

Calthwaite Nursery (trading as First Class Kids)

Suitable People and Employment policies & procedures: -

* Personnel
* Monitoring Staff Behaviour
* Lone Working
* Special Consideration for Employees
* Safer Recruitment of Staff
* Suitability of Staff
* Staff Development & Training
* Supervisions
* Family Friendly
* Staff Working with their own Children/Close Relative
* Student
* Young Worker
* Volunteers
* Absence Management
* Grievance
* Disciplinary
* Anti-Bribery

Personnel

At First Class Kids Nursery, we aim to have a high quality staff team that act at all times in the best interests of children’s safety and welfare. To achieve this, we have a range of policies to support the recruitment, development and retention of staff.

The nursery’s policies in respect of personnel are governed by the following:

* The best interests of the children, their welfare, safety, care and development
* The statutory requirements of the Early Years Foundation Stage
* The individual needs of the children, including maintaining continuity of care
* Compatibility between all members of staff and the building of a good team spirit
* Consideration of the advancement of each member of staff both by internal and external training to help them achieve their maximum potential
* Equal pay for work of equal value
* Compliance with the current legislation including the principles of the Equality Act 2010 and all current legislation governing discrimination.

We will ensure:

* The provision of a person specification and job description for every member of staff prior to an interview
* All interviews follow our recruitment procedures to ensure safe, fair and non-discriminatory recruitment occurs
* The provision of a statement of terms and conditions and contract for every member of staff in employment (contract to be received by new employee on the first day of employment)
* Prior to commencement of employment, the successful applicant shall be provided with an offer letter (conditional on an enhanced Disclosure and Barring Service (DBS) clearance and satisfactory references) with the induction procedure and any details of other information relevant for their first day of work
* New members of staff will be provided with copies of all the policies and procedures and we will ensure their understanding and adherence to these over an induction period. They will receive induction training including information about emergency evacuation procedures, safeguarding, child protection, and health and safety issues
* All staff receive effective supervision including support, coaching and training to promote the best interests of children. Staff are also provided with ongoing training and professional development opportunities to ensure they offer quality learning and development experiences for children that continually improves
* We promote staff well-being (see Well-being for Staff Policy) and foster team working through regular meetings and team events/outings
* Discrimination or harassment of any member of staff relating to sex, race, sexual orientation, gender, gender reassignment, age, religion or belief and disability will not be acceptable. This includes unwanted verbal or physical third-party harassment by those not employed by the nursery.

This policy is reviewed at least annually in consultation with staff.

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| **This policy was adopted on** | **Signed on behalf of the nursery** | **Date for review** |
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Monitoring Staff Behaviour Policy

At First Class Kids we take the safety and welfare of our children and staff seriously. This policy ensures staff behave in an appropriate manner to act as a role model for and protect all children in their care. Within this policy we will also ensure that any changes to staff behaviours or ways of working are closely monitored, discussed and supported to ensure all children are safeguarded throughout their time here.

**Expected staff behaviour**

Within our nursery we expect our staff to:

* Put our children first, their safety, welfare and ongoing development is the most important part of their role
* Behave as a positive role model for the children in their care by remaining professional at all times and demonstrating caring attitudes to all
* Work as part of the wider team, cohesively and openly
* Be aware of their requirements under the Statutory Framework for the EYFS and the nursery policies and procedures designed to keep children safe from harm whilst teaching children and supporting their early development
* React appropriately to any safeguarding concerns quickly and concisely in accordance to the nursery / Local authority procedures and training received
* Not share any confidential information relating to the children, nursery or families using the nursery
* Maintain the public image of the nursery and do nothing that will put the setting into disrepute
* Ensure that parental relationships are professional and external social relationships are not forged. If a relationship exists prior to the child starting at the setting, discussions with management will be held to ensure the relationship remains professional.
* Adhere to the Mobile Phone and Other Electronic Device policy and Social Networking policy
* Report to management immediately any changes in their personal life that may impact on the ability to continue the role. These may include (but not limited to) changes in police record, medication, any social service involvement with their own children.

**Monitoring staff behaviour**

Within the nursery we:

* Conduct regular peer observations using all staff and management, during which we observe interactions between staff and children
* Have regular supervisions with all staff in which ongoing suitability is monitored and recorded
* Have a whistleblowing policy that enables team members to discuss confidentially any concerns about their colleagues
* Operate staff suitability forms and clauses in staff contracts to ensure any changes to their suitability to work with children are reported immediately to management
* Ensure all new staff members are deemed suitable with the appropriate checks as detailed in the safeguarding policy.

Some behaviours that may cause concern and will be investigated further include:

* Change in moods
* Sudden change in religious beliefs / cultural beliefs (may be a sign of radicalisation)
* Changes in the way they act towards the children or the other members of the team (becoming more friendly and close, isolation, avoidance, agitation etc.)
* Sudden outbursts
* Becoming withdrawn
* Secretive behaviours
* Missing shifts, calling in sick more often, coming in late
* Standards in work slipping
* Extreme changes in appearance.

**Procedures to be followed:**

If we have a concern about changes in staff behaviour within the nursery, an immediate meeting will be called with the individual and a member of management to ascertain how the person is feeling. We will aim to support the staff wherever possible and will put support mechanisms in place where appropriate.

Ultimately, we are here to ensure all staff are able to continue to work with the children as long as they are suitable to do so, but if any behaviours cause concern about the safety or welfare of the children then the safeguarding/child protection procedure will be followed as in the case of allegations against a team member and the Local Authority Designated officer (LADO) will be called.

All conversations, observations and notes on the staff member will be logged and kept confidential.

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Lone Working Policy

At First Class Kids Nursery we aim to ensure that no member of the team is left alone working in either a room alone or within the building at any time. However, there may be occasions when this isn’t always possible due to:

* Toilet breaks
* Lunch cover
* Nappy changes
* Comforting a child that may be unwell in a quiet area
* Following a child’s interest, as this may lead staff away with a child to explore an area
* Supporting children in the toilet area that may have had an accident
* The duties some team members have, e.g. management, opening and closing the setting, carrying out cleaning or maintenance at the settings and staff operating outside operating hours.

We always ensure that our staff: child ratios are maintained.

On the rare occasions, that lone working within a room does take place we ensure that a specific risk assessment is completed prior to lone working taking place, this includes:

* how staff can manage with a variety of tasks such as talking to parents and supervising children safely
* That each member of staff required to work alone has the required qualification/training and/or skills for the role; e.g. holds a level 3 qualification, paediatric first aid, safeguarding and child protection training and basic food hygiene
* That staff members working alone are competent in their role
* That the staff member can call on others in an emergency, including procedures if there was a fire evacuation
* There are procedures in place to check in on the staff member and cover for breaks
* The member of staff and children are safeguarded at all times (relating to safeguarding/child protection policies)
* Ratios are maintained at all times.

Public liability insurance for lone working will be sought where applicable.

Staff members responsibilities when left in the building alone:

* To make a member of the management aware of when they are working and make plans to check in at their expected time of completion of the work
* To ensure they have access to a telephone at all times in order to call for help if they need it, or for management to check their safety if they are concerned
* Ensure that the building remains locked so no one can walk in unidentified
* Report any concerns for working alone to the management as soon as is practicably possible.

Management’s responsibilities when left in the building alone:

* To ensure staff working alone are competent and confident to carry out any safety procedures e.g. fire evacuation
* To ensure that the employee has the ability to contact them or a member of the team event if their lone working is outside normal office hours (i.e. access to a phone, contact numbers of someone they can call)
* To check that the employee has someone they can contact in the event of an emergency, and the numbers to call
* To ensure that employees have the ability to access a telephone whilst lone working
* If reporting in arrangements have been made and the employee does not call in, to follow it up.

Risk assessments are also completed for these occasions including hazards and risks and how these are controlled.

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Safer Recruitment of Staff

We are vigilant in our recruitment procedures aiming to ensure that all people working looking after children are suitable to fulfil the requirements of their role. We have effective systems in place to ensure that practitioners and any other person who may have regular contact with children are suitable.

We follow this procedure each and every time we recruit a new member of staff to join our team.

Legal requirements

* We abide by all legal requirements relating to safe recruitment set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) and accompanying regulations including our legal responsibilities under the Equality Act 2010
* We also follow any requirements or guidance given by the Disclosure and Barring Service (DBS) in relation to carrying out checks; and abide by the employer’s responsibilities relating to informing the DBS of any changes to the suitability of their staff, whether this member of staff has left the nursery or is still under investigation. Please refer to the child protection/safeguarding policy for further information.

Advertising

* We use websites, job sites and social media sites to advertise for any vacancies
* We ensure that all recruitment literature includes details of our equal opportunities policy and our safe recruitment procedures; including an enhanced DBS check and at least two independent references for every new employee. We also include the requirement for an additional criminal records check (or checks if more than one country) for anyone who has lived or worked abroad.

