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Ferring Funtime Community Pre-school

08

**STAFF &
VOLUNTEER
POLICIES**

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08 STAFF & VOLUNTEER POLICY

Alongside associated procedures in 08.1-08.2 Staff, & volunteers, this policy was adopted by Ferring Funtime Community Pre-School in October 2021

Aim

Staff are deployed to meet the care and learning needs of children and ensure their safety and well-being. There are effective systems in place to ensure that adults looking after children are suitable to do so.

Objectives

- All staff and volunteers who work more than occasionally with the children have enhanced DBS disclosure checks.
- All staff and volunteers working with children have appropriate training, skills, and knowledge.
- All staff are deployed in accordance with the procedures.
- There is a complaints procedure and staff, and volunteers know how to complain and who they complain to.
- Ofsted are notified of staff changes or changes to the setting's name or address.
- Parents are involved with their children's learning and their views are considered.

08.1 STAFF DEPLOYMENT

Members of staff are deployed to meet the care and learning needs of children and to ensure their safety and well-being at all times.

- Two members of staff are on the premises before children are admitted in the morning and the end of the day; one of which should be the manager or deputy.
- At least one Paediatric First Aider must be on site at all times when children are present
- The setting manager deploys staff to give adequate supervision of indoor and outdoor areas, ensuring that children are usually within sight and hearing of staff and always within sight *or* hearing of staff at all times.
- All staff are deployed according to the needs of the setting and the children attending.
- In open plan provision, staff are positioned in areas of the room and outdoors to supervise children and to support their learning.
- Staff are responsible for ensuring that equipment in their area is used appropriately and that the area is tidy at the end of the session.
- Staff plan their focus on activities
- Staff inform colleagues if they have to leave the room for any reason.
- There are generally two members of staff outside in the garden when it is being used, one of whom supervises climbing equipment that has been put out.
- The setting manager may direct other members of staff to join those outside, if the numbers of children warrant additional staff.
- Staff focus their attention on the children at all times whilst having a wider awareness of what is happening around them.
- Staff do not spend working time in social conversation with colleagues.
- Staff allow time for colleagues to engage in ‘sustained shared interaction’ with children and do not interrupt activities led by colleagues.
- Sufficient staff are available at story times to engage children.
- Key persons spend time with key groups daily; these times are not for focussed activities but for promoting shared times and friendship.

Staff children

- Where members of staff have their own children with them at the setting, the age of the child must fall within the stipulated ages of the setting’s Ofsted registration.
- Where members of staff are likely to be working directly with their own children, this is subject to discussion before commencement with the setting manager ..
- Where it is agreed that a member of staff’s child attends the setting, it is subject to the following:

- the child is treated by the parent and all staff as any other child would be
- the child will not be in the parent's key group of children
- the key person and parent will work towards helping the child to make a comfortable separation from the parent to allow the parent to fully undertake their role as a staff member of the setting
- the key person will take responsibility for the child's needs throughout the day, unless the child is sick or severely distressed
- the situation is reviewed as required, to ensure that the needs of the child are being met, and that the parent is able to fulfil his/her role as a member of staff

If it is the setting manager's child, then their line manager ensures the criteria above is met

08.2 DEPLOYMENT OF VOLUNTEERS AND PARENT HELPERS

Volunteers and parent helpers are always under the supervision of a permanent member of staff. They are not included in staff ratios, or as the two members of staff needed on the premises before children are admitted in the morning or at the end of the day.

- The setting manager ensures that volunteers and parent helpers are deployed to assist permanent staff.
- Volunteers and parent helpers assist staff in ensuring that the equipment in their designated area is used appropriately and that it is left tidy at the end of the session.
- Volunteers and parent helpers give additional support for busy areas or to track or observe children.
- Volunteers and parent helpers inform colleagues where they are going if they leave the room at any time.
- Volunteers and parent helpers do not have unsupervised access to children; they do not take them into a separate room for an activity or toileting and do not take them off premises.
- Volunteers and parent helpers are deployed in addition to two members of staff in the garden/outdoor area when in use.
- The setting manager can direct volunteers and parent helpers to join those outside if the numbers of children warrant additional numbers of staff available.
- Volunteers and parent helpers focus their attention to children at all times.
- Volunteers and parent helpers do not spend time in social conversation with colleagues while they are with children.
- Volunteers and parent helpers allow time for colleagues to engage in ‘sustained shared interaction’ with children and do not interrupt activities led by colleagues.
- Sufficient volunteers and parent helpers are available to support staff at story times.

