

Hollies Pre-school

Staffing and Recruitment Policy

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- Statement of intent
- Recruitment policy
- How we meet our aims
- Supervisions
- Staff absence
- Time off for medical and dental appointments
- Holidays
- Maternity
- Dependents leave
- Bereavement
- Disciplinary and grievance procedure
- Maternity leave
- Babysitting policy
- Force Majeure

Equality Act 2010
Employment Relations Act 1999

Statement of Intent

It is our aim to ensure that all children and parents are offered outstanding quality care and education. In order to ensure the children have sufficient individual attention we provide a staffing ratio in line with or higher than the statutory requirements. We feel that it is important to recruit staff with relevant qualifications or those who are willing to access training to achieve an excellent understanding of child development, education and their needs.

Recruitment procedure

When recruiting an advert is placed in the local press, local shops and on a recruitment website. It must include our commitment to safer recruitment.

We offer equality of opportunity by using non-discriminatory procedures for staff recruitment and selection, welcoming applications from all sections of the community (Equality Act 2010).

Applicants will be considered on the basis of their suitability for the post, regardless of marital status, age, gender, culture, religious belief, ethnic origin or sexual orientation. In the interests of equal opportunities, all candidates are required to fill out the same application form. On enquiry candidates will receive an application form and information including job description, person specification, contact name and number and the closing date for applications.

The manager will review all applications. The manager will have had safer recruitment training.

Suitable candidates will be invited to spend some time in the pre-school, carrying out a suitable activity for the children that they have planned and prepared, followed by an interview. The applicant will be asked to bring their passport and a photocopy will be taken, making a record of the date of the check. A right to work form will be completed. This will be kept with the application form. The interview panel will consist of the manager and a supervisor, one of whom must hold the Safer Recruitment training certificate. During the interview the candidate will be informed of the pre-school's aims, background and potential salary. A standard set of questions will be asked. These will include child protection, confidentiality, childcare, standards and practical experience. All candidates will have the opportunity to ask any questions and they will be asked about the notification period to current employers. After the interviews and visits have been conducted the interview panel will hold a meeting to discuss the candidates' suitability for the post. Successful candidate(s) will be contacted by telephone and offered the role. Once a candidate has been appointed unsuccessful candidates will be informed by telephone/email. This will be followed with a letter

to the successful candidate(s) detailing the offer and asking for a letter of acceptance from the successful candidate.

Once we have received written acceptance the following will be obtained:

- Enhanced disclosure (DBS) with the update service;
- Two references, one from previous employer; This also applies to members of staff that have previously been employed by The Hollies Preschool.
- Health declaration;
- Original certificates – copies will be taken for training file

All checks will be completed before the new member of staff is allowed to commence their duties at the Hollies. A contract of employment will be issued to the new member of staff, which must be signed and returned to the manager. All new staff members are subject to a three month probationary period. New staff will be provided with induction training in the first week of their employment and will 'shadow' an existing member of staff for the first two weeks to ensure they are familiar with the settings routines. Induction training includes Health and Safety, Child Safeguarding, Whistle Blowing, Confidentiality, Safety Procedures, Food Hygiene and how we observe and plan for the children (profiles etc). This will be provided by the manager and supervisors. New staff will not be allocated key children until their three month probationary period is complete.

We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and best practice.

How we meet our aims

Our ratios are maintained by paid staff at or above the legal minimum requirement. In exceptional circumstances a committee volunteer may be included in the ratio. Students aged 16 on or by 31st August in the preceding academic year, who are receiving funded training until the date of their 17th birthday can be included in the ratios. Students aged 16 on or by 31st August in the preceding academic year, working in afterschool must reach 17 years of age before they can be left alone with the children. Work experience students cannot be included in the ratios.

As children have constant access to both the indoor and outdoor environment, it is important to maintain appropriate supervision. There will be a minimum of two staff outdoors. Staff will monitor the children's play and ensure that they have adequate supervision at all times, moving to different areas if needed. Waterproof coats and trousers will be provided by the pre-school for members of staff.

All staff have a written employment contract and job description which sets out their roles and responsibilities. Any new staff are asked to read all the Hollies policies and sign to say they have read, understood and agree to abide by them.

Staff must arrive and be ready to commence their shift at the time they are due to start.