Interview stage

* We shortlist all suitable candidates against a pre-set specification and ensure all applicants receive correspondence regardless of whether they are successful in reaching the interview stage or not
* The manager decides the most appropriate people for the interview panel. There will be at least two people involved are both are involved in the overall decision making
* At the start of each interview all candidates’ identities are checked using, for example, their passport and/or photo card driving licence. All candidates are required to prove they are eligible to work in the UK. The interview will also cover any gaps in the candidate’s employment history
* All candidates reaching the interview stage are questioned using the same set criteria and questions. These cover specific areas of childcare, including safeguarding the children in their care, planning suitable activities to enhance the child’s development and their understanding of the legal frameworks applied to childcare and used in the nursery. The questions are value based and will ensure the candidate has the same values as the nursery with regards to the safety and welfare of the children in their care
* Candidates will be given a score for their answers including a score for their individual experience and qualifications
* Every shortlisted candidate will be asked to take part in a supervised practical exercise which will involve spending time in a particular age group in the nursery interacting with the children, staff and where appropriate parents
* The manager and deputy will then select the most suitable person for this position based on these scores and their knowledge and understanding of the early years framework as well as the needs of the nursery
* Every candidate will receive communication from the nursery stating whether they have been successful or not. Unsuccessful candidates are offered feedback.

Starting work

* The successful candidate will be offered the position subject to at least two references from previous employment or, in the case of a newly qualified student, their tutor and a personal or professional reference. These references will be taken up BEFORE employment commences. This may be verbal initially and then followed up with a written reference which will form part of their personnel file
* The successful candidate will be asked to provide proof of their qualifications, where applicable. All qualifications will be checked and copies taken for their personnel files where applicable
* Prior to employment but after the job has been offered a health check questionnaire will be given to the employee and its results will be taken into account in making an overall decision about suitability. The nursery reserves the right to take any further advice necessary in relation to a person’s physical and mental fitness to carry out their role. Please see the absence management policy for more details about how the nursery manages health problems including access to medical records
* All new starters, other than those who have registered for the continuous updating service (see below), will be subject to an enhanced Disclosure and Barring Service (DBS) check. This will be initiated before the member of staff commences work in the nursery and they will not have unsupervised access to any child or their records before this check comes back clear. Further to this, the new starter will not be allowed to take photographs of any child, look at their learning and development log or change the nappy of any child without an up-to-date enhanced DBS check (whether supervised or not)
* An additional criminal records check (or checks if more than one country) should also be made for anyone who has lived or worked abroad
* The nursery will record and retain details about the individual including staff qualifications, identity checks carried out and the vetting process completed. This will include the disclosure and barring service reference number, the date the disclosure was obtained and details of who obtained it. The nursery will not retain copies of the disclosure itself once the employment decision is taken
* There may be occasions when a DBS check is not clear, but the individual is still suitable to work with children. This will be treated on an individual case basis and at the manager’s/owner’s discretion taking into account the following:
  + seriousness of the offence or other information
  + accuracy of the person’s self-disclosure on the application form
  + nature of the appointment including levels of supervision
  + age of the individual at the time of the offence or other information
  + the length of time that has elapsed since the offence or other information
  + relevance of the offence or information to working or being in regular contact with children.
* If the individual has registered on the DBS system since 17 July 2013, managers may use the update service with the candidate’s permission instead of carrying out an enhanced DBS check
* New starters are required to sign (either application form, contract or separate form) to state that they have no criminal convictions, court orders or any other reasons that disqualify them from working with children or unsuitable to do so
* All new members of staff will undergo an intensive induction period during which time they will read and discuss the nursery policies and procedures and be assigned a ‘mentor/ buddy’ who will introduce them to the way in which the nursery operates
* During their induction period all new staff will receive training on how to safeguard children in their care and follow the Safeguarding Children/Child Protection policy and procedure, emergency evacuation procedures, equality policy and health and safety issues
* The new member of staff will have regular meetings with the manager and their ‘mentor/buddy’ during their induction period to discuss their progress, support required and/or further training and professional development opportunities.

Ongoing support and checks

* All staff are responsible for notifying the manager in person if any there are any changes to their circumstances that may affect their suitability to work with children (staff suitability status will also be checked through an annual ‘staff suitability questionnaire’). This includes any incidents occurring outside the nursery. Staff will face disciplinary action should they fail to notify the manager **immediately**
* All members of staff will update a health questionnaire on an annual basis to ensure management have a good knowledge of any changes that may require support or additional resources to aid them to carry out their day-to-day duties. This will also be discussed at staff supervisions/review meetings. Management may require this more regularly where health circumstances change. There are more details about how the nursery deals with any health problems in the absence management policy
* The nursery manager/nominated person will review any significant changes to an individual’s circumstances that may suggest they are no longer suitable to work with children and take appropriate action to ensure any unsuitable or potentially unsuitable employee does not have unsupervised contact with children until the matter is resolved. Please see the Disciplinary Policy for further details
* Every member of staff will have two meetings a year with the manager: a formal appraisal and a more informal review. This will provide an opportunity for the manager and member of staff to discuss training needs for the following six months as well as evaluate and discuss their performance in the previous six months
* The manager, deputy and room leaders will be responsible for any support the staff team may have between these reviews. This includes mentor support, one-to-one training sessions, ongoing supervision, work-based observations and constructive feedback
* The nursery will provide appropriate opportunities for all staff to undertake professional development and training to help improve the quality of experiences provided for children.

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**Staff Development and Training**

At First Class Kids we value our staff highly. We believe that ongoing personal and professional development is essential for the delivery of high-quality learning and development opportunities for children in their early years

The overall quality of our nursery is underpinned by our staff having the appropriate qualifications, training, skills, knowledge, and a clear understanding of their roles and responsibilities.

Every staff member is given the opportunity to further develop their training, knowledge and skills through a comprehensive and targeted programme of professional development. High-quality professional supervision is also provided, this provides each staff member with support, coaching and training and promotes the interests of children. Each meeting is planned based on individual performance related targets, consistent and sharply focused observation and evaluations of the impact of staff’s practice.

We ensure that staff are qualified to Level 3 (or equivalent) or above in childcare and education or Early Years Educator. Other staff working at the nursery are either qualified to Level 2 or undertaking training. Where necessary staff will be supported to achieve a suitable level 2 qualification in Maths and English (as defined by the Department for Education on the Early Years Qualifications List) for the completion of the Early Years Educator.

We strongly promote continuous professional development and all staff have individual training records and training plans to enhance their skills and expertise, which are based on discussions at supervision meetings and appraisal meetings. We have a training budget which is set annually and reviewed to ensure that the team gain external support and training where needed.

To facilitate the development of staff we:

* Coach, mentor, lead and offer encouragement and support to achieve a high level of morale and motivation
* Promote teamwork through ongoing communication, involvement and a no blame culture to enhance nursery practice
* Provide opportunities for delegation based on skills and expertise to offer recognition and empower staff
* Encourage staff to contribute ideas for change within the nursery and hold regular staff meetings and team meetings to develop these ideas. Regular meetings are also held to discuss strategy, policy and activity planning
* Encourage staff to further their experience and knowledge by attending relevant external training courses
* Encourage staff to pass on their knowledge to those who are less experienced and share knowledge from external training with small groups of staff within the nursery
* Provide regular in-house training relevant to the needs of the nursery
* Carry out termly supervision meetings with all staff. These provide opportunities for staff to discuss any issues particularly concerning children’s development or well-being including child protection concerns, identify solutions to address issues as they arise and receive coaching to improve their personal effectiveness. Staff appraisals are carried out annually monthly where objectives and action plans for staff are set out, while also identifying training needs according to their individual needs
* Develop a training plan that sets out the aims and intended outcomes of any training, addressing both the qualification and continuous professional development needs of the nursery and individual staff
* Carry out training need analyses for all individual staff, the team as a whole, and for the nursery every six months
* Promote a positive learning culture within the nursery
* Offer annual team building training
* Carry out full evaluations of all training events and use these to evaluate the training against the aims set to enable the development of future training programmes to improve effectiveness and staff learning
* Provide inductions to welcome all new staff and assign a ‘work buddy’ to coach, mentor and support new staff
* Offer ongoing support and guidance
* Offer varied information sources including membership of local and national organisations, resources, publications and literature to all staff.

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**Supervisions**

We implement a system of supervision for all of our staff following their induction and probation period. Supervision is part of the nursery’s overall performance management system and promotes a culture of mutual support, teamwork and continuous improvement. It encourages the confidential discussion of sensitive issues including the opportunity for staff and their managers to:

* Discuss any issues – particularly concerning children’s development or well-being, including child protection concerns
* Identify solutions to address issues as they arise
* Receive coaching to improve their personal effectiveness
* Develop their own skills/training needs in order to progress in their role
* Discuss any concerns relating to changes in personal circumstances that might affect an individual’s ability/suitability to work with children. (This should include any incidents resulting in a reprimand, caution or prosecution by the police, any court orders or changes to their health. These changes are recorded as a declaration on the individual member of staff’s supervision form and appropriate action is taken, where applicable, in line with the safeguarding/child protection and disciplinary procedure).