08.4 EMPLOYMENT

Policy statement

We meet the Safeguarding and Welfare Requirements of the Early Years Foundation Stage, ensuring 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.

Procedures

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. 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 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 manager.

Training and staff development

- Our manager holds a BA (Hons) degree in Early Childhood Studies and at least half of our other staff members hold the CACHE Level 3 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 Pre-school Learning Alliance, WSCC 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 manager organises our staff annual leave so that ratios are not compromised.
- 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: **NVQ Level 3 Bank Staff**

08.5 INDUCTION OF EMPLOYEES AND VOLUNTEERS POLICY & PROCEDURE

Policy statement

We provide an induction for all employees and volunteers in order to fully brief them about the setting, the families we serve, our policies and procedures, curriculum and daily practice.

Procedures

- We have a written induction plan for all new staff, which includes the following:
 - Introductions to all employees and volunteers [including management committee members].
 - Familiarisation with the building, health and safety, and fire and evacuation procedures.
 - Ensuring our policies and procedures are read and adhered to.
 - Introduction to the parents, especially parents of allocated key children where appropriate.
 - Familiarisation with confidential information in relation to any key children where applicable.
 - Details of the tasks and daily routines to be completed.
- The induction period lasts at least two weeks. The manager inducts new employees and volunteers. A member of the senior management team inducts new managers
- During the induction period, the individual must demonstrate understanding of and compliance with policies, procedures, tasks and routines.
- Successful completion of the induction forms part of the probationary period.
- Following induction, we continue to support our staff to deliver high quality performance through regular supervision and appraisal of their work.

08.6 REMOTE / HOME WORKING POLICY

Statement

Ferring Funtime Community Pre-School promotes flexible working for administration staff when appropriate, where appropriate and at its absolute discretion. Ferring Funtime will agree to an employee working wholly or partly from home, provided that such an agreement is suitable and is likely to achieve effective and efficient working by the employee. The provision of home working plays an important part in making it possible to attract and retain the best possible staff.

The benefits of home working for Ferring Funtime includes:

- Control of office space requirement and containment of overhead costs.
- Staff attraction, retention and performance.
- Promotion of the Charity as forward-thinking and able to embrace technology maintaining operational flexibility.

The benefits of homeworking to employees include:

- Promotion of work / life balance
- Job satisfaction
- Flexibility
- Saving of travel costs and time
- Reduced stress.

Home working is not a contractual right.

Home Working Criteria

Ferring Funtime will consider the extent to which the employee holds the right personal qualities and skills suitable for home working in accordance with the following non-exhaustive criteria:

- Self-discipline and motivation
- The ability to work without direct supervision
- Level of experience
- Organisational skills
- The ability to manage time effectively and meet deadlines
- The ability to cope with the potentially conflicting demands of work and family
- General reliability, attendance and time keeping record
- Disciplinary record

Ferring Funtime reserves the right to amend the criteria at any stage as the operational needs of the charity dictate. The criteria will also be used to monitor the continued viability of home working.

Work and Caring Commitments

Home workers must separate domestic and work activities as far as is practicable possible. Employees with caring responsibilities will be required to demonstrate that the care arrangements for the dependant person do not conflict with work activities. The employee's line manager must be informed as soon as reasonable possible of any changes to caring arrangements that have implications for the work being undertaken from home.

As there is a need to balance work and home life, employees should inform their friends and family about their home working arrangements to ensure interruptions are kept to a minimum during the working day.

Data Protection

There are a number of common-sense guidelines which should help you remain compliant with data protection legislation and reduce the potential for a data breach. A data breach being defined as "A security incident in which sensitive or confidential data is copied, transmitted, viewed, stolen, lost, accidentally or intentionally destroyed or amended, or used by an individual unauthorised to do so".

Work from administration inevitably means that data regarding children, their families and staff will be available remotely, we therefore advise the following;

- Lists of names and addresses or confidential records must not be left unattended at home.
- Any information precluding to any child, their family or members of staff must be stored on a password protected PC, memory stick or device.
- Any hardcopy data must be stored in lockable cupboard or drawer.
- Where possible avoid working in an area frequented by family, friends or other visitors.