All staff are provided with uniform which consists of tunics for management and preschool staff and polo shirts for afterschool staff. The number of shifts they work will determine how many are issued:

2 shifts – 1 tunic/polo

3 shifts – 2 tunics/polos

4 shifts or more – 3 tunics/polos

Staff must wear black trousers and suitable footwear. We recommend trainers or boots or secure sandals. Jewellery must be kept to a minimum. Stud earrings must be worn and any other piercings removed for safety purposes. Staff are responsible for maintaining their uniform and always presenting themselves professionally. Staff with tattoos that the Hollies consider to be offensive will be expected to keep them covered.

We have a key person system in place at the Hollies and staff will be expected to observe and plan for their key children as part of their role. Staff have non-contact time each week as per their individual contract to plan and update their children's learning journeys. Parents evening is held annually during the summer term and staff members will attend so they can discuss their key children's progress with parents/carers. Staff are paid to attend parents evenings.

We provide relevant training to all staff, including manual handling, safeguarding, first aid and health and safety. Staff have access to online training and are encouraged to complete courses to expand their knowledge of child development and learning. Cover will be organised for staff attending external courses and expenses will be paid. Staff claiming mileage must insure their vehicle for business use.

When training is needed for all staff a training provider will be contacted and the training organised. This will normally be held on a Saturday morning and staff will be paid to attend.

Where training has been paid for by the Hollies Pre-School to support the development of the staff member there is a requirement for the staff member to remain at the Hollies for an agreed period of time. Should the staff member leave their position within this period to join any other childcare setting (including a school) they are required to refund a set percentage back to the Hollies Pre-School Ltd.

Leave within:

- 1 year – 100%
- 2 years – 50%
- 3 years – 25%

This applies to any training that will benefit the member of staff in their new role.

In addition the Hollies is committed to supporting staff to further their career development and will offer interest-free loans for staff to study appropriate courses outside of paid employment time. The loan must be re-paid before any termination of employment by the employee, or repaid in full if the Hollies terminate the contract for any reason. All applications will be considered by the committee.

Information gained by a member of staff on a course will be cascaded during staff meetings that are held at the beginning of each half-term.

Supervisions

Staff are encouraged to discuss any matters with the manager, supervisor or a committee member at any time. Communications between staff and manager/ supervisors/committee members, when considered relevant, are recorded and kept in their confidential file. The member of staff and manager/ supervisor/ committee member will sign the document.

Effective supervision maintains motivation and improves staff retention by ensuring employees are clear about what is expected of them, receive positive feedback and are able to reflect upon and develop their practice.

Supervision can draw attention to unsafe practices which could pose a threat to children. It provides a safe haven where staff can discuss any behaviour they are not comfortable with. The manager can then identify potential risks to children and staff and intervene appropriately.

Supervision can highlight how well an employee is managing their current workload and is part of the employer's Duty of Care.

Supervisions will be held with every member of staff termly. This will involve a meeting between the staff member and their line manager and will be held in one of the small rooms off the main room. The supervisor will be able to ensure that any personal targets are being worked towards and that the supervisee is working in line with expected standards.

The meetings discussions will be recorded on a supervision form and any actions noted. During the supervision the supervisee will be asked to confirm if their circumstances have changed regarding medical issues and suitability to work with children. They will be asked to read and sign the form which will be kept in their confidential file.

Any concerns should be dealt with or referred to the manager and management committee for consideration.

Staff absence

Staff absence must always be reported to the manager by phone (no text), by the member of staff, as soon as possible, or an hour before their shift is due to start at the latest. The manager must be kept informed as to when the member of staff will be fit for work. The 48 hour rule regarding sickness bugs and diarrhea is applicable to staff.

Cover will be arranged by the manager. Any staff absence is recorded on the absence form in the staff rota file and sickness is recorded on individual staff sickness record forms at the front of their confidential file.

For sickness absence up to 7 consecutive calendar days the member of staff must complete and present a self-certificate sickness form, provided by the manager. For sickness absence in excess of 7 calendar days staff members must provide a fitness to work note(s). When a member of staff returns to work they will be required to attend a return to work interview.

It is important that members of staff attend work regularly in order for the setting to be properly staffed. Non-attendance results in challenges of managing the setting, in particular maintaining the appropriate ratios of staff to children.

Frequent absences from work are not acceptable and a system of trigger points is in place in order to manage this.

Any staff member who exceeds the trigger points will be asked to attend an interview of concern, where you are encouraged to share any reasons for your absences and whether additional support is required. Failure to provide satisfactory explanation for the absence, or improve attendance could result in disciplinary action being taken.