The frequency of supervision meetings is termly according to individual needs. A template agenda is used in all meetings to ensure consistency across the nursery. This clearly sets out who does what and the timeframe, i.e. what the manager is responsible for and what the practitioner needs to do.

There should always be something that a member of staff can discuss, e.g. a particular child’s development, strengths or concerns. However, if there are times where staff may be struggling to identify areas to discuss in a supervision, we will ask them to identify three things they have enjoyed about their job/done well since the last supervision and one thing they have least enjoyed/requires further improvement. They will be asked to complete this prior to supervision (as set out in their responsibilities).

There may be times when supervision may be increased for members of the team as and when needed, i.e. if they have particular concerns about a child or if they are going through personal circumstances at home, for new starters, staff returning after long-term illness, on request from staff.

It is the responsibility of the manager to plan time to ensure that all staff have supervisions.

At First Class Kids supervision is carried out by the manager. If for any reason a supervision is cancelled a new date will be rearranged within 7 days.

All members of staff responsible for carrying out supervisions are trained and supported prior to carrying these out.

Staff have a responsibility to ensure that they are available for supervision meetings and that the necessary paperwork is complete. Information shared in supervision sessions is confidential. The supervision process will be evaluated once/twice a year through staff feedback and is used as part of the overall performance monitoring system at the nursery.

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Family Friendly Policy

**MATERNITY**

1.This section of the policy will provide guidance to First Class Kids employees regarding the support available during maternity leave. Entitlement to maternity leave and pay are governed by both First Class Kids’ Terms and Conditions and statutory legislation including the Employment Rights Act 1996, the Employment Relations Act 1999, the Employment Act 2002, the Work and Families Act 2006 and the Children and Families Act 2014. An individual may be entitled to receive Occupational Maternity Pay in addition to Statutory Maternity Pay or Maternity Allowance. Entitlements will vary according to length of service, level of pay and the number of hours worked. Maternity Leave and Maternity Pay are separate entitlements and should be treated as such.

* 1. Maternity Leave Entitlement All pregnant employees are entitled to a continuous period of up to 52 weeks maternity leave regardless of length of service. This is made up of: 26 weeks Ordinary Maternity Leave (OML) 26 weeks Additional Maternity Leave (AML) The employee decides the duration of maternity leave. Unless the manager has been notified of the return to work date, a period of 52 weeks will be presumed. Compulsory Maternity Leave: The mother must not work for two weeks from the date of childbirth or for such longer period during which health and safety provisions require them to refrain from working. Commencement of Maternity Leave: The earliest date that maternity leave can commence is the Monday of the qualifying week before the baby is due. The latest date an individual can start maternity leave is the day the baby is due.
  2. Notification Requirements On becoming pregnant, an employee should notify their supervisor or manager in writing as soon as possible so that the employee is made fully aware of the procedures they must follow. By the end of the Qualifying Week the employee must give First Class Kids notice in writing which should include the following information:- a) b) c) First Class Kids That the employee is pregnant; The week in which the child is due (Note that for these purposes the week begins on a Monday); When the employee wants the maternity leave to start; The notification should also include a form MATB1 which should be signed by a GP or midwife. If the employee is unable to give this notice because the employee has started maternity leave sooner than anticipated, the employee should give notice as soon as they can in order not to lose their right to receive maternity pay. If the baby is born before the employee has notified commencement of maternity leave, the employee must notify First Class Kids as soon as reasonably practicable of the date they gave birth and the maternity leave is deemed to commence on the date of the birth. Once the employee has issued the above notice, which identifies the start date of the employee’s maternity leave, the employee can only vary that date by providing 28 days’ notice of any new start date. Within 28 days of receipt of the employee’s notice First Class Kids will write to the employee to confirm her leave entitlement and identify the date by which the employee must return to work.

**Risk Assessments**

First Class Kids strives to provide a safe place of work for all its employees and therefore early notification of pregnancy is important as there may be health and safety considerations as identified in the organisations’ risk assessment for new and expectant mothers. Once a line manager is made aware of the pregnancy of a team member, they must arrange with the employee to complete an individual risk assessment. This risk assessment will be kept under review during, and following the pregnancy, and the line manager may request follow up meetings with the employee to update the risk assessment and actions.

**Maternity Pay**

2. Pay entitlement to Maternity Pay is based on length of service. Pay entitlement is also affected by average weekly earnings, return date and whether the member of staff intends on returning to work at the end of her maternity leave. The following options for maternity pay are therefore available Service of less than 26 weeks: Maternity Allowance If you have been employed for less than 26 weeks by the end of the Qualifying Week you may be entitled to maternity allowance. If your earnings are below the lower earnings limit for National Insurance Contributions you must apply to the Benefits Agency for Maternity Allowance. Maternity Allowance is paid for a period of 39 weeks. Staff will need to complete form SMP1 which can be obtained from payroll. The remaining 13 weeks are unpaid.

2.1 Service of more than 26 weeks but less than 52 weeks: Statutory Maternity Pay To qualify for statutory maternity pay (SMP) the employee must have been continuously employed by First Class Kids for at least 26 weeks by the end of the Qualifying Week and their average earnings in the 8 weeks prior to the Qualifying Week are not less than the lower earnings limit set by the government each tax year. If the employee qualifies for SMP they are entitled to SMP for a maximum of 39 weeks. The first six weeks SMP are paid at 90% of the employee’s average earnings and the next 33 weeks are at a rate set by the government each year (or 90% of their average weekly earnings, whichever is the lower). The remaining 13 weeks of maternity leave are unpaid. SMP is subject to deduction for tax, national insurance and other deductions which First Class Kids may legally make and will normally be paid at the same intervals as wages. To claim SMP the employee must give at least 28 days’ notice in writing of her absence on maternity leave and intention to claim SMP. All contractual terms and conditions, with the exception of wages or salary are preserved.

2.2 Service of 53 weeks to 156 weeks or more and returning to work: Occupational Maternity Pay (OMP) Employees must have 52 weeks continuous service with First Class Kids by the start of the qualifying week before the expected week of birth. Individuals must have returned to work from previous maternity leave with First Class Kids for a minimum period of 52 weeks prior to the start of the qualifying week before the expected week of birth to qualify for occupational maternity pay. Individuals must return to work for a minimum period of 13 weeks once maternity leave ends. Payment of OMP is conditional upon individuals confirming in writing prior to starting maternity leave that they intend to return to work for at least 9 months after maternity leave. Payment for the first 6 weeks of maternity leave will be normal basic salary inclusive of any statutory payments (SMP or Maternity Allowance). Payment for the next 6 weeks of maternity leave will be half basic salary plus any Statutory Maternity Pay or Maternity Allowance due provided that the total does not add up to more than your normal basic salary. Payment for the next 14 weeks will be any remaining Statutory Maternity Pay or Maternity Allowance that you are entitled to. This is followed by additional maternity pay at 13 weeks SMP and the remaining 13 weeks of maternity leave are unpaid. If the individual does not return to work or leaves employment with First Class Kids within 9 months after return to duty they will be liable to refund in full any OMP that they have received.

2.3 Service of 157 or more and returning to work: Occupational Maternity Pay (OMP) Employees must have 157 weeks continuous service with First Class Kids by the start of the qualifying week before the expected week of birth. Individuals must have returned to work from previous maternity leave with First Class Kids for a minimum period of 52 weeks prior to the start of the qualifying week before the expected week of birth to qualify for occupational maternity pay. Individuals must return to work for a minimum period of 9 months once maternity leave ends. Payment of OMP is conditional upon individuals confirming in writing prior to starting maternity leave that they intend to return to work for at least 9 months after maternity leave. Payment for the first 8 weeks of maternity leave will be normal basic salary inclusive of any statutory payments (SMP or Maternity Allowance). Payment for the next 18 weeks of maternity leave will be half basic salary plus any Statutory Maternity Pay or Maternity Allowance due provided that the total does not add up to more than your normal basic salary. This is followed by additional maternity pay at 13 weeks SMP and the remaining 13 weeks of maternity leave are unpaid. If the individual does not return to work or leaves employment with First Class Kids within 9 months after return to duty they will be liable to refund in full any OMP that they have received.

2.4 Service of 52 weeks or more and NOT returning to work Employees who satisfy the qualifying criteria for occupational maternity above but who are not returning to work for a period of 9 months contracted employment within First Class Kids will be entitled to Statutory Maternity Pay as above.

**Deductions**

Payments of SMP and OMP are subject to national insurance and income tax in the same way as normal earnings. It is possible for an employee, if they qualify for OMP to request payment of an ‘averaged’ amount of maternity pay incorporating occupational maternity and statutory maternity pay across their maternity leave period. This must be agreed with the payroll department before the employee goes on maternity leave.