- If you leave your device unattended in the home, initiate the screen saver, and / or exit the file your accessing, and /or lock the screen.
- Do not share your system login/password with anyone for any reason.
- Do not allow family or friends to use your device if you have been accessing company systems.
- Do not download any company data or information to your personal devices.
- Do not print any documents containing personal data unless it is absolutely necessary, documents must be stored in your lockable cabinet any make sure the document is destroyed when no longer needed.
- Observe a “clean desk” policy but not leaving any documents containing personal or confidential information lying around.
- If your devices are lost, stolen, or misplaced you must inform your manager immediately.

Terms and Conditions of Service

Homeworkers will receive the same terms and condition of service as office-based employees that carry out the same or similar work. The employer has a duty of care to its employees and should carry out a risk assessment before homeworking can be approved.

Homeworkers will not be entitled to claim Tax relief if they have voluntarily requested to work from home.

Ferring Funtime will not contribute towards costs of working from home, eg. electricity, gas, broadband etc unless otherwise agreed. It is the responsibility of the employee to advise their mortgage provider, landlord or home insurer if they intend to work from home.

Particular Considerations

Home workers are required, on request, to attend the workplace for purposes such as training, performance assessments and appraisals, disciplinary hearings, client visits, team meeting sand other business-related meeting and/or for operational reasons. All travel costs and expenses incurred in attending the workplace will be the responsibility of the employee. The dates and times of such visits will be agreed in advance.

08.7 STAFF & COMMITTEE CONFIDENTIALITY

Statement of Intention

It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality pre-school care and education.

Aim

We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children.

Methods

To ensure that all those using – and working in the pre-school can do so with confidence, we respect this confidentiality in the following ways:

- At no time will a staff or Committee member be permitted to discuss any member of the Group (staff, committee member or child) with anyone else outside the Group (excluding professionals and/or other external authorities as appropriate and in accordance with other relevant policies).
- Staff & Committee members will not discuss personal information given by parents/carers with other members of staff or committee, except where it affects planning for the child's needs.
- Detailed information relating to issues regarding individual children/staff will only be disclosed on a “need to know” basis for the purposes of:
 1. Ensuring policies and procedures are being correctly adhered to.
 2. Ensuring children/staff are receiving the appropriate levels of support.
 3. Decision making.
- Issues relating to the employment of staff or use of bank staff, remain confidential to the individual member of bank/staff, his/her manager and the Committee directly involved in making personnel decisions.
- Confidential details of issues regarding members of the Group (staff, committee member or child) which are needed to support the meeting minutes will be included as an Appendix and only attached to the signed file copy of the minutes.
- Personal information about children, families and staff is kept securely in a lockable file, whilst remaining as accessible as possible.
- Any concerns/evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a “need to know” basis.
- To maintain the highest level of security within Pre-school, the gate access code and any other information relating to security must not be divulged to anyone (including staff & other committee members). Such information will only be passed on by the Managing Supervisor or Chair of the Committee and in controlled circumstances.
- Staff and Committee induction includes an awareness of the importance of confidentiality in the role of the key person. Staff and Committee will be asked to sign a confidentiality agreement.
- Students on Pre-school Learning Alliances or other recognized qualifications and training, when they are observing in the pre-school, are advised of our confidentiality policy and required to respect and sign it.
- Any breach of confidentiality will be dealt with by the Committee and may result in Disciplinary procedures or an enforced resignation.

All the undertakings above are subject to the paramount commitment of the Pre-school, which is to the safety and well-being of the child. Please also refer to our policy on child protection.

I have read and understood the Confidentiality Policy and agree to the above terms particularly with regard to security within preschool.

Name:

Role:

Signature:

Date:

08.9 SOCIAL NETWORKING

With the ever-increasing popularity of social networking sites such as Facebook and Twitter it is important that as a Pre-school we have a clear idea of how such sites may, or may not be used both by the setting as a whole and the individuals who work at the Pre-school. Exactly how many sites exist is impossible to say as they are being created all the time and for the purpose of this document **any** site where an individual can post comments, photographs, videos, hold web forums and share documents will be applicable to this policy.

These sites may provide excellent ways to enhance communication and support or provide valuable additional resources for parents and carers, but equally careless use of these could lead to serious issues of data protection and confidentiality breaches, compromise the integrity and reputation of Ferring Funtime Community Pre-school, affect the privacy of staff and parents, or more importantly, put the children within the setting at risk.