Triggers are:

3 absences in a 6 month period or 5 absences in a 12 month period.

Staff will be paid for the first week of illness and will be paid statutory sick pay after seven consecutive days of absence (to include weekends).

Time off for Medical and Dental appointments.

We expect staff to arrange for medical and dental appointments outside their normal working hours. Where this proves impossible, for example attendance at a specialist hospital appointment, we would ask that staff try to swap their shift with another member of staff. Failing this we may allow you paid time off. This will be at the discretion of the manager. Any time off or swapped sessions must be arranged with the manager.

We will allow staff paid time off for medical screening, e.g. breast screening.

Longer or repeat appointments

If staff need to attend ongoing medical appointments over a longer period of time, to help them recover from, or manage a health condition, we will sympathetically consider the request. We would expect staff to arrange appointments outside their normal working hours where ever possible, or would consider swapping a shift to enable attendance. Failing this we would consider allowing a combination of paid time/unpaid time off, or using annual leave.

If a member of staff is working reduced hours as part of a return to work plan we expect them to arrange appointments outside of their reduced hours plan.

Non-essential medical procedures

Time off for a non-essential medical procedure or recuperation from it, should be covered by annual leave. Following the procedure, if sickness such as post surgical complications occurs, this will be treated as sickness absence in the usual way.

Holidays

Staff on a 52 week contract should request holidays at least 4 weeks in advance. Once agreed this must be recorded on the holiday chart. Annual leave is organised such that ratios are not compromised. The holiday hours should be recorded on the staff member's holiday entitlement sheet, by the manager. Holiday entitlement runs from 1st September to 31st August. Full time staff members are entitled to 5.6 weeks of paid holiday.

Term time staff are entitled to 5.6 weeks of paid holiday (pro-rata). Staff on a term time contract must not take holidays during term time.

Exceptional circumstances for unpaid leave will be looked at on a case by case basis. In exceptional circumstances staff can, with the discretion of the setting, carry over a maximum of 5 days or equivalent hours to be taken within one month, into the next holiday year.

Maternity

Antenatal appointments

Entitlement to leave (and pay) for antenatal appointments is as follows:

- Pregnant employees are entitled to reasonable paid time off for antenatal care. For a first baby, women can expect to have up to ten antenatal appointments and will need to show documentation confirming appointments to the manager after their first appointment. Any further pregnancies will require up to seven appointments;
- Employees who are adopting a child are entitled to take paid time off too. The main adopter is allowed to take time off for up to five adoption appointments.

- Time off for each appointment is capped at six and a half hours. If longer is required this will need to be taken as annual or unpaid leave.

Time off for the pregnant employee is not restricted to medical appointments and could include other antenatal care made on the advice of a registered medical practitioner, such as parenting classes.

During the pregnancy employees should have a risk assessment to ensure that any risks to the expectant mother and baby can be avoided (lifting etc).

Maternity pay and leave

Ordinary maternity leave (OML)

All female employees are entitled to 26 weeks maternity leave, during which time the contract of employment continues. There is no qualifying period of employment for this leave, but a pregnant employee is required, if possible, to notify the manager of her intention to take maternity leave by the 15th week before her expected week of confinement (EWC). The manager may request proof of the EWC. The 26 week maternity leave cannot commence before the 11th week before the EWC, unless medically unfit to work.

Additional maternity leave (AML)

Female employees with 26 weeks service at the beginning of the 15th week before the EWC have the right to additional maternity leave comprising of a further 26 weeks, plus the right to return to work. AML must be taken immediately after OML. There cannot be a gap between the two types of maternity leave.

Maternity pay

The amount of Statutory Maternity Pay (SMP) a pregnant employee is entitled to receive from the Hollies pre-school Ltd depends upon the date the baby is expected to be born (not the date the baby is actually born).

To qualify for SMP, she must:

- Have been continuously employed for at least 26 weeks continuing into the 15 weeks before the baby is due;
- Have average weekly earnings of at least the lower earnings limit (the level of earnings that allow an employee to qualify for certain state benefits as set each tax year by the government);
- Give medical evidence to the manager at least 21 days before the maternity absence is due to start. Form MATB1 should be obtained from the midwife at around 25 weeks;
- Have actually stopped working to have the baby;
- Give written notice no later than the end of the 15th week before the EWC, to include the fact she is pregnant, the expected week of childbirth and the date she intends to start maternity leave;
- Give the manager at least 28 days notice of the date she wants her SMP to start.