**Pension**

Pension service is counted throughout maternity leave period as if the employee had worked. It is optional as to whether the employee carries on paying into the Pension Scheme, whilst receiving maternity pay. However, should the employee decide they no longer wish to contribute, then they will need to opt out in order to cease contributions. This will then be classed as a break in service with regards to pension calculations. If the employee pays into the Pension Scheme, then SMP and OMP will be subject to pension deductions. The deductions are made even if the employee is on reduced or no pay and are based on the remuneration received during maternity leave. The arrears of contributions which occur during any period of unpaid leave are recoverable immediately upon return to work over a period equivalent to the period of unpaid leave.

**Sickness**

If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence automatically the day after the first day of absence for a pregnancy related reason during this period. Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self- certificate, shall be treated as sick leave in accordance with normal leave provisions.

**Premature birth**

Where an employee’s baby is born prematurely, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term. Where an employee’s baby is born before the qualifying week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee’s absence. Where an employee’s baby is born before the qualifying week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth. Where an employee’s baby is born before the qualifying week before the expected week of childbirth and the baby is in hospital, the employee may spilt her maternity leave entitlement, taking a minimum period of two weeks’ leave immediately after childbirth and the rest of her leave following her baby’s discharge from hospital.

**Still Birth after 24 weeks of pregnancy**

In the event of a stillbirth occurring after 24 weeks of pregnancy, you will be entitled to maternity pay and leave entitlements as if the birth had been live. Bereavement support will be provided by the line manager. Two weeks of parental bereavement leave would also be applicable after the end of maternity/paternity leave, details.

**Miscarriage before 24 weeks of pregnancy**

Where an employee has a miscarriage before the end of the qualifying week, normal sick leave provisions will apply as necessary. Any sickness absence in the 2 week protected period following miscarriage is likely to be classed as “pregnancy-related illness” and would therefore not count towards any formal reviews under the Sickness policy. Bereavement support will be provided by the line manager.

More details can be found on the ACAS website: https://www.acas.org.uk/time-off-for-bereavement/stillbirth-or-miscarriage

**Annual Leave**

Annual leave will continue to accrue as normal during paid and unpaid maternity leave. Where maternity leave crosses leave years, any outstanding annual leave for the current year should normally be taken before commencement of maternity leave. Where it is mutually beneficial to both the Service and Employee, a maximum of 4 weeks (pro rata) leave may be carried over. Requests for the carry-over of any annual leave are subject to manager’s discretion and should be made in writing. Annual leave carried forward to the following year must be taken within 12 weeks of returning after which it is lost. All annual leave must be requested as normal in accordance with the Annual Leave Policy.

**Time off for Ante-natal and Post-natal Care**

Expectant mothers are entitled to reasonable paid time off work to receive ante-natal care and it will not be unreasonably refused, provided that the employee produces an appointment card or some other document showing that an appointment has been made and a certificate from a doctor, midwife or health visitor stating that the individual is pregnant. Partners of expectant mothers are entitled to accompany their expectant partner at up to two ante- natal appointments however this time is unpaid.

**Staff on Bank Contracts**

Bank staff are entitled to 52 weeks maternity leave and where eligibility criteria are fulfilled, will be entitled to statutory maternity allowance or pay. Where eligible bank staff will be entitled to occupational maternity pay in line with this policy, this will be calculated on average of earnings during the 8 week period prior to the qualifying week.

**Health & Safety**

Where an employee is breastfeeding or has given birth in the last six months, First Class Kids must make sure that the kind of work she does and associated working conditions will not put her or the baby’s health at risk. Managers will carry out a risk assessment in accordance with the Risk Assessment of New and Expectant Mothers at Work. Women who have recently given birth should have paid time off for post-natal care, e.g. attendance at health clinics.

**Keep In Touch (KIT) days**

During maternity leave, it will be necessary to keep reasonable contact with employees and in the same way the employee may make contact with First Class Kids. The employee and manager may find it helpful, before leave starts, to discuss such arrangements as to how contact will happen and how often. Employees are allowed to undertake up to ten days’ work – known as “Keeping in Touch Days” (KIT days) without leave coming to an end or affecting pay. These are different to the contact outlined above, as during these days an employee can carry out work for which they will be paid. This could be particularly useful to enable an employee to attend a training activity or team meeting for example. Any amount of work done on a KIT day counts as one whole KIT day. KIT days are paid at the employees normal basic salary for the hours worked and are paid in addition to any SMP or OMP entitlements. This is not compulsory and arrangements must be discussed and agreed between the employee and their immediate supervisor or manager.

**Returning from maternity leave**

The employee does not need to formally notify First Class Kids in advance of their return to work at the end of the maternity leave period as notified to the employee by First Class Kids. However, it would be helpful if the employee were able to give an indication as to whether or not they intended to return. The employee may return to work before the end of their maternity leave period, but must give First Class Kids at least 8 weeks advanced notice in writing of the date of their return. First Class Kids reserves the right to postpone their return until the employee has given sufficient notice. Under no circumstances will the employee be permitted to return to work within 2 weeks of the birth of their child. This is the compulsory maternity leave period during which the law prohibits an employee from working. An employee is entitled to return to the same job at the end of OML. If the employee has taken AML and there is a reason which makes it impracticable for the employee to be taken back to their original post when they return to work at the end of AML, First Class Kids reserves the right to appoint the employee to a vacancy suitable and appropriate to their skills and experience. Salary and benefits will be maintained at the same level enjoyed before starting the maternity leave. Although there is no automatic right to return on reduced hours, the organisation supports flexible working and, where appropriate bearing in mind service requirements, First Class Kids may agree to a change in working patterns or hours. In order that the approval process can be followed, employees must discuss this with their line manager as early as possible and preferably prior to commencing their leave. If the employee decides not to return to work then First Class Kids asks that the employee notifies their manager of their decision as soon as possible. Employees must be aware that if taking OMP an employee must return to work for a minimum of 9 months at the end of maternity leave or be liable to repay OMP in full. If the employee fails to return to work at the appropriate time this would be treated as an unauthorised absence for which no payments will be made and for which disciplinary action may be taken in accordance with First Class Kid’s disciplinary procedure. An employee cannot postpone their return to work on medical grounds. If the employee is ill at the end of maternity leave First Class Kid’s rules on sickness absence will apply and all notification requirements for sickness must be adhered to.

**ADOPTION LEAVE**

The principles for adoption apply to all members of staff, regardless of the number of hours they work, who will have primary carer responsibilities and wish to adopt a child (under the age of 18) who is newly placed for adoption. Where a couple are adopting jointly only one parent may take adoption leave. The other parent (regardless of sex) is entitled to take paternity leave and shared parental leave and pay.

Adoption leave may be taken:

• When a child starts living with the employee or up to 14 days before the placement date (UK adoptions).

• When an employee has been matched with a child by a UK adoption agency.

• When the child arrives in the UK or within 28 days (overseas adoption).

• The day the child’s born or the day after (if you’ve used a surrogate to have a child) Employees must give their employer documentary proof to show that they have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK. If adopting a child from overseas, official notification is required confirming that the central authority (in England this is the Department for Education; in Scotland it is the Scottish Executive and in Wales it is the Welsh Assembly) has or is prepared to issue a certificate confirming eligibility to adopt and approval as a suitable adoptive parent.

Length of leave Employees will be entitled to up to 52 weeks adoption leave consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL). Employees who intend to take adoption leave must notify their supervisor or manager within 7 days of being notified by the adoption agency that they have been matched with a child for adoption unless this not reasonably practicable at that time.

The employee should tell their supervisor or manager:

• when the child is expected to be placed with them; and

• when they want their adoption leave to start.

Employees will be able to change their minds about the date on which they want their leave to start providing they tell their supervisor or manager at least 28 days in advance. Upon receiving notification of the employee’s leave plans First Class Kids will, within 28 days, write to the employee setting out the date on which the employee is expected back at work if the full adoption leave is taken.

Employees can choose to start their leave:

• From the date of the child’s placement; or

• From a fixed date which can be up to 14 days before the expected date of placement. Shared Parental Pay and Leave may also be considered in adoption cases to facilitate both adoptive parents being involved in the care of the adopted child during the first year following adoption.

**Adoption Pay**

Entitlement to Adoption Pay is based on length of continuous service ending with the week in which the adoption agency of local authority notified you of the match (Qualifying week). Pay entitlement is also affected by whether the member of staff intends on returning to work at the end of the adoption leave. The following options for adoption pay are therefore available.

**Service of less than 26 weeks ending with the Qualifying Week**

There will be no entitlement to Statutory Adoption Pay. Payroll will issue form SAP1, enabling the individual to claim Income Support, while on adoption leave. Additional financial support may be available including Housing Benefit, Council Tax Benefit and Tax Credits. Further information is available from your local Jobcentre Plus office or Department of Work & Pensions office.