Who does this policy apply to?

This policy applies to the committee and every employee at Ferring Funtime Community Pre-school. Staff are in a professional position and are responsible for the care and education of children and must not engage in any activities which may bring Ferring Funtime Community Pre-school or its employees into disrepute. Staff are asked to sign an annual declaration at their appraisal to enforce this policy.

Parents are also advised regarding this policy, but as Pre-School Practitioners we are unable to monitor and control parental usage and can only act upon any information that comes to our attention which is deemed to be detrimental.

Use of social networking sites

Every employee and parent has the right and opportunity to express and communicate on-line and Ferring Funtime Community Pre-school does not wish to discourage an on-line presence, but on a professional level, boundaries need to be in place to ensure the reputation of the Pre-School, its staff and the children are respected.

Procedures

When using sites **staff** must:

- In no way refer to the Pre-school, other staff members and children by name.

- Not include any images/videos of themselves or other staff members which may be perceived as inappropriate behaviour for a childcare professional
- Not contain any images of the children or their families
- Ensure that personal comments are not made about other staff, children, parents and other professional associated with Ferring Funtime Community Pre-school.
- Take personal responsibility for reading and adhering to the terms of service for each site and comply with the law in regard to copyright and plagiarism. Other relevant laws include those referring to libel and defamation of character (if you don't have anything good to say, don't say anything at all)

When using sites **parents and carers** must:

- In no way refer to the Pre-school, other staff members and children by name
- Not contain any images of the children or their families without their consent
- Ensure that personal comments are not made about staff, children or other parents.

Responsibility

Any material presented online in reference to Ferring Funtime Community Pre-school by any employee is the responsibility of the poster. Any member of staff found to be posing remarks or comments that breach confidentiality and or are deemed to be of a detrimental nature to the Pre-school or other employees or posting/publishing photographs of the setting, children or staff unless staff permission has been gained may face disciplinary action in line with the Pre-school disciplinary procedures.

Usage for staff and impact on work:

- This must be restricted to outside of working hours/days off
- Mobile phones with internet access are not permitted to be used during working hours
- Social networking activities must not at any time interfere with a staff member's pre-school responsibilities

Email:

The use of email to other staff members is intended for purposes of communication relevant to the responsibilities assigned to each employee. Social networking sites are not deemed a requirement for these purposes.

Friendship and tagging

- Staff must not have, accept or request parents of children currently attending the setting or their known family members to be network friends. The only exception to this is if an existing relationship was established beforehand. If you have an existing friend with a parent/family please inform the Pre-school manager.
- All Pre-school staff must comply with Data Protection Act in and out of work time.
- Staff must never share or post photographs that show any child from the group in any form; on personal social networking accounts/website/blogs; even with parental consent and even if the forms has no connection with the setting (e.g. taken at a social occasion)

Ferring Funtime Community Preschool Facebook Page

A public Group called Ferring Funtime Community Preschool. This is ONLY to be used for general advertising of our Pre-School, Events and Activities. No photos of children are used on this page unless separate consent is obtained from the parents/carer of the child. Photos posted are never individual photos of children, only group of children and with not identifying features such as name labels etc. Pictures of member of staff may be used providing consent is obtained from the member of staff. Any other Facebook pages, groups or accounts using our name are not managed or administrated by us and we cannot be held responsible for their content or connection.

Remember:

- No information sent over the web it totally secure and as such if you do not wish the information to be made public, refrain from sending it over a social network site.
- Even though you may think you are anonymous or use an alias you may be recognised.
- Maintain professionalism, honesty and respect at all times.

08.9 EXPENSES

It is the policy of Ferring Funtime Community Pre-School that employees and Committee members are reimbursed for any reasonable and pre-approved expenses incurred whilst working on behalf of the organisation. Employees and Committee members are expected to minimise costs as appropriate.

Claims should be made within one month of the expense being incurred. Reimbursement will be made on production of receipts or invoices.

The organization will, at its discretion, arrange for a company debit card to be provided for the Manager for which it is considered that such a facility is essential. Where a card is provided it is to be used only for business purposes.

Petty cash is to be used only for small items of actual expenditure where a receipt must be provided.

Breach of this policy is a disciplinary offence. Deliberate falsification of a claim or the evidence needed to make a claim will constitute gross misconduct. This may result in summary dismissal. "Falsification" includes the failure to pass on any discount obtained in the course of incurring an expense.