SMP is payable for 39 weeks, the first 6 weeks of which are paid at 90% of average weekly earnings and the remainder at the lower statutory level. For current maternity pay rates go to www.gov.uk/maternity-pay-leave/pay.

Contractual benefits

The woman has a right to all the ordinary contractual benefits of employment during the 26 week period (such as holiday pay entitlement), but does not have to be paid her basic salary, although she may be entitled to SMP. All women must take 2 weeks compulsory maternity leave after the birth.

Return to work notice requirements

A woman returning to work at the end of her 26 weeks OML leave who has not informed the manager that she wishes to come back at any other time, does not need to provide further notice of her return.

If she wishes to return to work before the end of the 26 week period (but after the compulsory first two weeks), she must give 8 weeks notice of the date on which she intends to return to work. If she does not give notice, the manager may postpone her return to the date that will secure the full notice (this cannot be postponed beyond the OML period).

If the woman wants to take the AML she must inform the manager as soon as possible, with at least 8 weeks notice.

A woman returning to work at the end of her AML leave does not need to provide further notice of her return. She may simply return to work on the first day after the 52 week period.

If she wishes to return to work before the end of the AML period she must give 8 weeks notice of the date on which she intends to return to work. If she does not give notice, the manager may postpone her return to the date that will secure the full notice (this cannot be postponed beyond the AML period).

During maternity leave the manager can make contact with the employee (and vice-versa) as long as the amount and type of contact is not unreasonable. This can be to discuss a range of issues such as plans to return to work or to keep her informed of important developments.

The employee may, by agreement with the manager, work up to 10 days (known as keeping in touch days), under her contract of employment during the maternity leave period. This will be pre-arranged and type of work agreed (training, staff meeting etc) and will be paid at her normal rate of pay. These days cannot be during the first two weeks after the baby is born. The employee has the right to turn the opportunity down for such days without suffering any consequences as a result.

Protection against unfair dismissal

The Hollies Pre-school Ltd will not dismiss an employee or select her for redundancy in preference to other employees, on the grounds that she is

pregnant or has recently given birth. This applies regardless of the employees length of service or hours of work.

Dependents leave (emergency leave)

Employees have the right to take a reasonable period of time off to deal with an emergency involving a dependent, and not to be dismissed or victimized for doing so (Employment Relations Act 1999). Circumstances when an employee can take time off include:

- When the dependent is severely ill or is injured or assaulted (including mental illness);
- To make care arrangements for a dependent who is ill or injured;
- When a dependent dies;
- When a dependents school or nursery is unexpectedly closed;
- When care arrangements are unexpectedly withdrawn.

A dependent is a person (child or adult), who regularly and continuously relies on the employee to provide the sole or principal care required. The employee need not be related to the dependent but must live in the same household. In cases of illness or where arrangements break down, then the dependent need not live in the same household.

Payment for emergency dependents leave is at the discretion of the management committee.

Bereavement

All members of staff are entitled to take up to 3 days paid bereavement leave (not necessarily consecutive), in addition to annual leave, for reasons connected with a bereavement of a close family relative. Any further days will be at the discretion of the management committee.

Disciplinary and grievance procedure for Hollies employees

Minor disagreements:

Minor disagreements between staff, or between staff and committee members would be expected to be resolved informally by discussion.

Disciplinary procedure:

A more serious situation arises when a dispute cannot be resolved informally, or when the committee is dissatisfied with the conduct or activities of an employee. Any disciplinary matter will normally be dealt with using the following procedure. At every stage the employee will be given a minimum of 48 hours' notice that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and s/he will be offered the opportunity to be accompanied by a colleague or another person if s/he wishes. The disciplinary panel will

consist of two members from the committee and/or management team who will ensure that confidentiality is maintained within the panel. The warning system can be an aggregation process.

1. Verbal warning

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

A written record of the meeting will be kept on the individual's file for 12 months.

2. Formal written warning

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

- I. The employee will be interviewed and given the opportunity to state his/her case (reasonable time must be allowed for the employee to prepare his/her case)
- II. If a further formal warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee
- III. The letter will:
 - a) Contain a clear reprimand and the reasons for it;
 - b) Explain what corrective action is required and what reasonable time is given for improvement;
 - c) State what training needs have been identified, with timescales for implementation;
 - d) Make clear what mitigating circumstances have been taken into account in reaching the decision;
 - e) Warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal;

- f) Explain that s/he has a right to appeal against the decision within 5 working days.