***Service of more than 26 weeks but less than 52 weeks ending with the Qualifying Week; Statutory Adoption Pay***

To qualify for statutory adoption pay (SAP) the employee must have been continuously employed by the same employer for at least 26 weeks before the end of the qualifying week. Statutory adoption pay (SAP) is payable for up to 39 weeks provided your average earnings are not less than the lower earnings limit set by the government each tax year. The first six weeks' SAP are paid at 90% of your average earnings and the remaining 33 weeks are at a rate set by the government each year. The remaining 13 weeks of adoption leave are unpaid.

SAP is subject to deduction for tax, national insurance and other deductions which First Class Kids may legally make and will normally be paid at the same intervals as wages.

All contractual terms and conditions, with the exception of wages or salary are

preserved.

***Service of 53 weeks to 156 weeks or more and returning to work: Occupational Adoption Pay (OAP)***

Employees must have 52 weeks continuous service with First Class Kids by the start of the qualifying. Individuals must have returned to work from previous maternity or adoption leave with First Class Kids for a minimum period of 52 weeks prior to the start of the qualifying week to qualify for occupational adoption pay. Individuals must return to work for a minimum period of 9 months once adoption leave ends. Payment of OAP is conditional upon individuals confirming in writing prior to starting adoption leave that they intend to return to work for at least 9 months after adoption leave.

Payment for the first 6 weeks of adoption leave will be normal basic salary **inclusive** of any statutory payments.

Payment for the next 6 weeks of adoption leave will be half basic salary plus any

Statutory Adoption Pay or Allowance due provided that the total does not add up to more than your normal basic salary.

Payment for the next 14 weeks will be any remaining Statutory Adoption Pay or

Allowance that you are entitled to. This is followed by additional adoption pay at 13 weeks SAP and the remaining 13 weeks of adoption leave are unpaid.

This in total is a 52 week period of leave. The full 52 weeks do not have to be taken. If the individual does not return to work or leaves employment with First Class Kids within 9 months after return to duty they will be liable to refund in full any OAP that they have received.

***Service of 157 or more and returning to work: Occupational Adoption Pay (OMP)***

Employees must have 157 weeks continuous service with First Class Kids by the start of the qualifying week.

Individuals must have returned to work from previous maternity or adoption leave with First Class Kids for a minimum period of 52 weeks prior to the start of the qualifying week to qualify for occupational adoption pay.

Individuals must return to work for a minimum period of 9 months once adoption leave ends. Payment of OAP is conditional upon individuals confirming in writing prior to starting adoption leave that they intend to return to work for at least 9 months after adoption leave. Payment for the first 8 weeks of adoption leave will be normal basic salary **inclusive** of any statutory payments.

Payment for the next 18 weeks of adoption leave will be half basic salary plus any Statutory Adoption Pay or Allowance due provided that the total does not add up to more than your normal basic salary. This is followed by additional adoption pay at 13 weeks SAP and the remaining 13 weeks of adoption leave are unpaid. This in total is a 52 week period of leave. The full 52 weeks do not have to be taken. If the individual does not return to work or leaves employment with First Class Kids within 9 months after return to duty they will be liable to refund in full any OAP that they have received.

***Service of 52 weeks or more and NOT returning to work***

Employees who satisfy the qualifying criteria for occupational adoption pay above but who are not returning to work for a period of 9 months contracted employment within First Class Kids will be entitled to Statutory Adoption Pay as above.

**Deductions**

Payments of SAP and OAP are subject to national insurance and income tax in the same way as normal earnings. It is possible for an employee to request payment of an ‘averaged’ amount of adoption pay incorporating occupational adoption and statutory adoption pay across their adoption leave period. This must be agreed with the payroll department before the employee goes on adoption leave.

**Pension**

Pension service is counted throughout adoption leave period as if the employee had worked. It is now optional as to whether the employee carries on paying into the Pension Scheme, whilst receiving adoption pay. However, should the employee decide they no longer wish to contribute, then they will need to opt out in order to cease contributions. This will then be classed as a break

in service with regards to pension calculations.

If the employee pays into the Pension Scheme then SAP and OAP will be subject

to pension deductions. The deductions are made even if the employee is on reduced or no pay and are based on the remuneration received during adoption leave. The arrears of contributions which occur during any period of unpaid leave are recoverable immediately upon return to work over a period equivalent to the period of unpaid leave.

**Staff on Bank Contracts**

Bank staff are entitled to 52 weeks adoption leave and where eligibility criteria are fulfilled, will be entitled to statutory adoption allowance or pay. Where eligible bank staff will be entitled to occupational adoption pay in line with this policy, this will be calculated on average of earnings during the 8 week period prior to the qualifying week.

**Keep In Touch (KIT) days**

During adoption leave, it will be necessary to keep reasonable contact with employees and in the same way the employee may make contact with First Class Kids. The employee and manager may find it helpful, before leave starts, to discuss arrangements such as how contact will happen and how often.

Employees are allowed to undertake up to ten days’ work – known as “Keeping in

Touch Days” (KIT days) without leave coming to an end or affecting pay. These are different to the contact outlined above, as during these days an employee can carry out work for which they will be paid. This could be particularly useful to enable an employee to attend a training activity or team meeting for example.

Any amount of work done on a KIT day counts as one whole KIT day. KIT days are paid at the employees normal basic salary for the hours worked and are paid in addition to any SAP or OAP entitlements.

This is not compulsory and arrangements must be discussed and agreed between the employee and their immediate supervisor or manager.

**Annual Leave**

Annual leave will continue to accrue as normal during paid and unpaid adoption leave. Where adoption leave crosses leave years, any outstanding annual leave for the current year should normally be taken before commencement of adoption leave. Where it is mutually beneficial to both the Service and Employee, a maximum of 4 weeks (pro rata) leave may be carried over. Requests for the carry-over of any annual leave are subject to manager’s discretion and should be made in writing. Annual leave carried forward to the following year must be taken **within 12 weeks of returning** **after which it is lost.** All annual leave must be requested as normal in accordance with the Annual Leave Policy.

**Returning from adoption leave**

The employee does not need to formally notify First Class Kids in advance of their return to work at the end of the adoption leave period. However, it would be helpful if the employee were able to give an indication as to whether or not they intended to return.

The employee may return to work before the end of their adoption leave period, but must give First Class Kids at least 8 weeks advanced notice in writing of the date of their return. First Class Kids reserves the right to postpone the return until the employee has given sufficient notice. An employee is entitled to return to the same job at the end of adoption leave. First Class Kids reserves the right to appoint the employee to a vacancy suitable and appropriate to their skills and experience. Salary and benefits will be maintained at the same level enjoyed before starting the adoption leave. Although there is no automatic right to return on reduced hours, the organisation supports flexible working and, where appropriate bearing in mind service requirements, First Class Kids may agree to a change in working patterns or hours. In order that the approval process can be followed, employees must discuss this with their line manager as early as possible and preferably prior to commencing their leave. If the employee decides not to return to work then First Class Kids asks that the

employee notifies their manager of her decision as soon as possible.

If the employee fails to return to work at the appropriate time this would be treated as an unauthorised absence for which no payments will be made and for which disciplinary action may be taken in accordance with First Class Kids’ disciplinary procedure.

An employee cannot postpone the return to work on medical grounds. If the employee is ill at the end of adoption leave First Class Kids rules on sickness absence will apply and all notification requirements for sickness must be adhered to.

**PATERNITY LEAVE**

All eligible fathers (or same sex partners) of newborn children (i.e. those with 26 weeks continuous service by the end of the Qualifying Week) are entitled to paid paternity leave of two weeks during the 8 weeks after the birth of the baby. This can be taken as two separate weeks or as a block of two continuous weeks.

An employee will qualify for paternity leave if:-

 They have or expect to have responsibility for the child’s upbringing

 They are the biological father of the child or the mother’s spouse or partner

(including same sex relationships)

They are the child’s adopter or the adopter’s spouse or partner (including same

sex relationships)

And

 They have worked continuously for First Class Kids for 26 weeks ending with the Qualifying Week or the end of the week they are notified they have been matched with a child.

First Class Kids reserves the right to request a self-certificate in respect of the employee’s right to paternity leave and pay.

**Notice Requirements**

Employees intending to take Paternity Leave must inform their Line Manager by the end of the Qualifying Week, or within 7 days of being told by the adoption agency that they have been matched with a child, unless this is not reasonably practicable.

First Class Kids will need to know:

a. the week the baby is due or when the child is expected to be placed with

the employee for adoption

b. whether the employee wishes to take one or two weeks’ leave

c. when the employee wants their leave to start

Employees can change their mind about the date on which they want their leave to start providing they tell First Class Kids at least 28 days in advance (unless that is not reasonably practicable).

**Leave Provisions**

Employees are entitled to choose to take either one week or two consecutive weeks’ paternity leave (not odd days). Leave can start on any day of the week on or following the child’s birth but must be completed:

a. within 56 days of the actual date of birth of the child, or the date the child

is placed with the employee

b. if the child is born early, within the period from the actual date of birth up

to 56 days after the expected week of birth.

