismissal.

### Gross Misconduct

If the alleged breach falls within the gross misconduct category the employer will follow the formal procedure as outlined earlier. If the employer is satisfied that an offence has occurred you may be **dismissed** summarily i.e. without notice and without pay-in-lieu of notice.

### Alternatives to dismissal

As an alternative to dismissal, the following sanctions may be considered: **a final written warning, and if allowed for in the contract or mutually agreed, disciplinary suspension without pay, demotion, transfer to other duties.**

### Disciplinary Authority

In the event of a breach of the employer's rules disciplinary hearings and appeals will be conducted by the appropriate disciplinary authority as follows:

Stage	Disciplinary Hearing	Appeal
Stage 1 ( <b>Recorded Verbal</b> )	Leader/Manager	Chair of Trustees
Stage 2 ( <b>First written</b> )	Leader/Manager	Chair of Trustees
Stage 3 ( <b>Final written</b> )	Staff Disciplinary Committee	Staff Appeal Committee
Stage 4 ( <b>Dismissal</b> )	Staff Disciplinary Committee	Staff Appeal Committee

## Safeguarding and Welfare Requirement: Staff: Child ratios

Staffing arrangements must meet the needs of all children and ensure their safety

### THE RIGHT TO BE ACCOMPANIED

As detailed above the employee will be entitled (where reasonably requested) to be accompanied at any disciplinary or appeal hearing by a fellow worker or Trade Union Official (who may be either a full-time official employed by a union or a lay union official who has been reasonably certified in writing by his/her union as having experience of, or as having received training in, acting as a worker's companion). The employee must tell the employer who their chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

See the ACAS Code of Practice in relation to the right to be accompanied.

### STATUTORY MODIFIED DISMISSAL AND DISCIPLINARY PROCEDURE

There may be **some limited and very exceptional situations** involving alleged acts of gross misconduct where some of the general principles of the Disciplinary Rules and Procedures for Misconduct will not apply.

These situations will be where:

- dismissal is without notice and occurs at the time when the employer became aware of the misconduct or immediately thereafter;
- the employer is entitled, in the circumstances, to dismiss by reason of the misconduct without notice and without pay in lieu of notice; and
- the employer believed that it was reasonable, in the circumstances, to dismiss before enquiring into the circumstances in which the misconduct took place.

In these **very exceptional situations** the following **modified procedure** will apply:

#### **Step 1**

##### ***Statement of grounds for action***

The employer will provide the dismissed employee with:

- a written statement of the alleged misconduct which led to the dismissal, and
- written particulars on the employer's basis for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and
- a written confirmation of his/her right of appeal against the dismissal.

#### **Step 2**

##### ***Appeal***

- If the employee wishes to appeal he/she must inform the employer within 5 working days.
- All appeal requests must be made to the Chair of Trustees.
- Appeal hearing usually shall be heard usually within 5 working days of receipt of the request.
- The employee must take all reasonable steps to attend the hearing.
- The employee has the right to be accompanied at the appeal hearing.
- The result of the appeal hearing shall be notified to the employee usually within 5 working days of the appeal hearing.



## **Grievances procedure**

### **1. Introduction**

1.1 The following procedure should be followed in order to settle all grievances concerning any employee(s) of Crofton Early Learners

### **2. Principles**

2.1 The key objective of the procedure is to allow grievances to be settled quickly, fairly and at the lowest possible level within Crofton Early Learners, whilst allowing employees the opportunity to appeal to a higher level if necessary.

2.2 The procedure covers all employed staff in Crofton Early Learners' direct employment who have a grievance.

2.3 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 employees conductor capability
- decisions on strategic business issues, which are taken by the Management Committee or Trustees but not excluding the operational impact of those decisions

2.4 Employees are entitled to be accompanied at a grievance meeting by a trade union representative or by a work colleague.

### **3. Procedure**

3.1 Crofton Early Learners' 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**

4.1 Employees are encouraged to raise concerns verbally with their manager or employer prior to raising a formal grievance.

### **5. Formal Procedure**

#### *5.1 Step one – statement of grievance*

Employees must provide in writing, the nature of the alleged grievance and send the written complaint to their immediate manager.

5.2 Where the grievance is against the manager the matter should be raised with a more senior manager, i.e. normally the chair of the management committee.

#### *5.3 Step two – the grievance meeting*

Normally within 10 working days of receiving a grievance, the manager 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 5 working days notice of this meeting should be provided to the employee.

5.4 Employees are required to take all reasonable steps to attend the meeting. However, should, for a reasonably unforeseen reason, either the employee, the manger or their companions are unable to attend the meeting, it must be rearranged.

5.5 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. These time limits may be extended by mutual agreement.

## Safeguarding and Welfare Requirement: Staff: Child ratios

Staffing arrangements must meet the needs of all children and ensure their safety

- 5.6 At the meeting the employee must inform the manager hearing the grievance what the basis for the complaint is.
- 5.7 After the final meeting, the manager 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.
- 5.8 *Step three – 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 7 working days, of receipt of the decision letter, confirming that they wish to appeal against the decision or failure to make a decision.
- 5.9 Within 10 working days of receiving an appeal letter, the employee should be written to inviting her/him 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.
- 5.10 Employees are required to take all reasonable steps to attend the appeal hearing. However, should, for a reasonably unforeseen reason, either the employee, the line manager or their companions be unable to attend the meeting, it must be rearranged.
- 5.11 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. These time limits may be extended by mutual agreement.
- 5.12 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.
- 5.13 This is the final stage of the procedure.

### 6. Exceptions to the Procedures

- 6.1 The modified two-step process will apply in cases where the grievance procedure would otherwise apply but where the employment has ended and either:
- the setting was not aware of the grievance before employment ended; or
  - if the setting was aware, the standard grievance procedure had not started or had not been completed by the time the employment ended; and
  - the parties must have agreed in writing that the modified, rather than the standard grievance procedure shall apply.
- 6.2 In these cases the following procedure should be undertaken.
- 6.3 Modified Step One – The employee is required to submit, in writing, the nature of the alleged grievance and send the written complaint to the manager, requesting that the modified procedure is followed.
- 6.4 Modified Step Two – The manager is required to set out the response in writing and send it to the employee.