08.10 GRIEVANCE PROCEDURE

Dealing with grievances informally

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

Formal grievance

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your manager. You should stick to the facts and avoid language that is insulting or abusive.

Where your grievance is against your manager and you feel unable to approach him or her you should talk to a trustee / committee member.

Grievance hearing

Your manager will call you to a meeting, normally within five days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the manager will give you a decision in writing, normally within 24 hours.

If it is necessary to gather further information before making a decision your manager will inform you of this and the likely timescale involved.

Appeal

If you are unhappy with your manager's decision and you wish to appeal you should let your manager know.

You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by a more senior manager (a trustee/committee member). You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the manager (or trustee/committee member) will give you a decision, normally within 24 hours. The manager's (or trustee/committee member's) decision is final.

08.11 DISCIPLINARY PROCEDURE

1. Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The company rules (included in the Employee Handbook) and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

2. Principles

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

3. The procedure

First stage of formal procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for two academic terms or agreed period, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (eg, six months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after two academic terms or an agreed period, subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after two academic terms or an agreed period, subject to achievement and sustainment of satisfactory conduct or performance.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

08.12 CAPABILITY POLICY & PROCEDURE

‘Incapability’ is where an employee is unable to display the skill, aptitude, behaviour, health or any other physical or mental quality for the job. The term implies there is no element of choice for the employee in failing to meet the required standards.

With regard to skill, aptitude or behaviour an employee does not demonstrate the competency to carry out the role to the required standard.

With regards to health the employee is unable to perform the work because they cannot attend their place of work when contracted to do so or carry out the duties required when at work due to a medical condition. This could be due to long-term sickness absence or short-term sickness persistent absence.

Policy

This policy is intended to provide a fair and consistent framework for dealing with capability issues effectively.

It is anticipated that the manager will have tried appropriate avenues of informal support, coaching and monitoring through regular performance reviews or supervision meetings prior to embarking on this formal procedure. That during this time an employee will have been made aware that if insufficient improvement is made within a specified period then the formal process will be followed.

Employees should be made aware of this procedure when joining the setting and have a full understanding of it. Employees subject to this procedure must be given every opportunity to explain and justify the reasons why they are not able to meet the required standards.

Procedure

Initial Formal Meeting

Where informal avenues, described above, have not had the desired effect, the employee will be invited to a meeting to formally discuss their short fall in performance or attendance. This will include the standard of competency or attendance required in the post, objectives to be set, timescales for a formal review meeting and any interim check points for the Manager to review progress with the employee. Reasons why the employee is having difficulty in meeting the standards (any medical reasons should be followed up) and any reasonable development or support that will assist the employee in making the required improvements. The employee should be given sufficient notice of the meeting in order to prepare and seek representation.

Representation

The employee will have the right to be accompanied at any formal meetings. This would normally be their Trade Union representative if they have one or a work colleague.

Consideration

The employee has the right to have their case heard by somebody who will hear it without any prejudice or bias. Due to the size of the setting this is likely to be the Manager.

Outcome of Initial Formal Meeting

There are two possible outcomes from this meeting: a discontinuation of the formal procedure or a first monitoring period.

Discontinuation of the Formal Procedures

The employee may present an explanation of the issues which leads the manager to decide it is not appropriate to continue with the formalities of the capability procedure and that satisfactory improvement is expected to be resumed. In this event the manager should continue to monitor the situation as part of the usual day to day management and agree a review date to discuss the matter further.

First Monitoring Period

With the emphasis on giving the employee an opportunity to improve, objectives and timescales should be set appropriate to the situation. The timescales would normally be between 4 weeks and 3 months. Any reasonable support or assistance will be provided to the employee during this period to help them improve. The employee will have a formal review at the end of this period to consider whether there is a need to progress to a final review of their employment.

Formal Review Meeting

The purpose of this meeting is for the manager to review progress that has been made against the objectives set for the first monitoring period and decide further action. This will include amount of progress against objectives set, reasons for any shortfall, the need for further support or training, objectives for a final review period and timescales for a final review meeting and any interim checkpoints for the manager to review progress with the employee.

Outcome of Formal Review Meeting

There are two possible outcomes from this meeting: satisfactory improvement or a final monitoring period.

Satisfactory Improvement

Where satisfactory improvement has been made the employee should be notified accordingly. Performance and attendance is then managed through the usual performance management processes. However, they should also be advised that any lapse in the required standards within the following 12 months would be referred back to this formal stage of the procedure.