In the event of a stillbirth occurring after the end of the qualifying week, you will be entitled to paternity pay and leave entitlements as if the birth had been live.

**Paternity Pay**

***Less than 26 weeks service by the end of the Qualifying Week***

Employees are entitled to up to 2 consecutive weeks' unpaid leave. There will be no entitlement to Statutory Paternity Pay (SPP), payroll will issue form SPP1, as maybe eligible to get Government benefits while on paternity leave. Additional financial support may be available through the local Job Centre Plus or Department of Work & Pensions.

***Service of more than 26 weeks but less than 52 weeks by the end of the***

***Qualifying Week***

Employees are entitled to up to 2 consecutive weeks’ Statutory Paternity Pay.

To qualify for Statutory Paternity Pay (SPP) employees must have earned at least the lower earnings limit for national insurance contributions over a qualifying period. The rate of SPP is set by the government each tax year. Employees must tell First Class Kids the date they expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

***Service of more than 53 weeks and returning to work for a minimum of 12 weeks following paternity leave***

Employees are entitled to up to 1 week occupational paternity leave at normal basic pay which will be inclusive of any Statutory Paternity Pay due, and 1 week statutory paternity pay.

**Still Birth after 24 weeks of pregnancy**

In the event of a stillbirth occurring after 24 weeks of pregnancy, you will be entitled to paternity pay and leave entitlements as if the birth had been live. Bereavement support will be provided by the line manager. Two weeks of parental bereavement leave would also be applicable after the end of maternity/paternity leave, details of which can be found in the Time Off policy.

**Miscarriage before 24 weeks of pregnancy**

In the event of a miscarriage occurring before 24 weeks of pregnancy, normal sick leave provisions will apply as necessary. Bereavement support will be provided by the line manager.

**SHARED PARENTAL LEAVE**

Parents of new babies may wish to take advantage of Shared Parental Pay and Leave arrangements provided they meet the eligibility criteria of having 26 weeks continuous employment at the qualifying week and meet the necessary minimum income requirements. These arrangements work in conjunction with the compulsory maternity leave period of two weeks immediately for the mother following the birth of the baby and two weeks paid paternity leave which must be taken within the first 8 weeks after the birth of the child(ren). Shared Parental Leave and Pay is paid in instances where both parents wish to share the care of the child(ren). In planning Shared Parental Pay and Leave it is important to understand the following:

 Each parent needs to meet the qualifying requirements for leave with their

respective employer i.e. each must have at least 26 weeks continuous service

by the expected week of birth. Shared Parental Leave can only be taken during

the first year of the child’s life allowing for a minimum of two weeks compulsory

leave immediately after the birth taken by the mother. (i.e. 52 weeks minus two

weeks compulsory maternity leave and two weeks paternity leave)

 Each parent must meet the necessary minimum income requirement for

Statutory Shared Parental Pay. For further information please refer to

www.direct.gov.uk

 Statutory Shared Parental Pay is paid for a maximum of 39 weeks (and cannot

be paid at the same time as Statutory Maternity Pay)

 The individual sharing leave and claiming shared parental pay with the mother

must be the father of the child(ren) or the spouse, partner or civil partner of the mother and must be claiming the leave and pay for the sole purpose of caring for the child(ren).(i.e. the mother must have returned to work)

 Up to three episodes of shared parental leave can be requested by each parent to their employer. These periods can be discontinuous i.e. alternate weekly between each parent during the shared parental leave period.

 If one continuous period of shared parental leave is requested by one of the

parents (allowing for the compulsory two week break that must be taken by the

mother) then it will be granted.

 Eight weeks’ notice from the employee to their employer is required before the start of any period of Shared Parental Leave.

 Whilst on Shared Parental Leave each parent may carry out up to twenty days’

work for their employer. This is in addition to the ten keeping in touch days that

the mother can take during her maternity leave.

As this situation is very complex and potentially involves more than one employer, any employee considering Shared Parental Leave or Shared Parental Pay should seek advice in the first instance from their Line Manager and Payroll once the pregnancy is known in order to explore all options and complete and comply with the necessary qualifying documentation and notice periods for Shared Parental Leave and Pay.

Further guidance and declaration paperwork can be found online at www.direct.gov.uk

**FERTILITY TREATMENT**

Employees who are going through the last part of IVF treatment (“embryo transfer”) and might become pregnant will have pregnancy rights. If the pregnancy is unsuccessful this will continue for up 2 weeks after finding out.

Appointments for IVF or any related sickness will be dealt with under the normal sickness policy. Managers may wish to discuss flexible working options, annual leave or paid/unpaid time off to aid employees in this situation.

**PARENTAL LEAVE**

Parental Leave is unpaid leave over and above annual leave entitlements and is for anyone with a parental responsibility for a child. The purpose of parental leave is to look after a child or make arrangements for the child’s welfare. This applies equally to adoptive parents and biological parents who have care of the child. The leave is in respect of each child for whom the employee

has parental responsibility. The leave can be for any purpose connected with the care of the child. If an employee uses the leave for any purpose other than to care for a child, the employee will be acting dishonestly and will be subject to the Disciplinary Procedure.

Applicants must:

 Have been employed by First Class Kids for a minimum of 12 months by the

time the leave is required

 Have or expect to have parental responsibility for a child

 Be taking the leave to spend time with or otherwise care for the child.

Managers can ask for proof of parental responsibility for example: a birth certificate, matching certificate, parental responsibility agreement or court order. Parental Leave is an individual right and cannot be transferred between parents.

**How much leave can be taken?**

The maximum period of unpaid leave allocated is 18 weeks for each child or adopted child up to their 18th birthday. An employee can take leave for up to the maximum 4 weeks per year for each child. A ‘week’ equals the length of time an employee normally works over 7 days.

*Example: If an employee works 3 days per week, one ‘week’ equals 3 days.*

Parental leave may only be taken in blocks of one week or multiples of a week unless the child is disabled.

Employees must inform us of any parental leave taken whilst working for another

employer as this counts towards the 18 week entitlement.

**Notice for requesting leave**

Employees wishing to take advantage of Parental Leave must give 21 days’ written notice to their Line Manager. Notice should state the dates when leave starts and finishes. In circumstances where an employee (father/partner) wishes to take leave when the child is born the employee must specify the expected week of childbirth and the duration of the leave.

The first time an employee requests parental leave for a child, the employee must include with their application evidence of the following:-

 If the employee is relying on a period of service with a previous employer,

evidence of their length of service with that employer;

 The employee’s responsibility for the child;

 The child’s date of birth, in the case of an adopted child, the date on which the adoption began;

 The employee should also confirm whether they have previously taken leave

for that child and, if so, when they took leave and for how long.

**Postponement**

First Class Kids reserves the right to postpone the period of leave for up to six months if it considers that the operation of the business would be unduly disrupted. If the period of leave is postponed First Class Kids will write to the employee detailing the reasons for postponing the leave and giving dates when First Class Kids would be happy for the employee to take leave.

The taking of leave may not be postponed if the employee gives notice to take it

immediately after the employee’s child is born or is placed for adoption.

Leave will not be postponed beyond the date of the child’s 18th birthday.

**Returning from Parental leave**

An employee will remain employed whilst on parental leave. Employees will have the right to return to the same job if the leave was for a period of four weeks or less; if it was for a longer period then the employee is entitled to return to the same job or if not reasonably practicable a similar job at an equivalent level.

**TRAINING REQUIREMENTS**

Line managers may require training or assistance in understanding this policy or any part of, and in that instance should contact HR.

**POLICY MONITORING**

There will be an annual audit of any policy breaches highlighted to the senior and/or executive management teams.

**REFERENCES/BIBLIOGRAPHY**

HMRC guidance on salary sacrifice schemes

www.hmrc.gov.uk

Guidance of statutory rights/benefits

www.direct.gov.uk

[www.dwp.gov.uk](http://www.dwp.gov.uk)

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| **This policy was adopted on** | **Signed on behalf of the nursery** | **Date for review** |
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Staff Working with Their Own Children/Close Relation

At First Class Kids we support all employees returning to work after having a baby and understand that there may be times when a member of staff chooses our nursery to provide childcare alongside them working or that there may be occasions when a member of staff is working in the same environment as a close relation e.g. niece or nephew.

In these cases, we request the member of staff meet with the nursery manager/deputy manager where appropriate, to discuss how best this will work alongside the nursery business needs.

We believe children learn best when they are healthy, safe and secure, have their individual needs met and have a positive relationship with the staff caring for them. It is our policy that all staff remain neutral and treat all children as individuals with the same regard.

When a staff member has a child or close relative within nursery, we will ensure that procedures are in place stating that staff members are not based within the same room as the child. We will ensure they the children’s routines and transitions are not affected, and it will be the staff member that is redeployed.

Staff caring for another staff member’s child will treat them as they would any other parent/carer/child.

**Breastfeeding**

Where a staff member’s baby requires breastfeeding, the nursery will adapt to suit both the baby’s and mother’s needs. Cover will be provided during this time.