A written record of the meeting will be kept on the individual's file for 1 year.

3. Final written warning

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

- I. The employee will be interviewed and given the opportunity to state his/her case (a minimum of 48 hours must be allowed for the employee to prepare his/her case)
- II. If a final warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee
- III. The letter will:
 - a) Contain a clear reprimand and the reasons for it;
 - b) Explain what corrective action is required and what reasonable time is given for improvement;
 - c) State what training needs have been identified, with timescales for implementation;
 - d) Make clear what mitigating circumstances have been taken into account in reaching the decision;
 - e) Warn that failure to improve will result in dismissal;
 - f) Explain that s/he has a right to appeal against the decision. If the appeal is unsuccessful the employee will be dismissed.

A written record of the meeting will be kept for 2 years.

Suspension

If the circumstances are severe enough to potentially warrant dismissal, an employee may be suspended with pay for a maximum of 4 weeks while investigations are being made. These should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. These investigations should be carried out efficiently, within as short a time as possible.

Instant dismissal

Instant dismissal is possible only in extreme circumstances of gross misconduct. Examples of such misconduct would be:

- a) Theft or fraud;
- b) Ill treatment of children and or any criminal act involving children;
- c) Assault;
- d) Malicious damage;

- e) Gross carelessness which threatens the health and safety of others;
 - f) Being unfit through use of drugs or alcohol;
 - g) Failure to disclose a situation in relation to disqualification by association.
- There is no right to an internal appeal. In all circumstances Ofsted and the local authority will be notified.

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

Appeals

At each stage of the disciplinary procedure the employee must be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the appeals committee within five working days of notification of a disciplinary action. The appeal hearing will be heard, if possible, within ten days of receipt of the appeal. The appeal hearing will not involve those involved in the initial disciplinary procedure. The employee may take a colleague to support them.

During the appeal:

- a) The employee will explain why s/he is dissatisfied and may be asked questions.
- b) The disciplinary panel will be asked to put their point of view and may be asked questions .
- c) Witnesses may be heard and may be questioned by the appeals panel and by the employee and the disciplinary panel.
- d) The appeals panel will consider the matter and make known its decision.

A written record of the meeting will be made. In the event the appeal is upheld the verbal or written warning will be removed from the individual's record. A final appeal in writing may be presented to the chairperson and their decision is the final. The chairperson may not appear on the appeals or disciplinary panels.

Grievance procedure

If an employee has a grievance with another employee, they are encouraged to resolve the matter informally by direct approach to the employee involved or by talking to the manager, their line manager or a member of the management committee. If an employee has a grievance with the manager, they are encouraged to resolve the matter informally by direct approach with the manager, or by talking to a member of the committee. If an employee has a grievance with the terms of employment they should discuss this with the nominated committee member.

If an employee wishes to raise a formal grievance in relation to another employee or the terms of employment, they must put it in writing to the chairperson.

An investigation of the grievance will take place and then the employee will be invited to attend a meeting to discuss the grievance. After the meeting the

chairperson will inform the employee of the decision relating to the grievance. If the employee is not satisfied with the decision they have a right to appeal. If the employee wishes to appeal, they must inform the nominated committee member within five working days of notification of the decision. An appeal hearing will be conducted in the same way as a disciplinary appeal hearing and the employee will be notified of the decision, in writing within 10 working days. A written record of the meeting will be kept and a copy provided to the individual.

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

Babysitting policy

Staff employed by the Hollies Pre-School Ltd may wish to babysit for parents and carers attending the setting. This policy clarifies the points regarding private arrangements between staff and parents/carers:

- the pre-school will not be responsible for any private arrangements or agreements that are made;
- out of hours work arrangements must not interfere with a staff member's employment at the pre-school;
- confidentiality of employment must be adhered to and respected;
- parents/carers should be aware that other adults accompanying the babysitter may not have the relevant DBS clearance, and it may not be appropriate for them to care for children;
- the pre-school will not be held responsible for any health and safety or other issues that may arise from these private arrangements;
- Hollies employees must not knowingly work in a household which would cause disqualification by association;
- Hollies employees also have the responsibility to report any negligence that occurs outside of the setting to the management committee;
- It is expected that employees must not bring the setting into disrepute outside their working hours.

The Pre-School has a duty to safeguard all children whilst on our premises and in the care of our staff, but this duty does not extend to private arrangements between staff and parents/carers outside pre-school hours.

Force Majeure

See separate Force Majeure policy.