Final Monitoring Period

Where there has been unsatisfactory improvement there will be one final review period followed by a final review meeting. It should be clear from the discussions at the meeting that the employee has not achieved the required improvement. The manager will identify the areas where there is a shortfall and will set objectives for a final monitoring review period which should be between four weeks and three months. It should be made clear to the employee that the next review meeting will be a final review meeting and subject to any evidence presented at that meeting the likelihood is that their employment will be terminated on the grounds of capability if they have not attained the required standard.

Final Review Meeting

The purpose of this meeting is to decide what action is now appropriate. Given the potential outcomes of this stage, this meeting should be attended and chaired by a committee member.

The manager will gather together any documentation regarding the case and provide this to both the employee and the Chair prior to the meeting.

The Chair will summarise the case with the information provided by the manager indicating the level of support offered to the employee, the shortfall in achieving the required standards and any other avenues explored by the manager such as redeployment if appropriate.

The employee will then have the opportunity to ask any questions and then present their case.

The meeting will then be adjourned for the chair to make a decision. This should be based on the steps taken to date to support the employee and any supporting documentation, how long the employee's capability has been an issue and what improvement if any has been made, any relevant medical information, the impact on the setting, whether consideration has been given to redeployment if appropriate, whether any reasonable adjustments have been made where the Disability Discrimination Act might apply and the views of the employee.

Outcome of Final Review Meeting

There are two possible outcomes i.e. a further period of monitoring or dismissal with notice.

Further monitoring period

This would only be relevant when significant improvements have been made and attaining the required standards is likely within a reasonable time frame or new aspects to the case come to light requiring a further opportunity to improve. In this instance a further review meeting would need to be held.

Dismissal with notice.

The alternative is dismissal with notice. This is where the required standards have not been met and reasonable alternative routes of action have been exhausted.

Notice of meetings and formal recording.

The employee should be given sufficient notice of these meetings in writing in order to prepare their case and seek representation. Where a final review meeting is being arranged this notice should be ten working days.

Notes of the meeting should be taken with a copy being given to the employee to ensure that objectives are clearly defined within specified timescales. Decisions should be confirmed in writing with the right to appeal given at all stages of this formal procedure.

Appeals

The employee has the right to appeal any formal decision. They should put their appeal in writing, indicating why they are appealing within five working days of receiving written confirmation of any decision. Appeals should be heard by another member of the committee.

08.13 EMPLOYEE GUIDANCE ON COVID AND FITNESS TO WORK

The Pre-schools priority during times of illness is to ensure the safety of both staff and children that attend the setting. We expect staff and children to respect the medical need to isolate. When reference is made to 'test results' within this policy we are referring to Lateral Flow Device tests unless otherwise stated.

If a member of staff contracts COVID, is symptomatic and unable to work they are entitled to Statutory Sick Pay. More information on qualifying days and entitlement can be found on the government website.

If a member of staff contracts COVID, is asymptomatic and feels well enough to work, an option to work from home will be explored. If they are unable to work from home due to the manager being unable to delegate appropriate work, Ferring Funtime Community Pre-school may consider a Covid Isolation Payment to work alongside the SSP to help support the employee during non-qualifying days. This decision will be down to employers' discretion, based on the pre-school's financial situation, current guidelines, government advice and support.

The current guidance for confirmed covid cases is to remain at home and to follow the number of days stated below before you can return to work.

- The day that you test positive is counted as Day 0.
- After 5 days you can do your first retest.
- After this and only once you have two consecutive days of negative test results can you return to work.
- This means you will be absent for a minimum of 6 days if you test negative on the morning of you returning to work.

If you suspect you have COVID and are presenting with typical COVID symptoms as listed on the government website, you are expected and advised to book a PCR and stay at home until you have received your PCR result, even if you have a negative lateral flow test. In this situation if you are still fit to work, the same options would apply as above regarding from working from home or an employer's discretion one-off payment.

Upon contacting the manager to notify them of a positive test result or pending PCR results the employee must make it clear if they are still well enough to work so work from home can be organised in good time. If this is not stated at the time, the absence will be documented as unfit for work and standard SSP procedure will be followed. All sickness absences must be supported with an Employees Statement of Sickness to Claim Statutory Sick Pay form (SC2) upon returning to work.