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Students

At this nursery we are committed to sharing good practice with those wishing to pursue a career in childcare. We welcome students to join our staff team and gain work experience within our nursery. We will accept 1 student at a time as more students than this places undue pressure on staff. We do, however, accept small groups or occasional placements when research or studies are being carried out that will be of benefit to childcare.

We will only offer placements to students who are associated with a recognised child-related course, or on occasions, pupils from local secondary schools on work experience. We offer placements only after discussions with the appropriate tutors and the establishment of close links with the college, training provider or school.

All students will receive a student induction and nursery tour on their first day. At this time, students will have the opportunity to read and discuss relevant health and safety policies.

Our policy for those on placements is as follows:

* All students will have an enhanced Disclosure and Barring Service (DBS) check before their placement begins
* All students are assigned to a senior member of staff who will supervise their work and explain the health, safety and fire requirements of the nursery
* Students will be supervised at all times by the member of staff assigned to them and will not be left alone with the children. They may only change nappies if the manager is satisfied they are competent, responsible and know the children well enough and always under close supervision
* Students will be supported to understand nursery policies and procedures including Safeguarding, Health and Safety, Equal Opportunities, and Whistleblowing policies.
* All students are required to keep to our confidentiality policy
* It is expected that during the student’s placement, their tutor will visit the nursery or have verbal communication with the Student Co-ordinator to receive feedback about the student’s progress
* Students will be offered support and guidance throughout their placement and given constructive, honest feedback in respect of their performance. Staff will respect individual students’ needs and abilities
* An accurate evaluation of ability and performance for both students and training providers will be provided and the nursery will support students who are experiencing difficulties with action plans if needed
* To maintain parent partnerships, parents will be informed when students are present in the nursery via Famly. Wherever possible this will be accompanied by a recent photograph of the student
* All students on placement must adhere to the same codes of conduct as permanent staff including timekeeping and dress codes
* All students are encouraged to contribute fully to the nursery routine and to spend some time in every area.

In some cases, we may include students on long term placements (aged 17 and over) and staff working as apprentices in early education (aged 16 and over) in our staff: child ratios. This will be the discretion of the manager and only will only occur when the manager is satisfied the student/apprentice is competent and responsible.

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| **This policy was adopted on** | **Signed on behalf of the nursery** | **Date for review** |
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Volunteers

At First Class Kids we recognise the immense benefits that volunteers bring to the nursery. In return we hope to give volunteers an opportunity to share their skills in a different environment and to undertake new experiences.

Status of volunteers

A volunteer is not an employee and will not have a contract of employment with the nursery. We will, however, insist that the volunteer follows all nursery procedures in the same manner as a paid employee to ensure consistency, safety and quality of care and early learning for the children. Volunteers will be supervised at all times.

Enhanced Disclosure and Barring Service (DBS) check

All volunteers will have suitability checks conducted in the same way as paid employees. This will include an enhanced DBS check. These checks will be conducted before any volunteer starts their time within the nursery and will also include two written references.

Training

Volunteers will be offered training and/or support as appropriate. We will provide any training and support required for the role, including safeguarding and child protection, paediatric first aid (where applicable) and health and safety training. The purpose of this is to enable the volunteer to be supported and enhance their development in their voluntary role within our team.

Policies and procedures

Volunteers are expected to comply with all the nursery’s policies and procedures. The volunteer’s induction process will include an explanation of this.

Confidentiality

Volunteers should not disclose information about the nursery, staff, children and families as stated in the confidentiality policy and should follow the nursery confidentiality procedure at all times.

Volunteer support

The nursery has a designated officer who will take the volunteer through their induction and support and advise them throughout their time in the nursery.

Our designated officer for volunteers is Hannah Potts.

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| **This policy was adopted on** | **Signed on behalf of the nursery** | **Date for review** |
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Absence Management Procedure

At this nursery we encourage all our employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work due to sickness, illness or infectious. By implementing this policy, we aim to strike a reasonable balance between the pursuit of our business needs and the genuine needs of employees to take occasional periods of time off work because of sickness. This policy and procedure establishes a framework to support individuals and the organisation in times of sickness absence. It ensures that appropriate and consistent advice is provided and that assistance and support is offered to employees and, where necessary, action is taken.

Principles

We promote good health and aim to provide a healthy working environment demonstrating commitment to health, safety and the welfare of all staff in order to maximise attendance.

Management is responsible for regularly monitoring and taking appropriate action in connection with sickness and other unplanned absence.

Exclusion periods for contagious illnesses

Working with children means that you are more likely to come into contact with illnesses, which can be highly contagious. We take the health of children and staff very seriously; therefore, if you have any infectious/contagious illnesses you must adhere to the same exclusion periods as children. This will ensure that you are able to recover appropriately and that this infection/illness is not passed on to other staff, children or parents/carers. The manager will advise you of any exclusion times required (see the sickness and illness and infection control policy).

Sickness absence reporting procedure

Reporting sickness absence should be done using the following guidelines. Failure to follow these guidelines could delay any sick pay due to you and could possibly result in disciplinary action.

1. On your first day of absence, you must:

* Telephone the nursery yourself and speak to the manager (on duty)
* Give brief details of your illness and your expected length of absence

Text message and emails are not an acceptable form of communication for this purpose. Contact someone within one hour of your normal start time. If you are due to start at 8:00am then please attempt to contact the manager at least half an hour before your shift is due to start.

You should contact the Nursery every day that you are absent in the first week of absence.

1. On returning to work you must complete a copy of the ‘Employee’s statement of sickness self-certification form’. This should be signed by nursery management.
2. For absences of more than seven consecutive days, including the weekend/non-working days, you must provide a ‘fit note’ completed by a qualified medical practitioner for the period of absence.

After returning to work from any sickness absence leave, a ‘return to work’ interview will be undertaken by the employee and line manager.

During the return to work interview the following will be discussed:

* The reason for absence
* Whether and support is required and/or adjustments to the role (on a temporary or more permanent basis) and what they are. These might include regular catch up meetings, adjusted work patterns, changes of duties
* Future requirements and expectations, e.g. Improved attendance.

The return to work interview discussion is recorded using a set template and signed by both the manager and employee. A copy is attached to the employee’s file.

Where an employee’s attendance record gives cause for concern because of the duration or frequency of absence, this is brought to the attention of the employee through a discussion with the manager.

Throughout any stage of discussions on sickness absence, employees may be accompanied by a work colleague.

The abuse of sick leave and pay regulations may be classified as misconduct and will be dealt with through the disciplinary procedure.

Frequent and/or persistent short-term sickness absence

Short-term absence may be short periods of one or two days occurring frequently.

Absence of this nature can be identified by one of the following indicators and should be classed as a trigger:

* Four self-certified spells of absence in one calendar year
* A total of 10 working days or more of self-certified absence in one calendar year
* Patterns of absence over a period, e.g. an individual regularly taking Mondays or Fridays off
* Where an employee’s attendance record is significantly worse than those of comparable employees, or absence problems have gone on for a considerable length of time.

Long-term sickness absence

For the purposes of the policy, long-term sickness absence is defined by the nursery as absences lasting over one month.

Where absences have lasted over 10 working days or more, the manager will contact the member of staff concerned to obtain an initial assessment of the sickness/illness.

At this point and where felt appropriate after further assessment of the sickness/illness, the manager will arrange a face-to-face meeting or telephone conference between themselves and the member of staff. The meeting will include:

* Confirming the reasons and nature of the absence and its likely duration
* Ensuring that the member of staff is aware of the nursery’s concern regarding their health and necessary absence from work
* Consideration of alternative duties or a shorter working week if this would enable a quicker return to work subject to medical advice
* Consideration to any personal issues being encountered and discuss possible ways of helping the individual resolve these
* Advising the member of staff that in their best interests they may be asked to see a registered medical practitioner or occupational health provider appointed by the nursery to enable a medical report to be prepared
* Alternatively, and if appropriate, gain agreement from the member of staff to contact their doctor or specialist in order to establish the likely length of absence and the long-term effect on capability in relation to job performance and attendance at work.

If all other avenues have been investigated, the absence continues or, following return to work, the attendance record does not improve, a subsequent meeting would be arranged. At this point and with legal advice the manager may advise the member of staff on long term sickness absence that unless there are reasonable grounds to believe there will be an improvement in the foreseeable future, their ill health may put their employment at risk with the possibility of termination by reason of capability or suitability to work with children might have to be considered, taking into account any medical information available.

The position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, the nursery will:

* Review the employee's absence record to assess whether or not it is sufficient to justify dismissal
* Consult the employee
* Obtain up-to-date medical advice through the employee’s GP and/or occupational health
* Seek legal advice, where applicable
* Advise the employee in writing as soon as it is established that termination of employment has become a possibility
* Meet with the employee to discuss the options and consider the employee's views on continuing employment
* Review if there are any other jobs that the employee could do prior to taking any decision on whether or not to dismiss
* Allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health
* Arrange a further meeting with the employee to determine any appeal
* Following this meeting, inform the employee of its final decision
* Act reasonably towards the employee at all times.

Any decision to terminate employment will be taken by the Registered Person/Committee, making sure the capability procedure has been exhausted.

Occupational health

The nursery reserves the right to request employees to attend an appointment with an Occupational Health Advisor (e.g. consultant, GP) during their employment, if it is reasonably deemed necessary due to sickness absence, changes in health or the role, or where it is necessary to seek an expert medical opinion as to whether or not the employee can fulfil their job role or whether any reasonable adjustments should be made to the employee’s role.

The nursery will seek to engage the services of an independent Occupational Health Advisor in situations where expert medical opinion is required and work with them to identify the best course of action in circumstances of sickness absence.

Access to medical records

The Access to Medical Records Act 1988 gives individuals the right of access to medical records relating to themselves which have been prepared by a medical practitioner for employment purposes. The Act provides that:

* Employers must gain the consent of employees before requesting reports from medical practitioners
* Employers must inform employees of their rights in respect of medical reports
* The employee has the right of access to the report before the employer sees it, provided appropriate notification is given
* The employer is responsible for notifying the medical practitioner that the employee wishes to have access
* The employee may ask for a report to be amended or may attach a statement to the report
* Having seen the report, the employee may wish to withhold consent to it being supplied.

Where the nursery requests further medical information about the health of staff from an individual’s General Practitioner or Specialist, or its own occupational health provider, the provisions of the Act will be followed.

Throughout any interviews regarding sickness absence, staff are entitled to the support of and/or representation by a work colleague or recognised trade union representative.

Sick Pay

Statutory Sick Pay (SSP) will be paid in accordance with Department for Work and Pensions requirements and no payment will be made for the first three working days in a period of incapacity for work.

Annual leave and sick pay

Where an employee falls sick or is injured whilst on annual leave, the nursery will allow the employee to take sick leave and take the annual leave at a later time. This policy is subject to the following strict conditions:

* The total period of incapacity must be fully certificated by a qualified medical practitioner
* The employee must contact the manager as soon as he/she knows that there will be a period of incapacity during the pre-planned annual leave in accordance with the Sickness Absence Reporting Procedure
* The employee must submit a written request no later than five days after returning to work setting out how much of the annual leave period was affected by sickness and the amount of leave that the employee wishes to take at another time
* Where the employee is overseas when he/she falls sick or is injured, evidence must be produced that the employee was sick by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.

Where the employee fulfils all of the above conditions, we will allow the employee the same amount of annual leave as the amount lost due to sickness or injury.

Sickness or injury shortly before a period of planned holiday

If an employee is ill or is injured before the start of a period of planned annual leave, we will agree to the employee postponing the annual leave dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the employer's normal policy on sickness absence.

The employee must submit a written request to postpone the planned annual leave and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit to take the annual leave.

Replacement annual leave dates

Where it is agreed that an employee can take replacement annual leave at a later time, the employee should nominate replacement annual leave dates as soon as possible, with the dates being subject to the agreement of the employee's line manager in the usual way.

Employees should endeavour to take any replacement annual leave within the same holiday year as the days lost as a result of sickness or injury. In the event that part or all of the annual leave is lost due to incapacity towards the end of the nursery’s holiday year and there is insufficient time left during that year for the replacement annual leave to be taken, the employee will be permitted to carry over the replacement annual leave to the next holiday year. However, this leave must be taken as early in the new holiday year as possible.

**Serious illness/injury of an employee’s immediate family**

This will be looked at on an individual basis, the nursery manager will agree with you a reasonable period of paid leave time initially, with additional unpaid leave if a significant amount of time off is required. You may also need to consider taking any annual leave/TOIL and working flexibly i.e. making adjustments to the length of the working day, changes in hours/days worked etc.

**Death of a member of an employee’s immediate family**

This leave applies on the death of an employee’s spouse, life partner, parent, brother, sister, grandparent, dependant or other relative for whom the employee has special responsibility or has had special ties. See bereavement leave policy.

Generally, the amount of time off required will be at the manager’s discretion but it is advisable to either;

Set a defined amount of paid/unpaid time, or

Remove this in its entirety and deal with request as holiday and/or under the emergency time off provisions of the **Employment Rights Act 1996 (s.57a)**

**Death of a Child**

If an employee has a death of a child under the age of 18 or suffers a stillbirth from 24 weeks of pregnancy, all employees will be entitled to two weeks’ paid leave; subject to meeting the eligibility criteria having been employed for at least 26 weeks. **The Parental Bereavement Leave and Pay Act 2018**.

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Grievance Procedure

At First Class Kids we follow our legal obligations as an employer at all times including hearing and investigating grievances. We have the following policy and procedures that set out our process.

**Legal obligations**

Our obligations as an employer are detailed in the ACAS Code of Practice on disciplinary and grievance procedures (2015).. A full copy of the ACAS Code of Practice and the accompanying guidance can be obtained from the ACAS website [www.acas.org.uk](http://www.acas.org.uk)

We note that a failure to follow the code does not, in itself, make an organisation liable to formal proceedings at an employment tribunal, but failure to follow the code may result in any compensation award payable to be increased by up to 25%, or reduced by 25% if the employee does not comply.

**Objectives and guiding principles**

We recognise that an employee needs to feel that his or her grievance has been fully investigated and has received a fair hearing. The employee also needs to understand the reasons for the decision made by the manager who heard their grievance. The employee should then be given the opportunity to appeal against the decision. Their appeal should be submitted in writing and should be investigated and heard by someone more senior to the person who heard the initial grievance. The person allocated to hear the employee’s appeal should be able to take a fresh and independent look at the issue. In our organisation the individual’s immediate line manager deals with the grievance initially separately before being passed on to the owner, manager or officer in charge of the nursery.

ACAS advocates the use of mediation to resolve grievances, in an attempt to maintain a good working relationship and resolve issues within the workplace. We may decide to use such mediation where appropriate using ACAS support and guidance.

Our grievance procedure does not form part of any employees’ contract of employment. It may be amended at any time, and we may depart from it depending on the circumstances of any case.

This procedure applies to all employees regardless of length of service.

Our nursery believes that all employees should be treated fairly and with respect. We encourage all employees to try to resolve any grievance with the individual concerned on an informal basis, as most grievances can be resolved quickly through discussion. Your line manager will assist you with this if you feel this is the best route for you.

If this does not resolve the complaint/issue/problem, you should initiate the formal process below.

**Grievance process**

Stage 1

Making your grievance

* You should put your grievance in writing and forward it to your line manager
* This written statement will form the basis of any investigations and the subsequent hearing, so it is important that you set out clearly the nature of your grievance and any dates and names of individuals involved. You should also indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place
* If your complaint relates to an issue with your line manager, the grievance may be sent to the Chairperson of the Trustees.
* Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you. If any evidence is gathered in the course of these investigations, you will be given a copy in advance of the hearing and appropriate time for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

Stage 2

**The grievance hearing**

The hearing will be held as soon as is reasonably possible following any investigations, and within 5 working days of the receipt of your written complaint. It will be conducted by your line manager or another nominated manager if your complaint relates to an issue with your line manager. You are entitled to bring a companion to the grievance meeting if you make a reasonable request to do so. This request must be in advance of the meeting and you should tell us the name of your chosen companion. The companion may either be a trade union representative or a work colleague.

You should ensure that you attend the meeting where possible. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible and a further meeting will be re-arranged as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

During the hearing you will be given the opportunity to explain your complaint. Your explanations should focus on the complaint and not on irrelevant issues. The manager conducting the hearing will inform you if they believe the key issues are not being focused on. They may also set a reasonable timeframe for the meeting; this will be determined by the nature and complexity of your complaint.

The hearing may be adjourned to allow further investigations to take place. Following the meeting, you will be informed in writing of the outcome within 5working days, where reasonably practicable, and told of any action that the nursery proposes to take as a result of your complaint, if applicable. If it is anticipated that further investigation is required and therefore the outcome cannot be provided within this timeframe, we will inform you as to when you can expect to receive the outcome.

If you are dissatisfied with the outcome, you may make a formal appeal in writing to the Chairperson of the Trustees**,** stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

Stage 3

We will hold an appeal meeting within 14 working days of receiving the appeal, where reasonably practicable. This will be dealt with impartially by a more senior manager, where applicable who has not previously been involved in the case. You will have the right to bring a companion, as explained above.

We will confirm our final decision in writing, usually within 7 of the appeal hearing, where reasonably practicable. There is no further right of appeal.

Grievances linked to disciplinary matters

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

Grievances raised while you are subject to disciplinary proceedings will usually be heard when the disciplinary process has been completed.

If a grievance has any bearing on the disciplinary proceedings, it will be dealt with as part of the disciplinary hearing or disciplinary appeal, as appropriate.

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Disciplinary Procedure

At First Class Kids we follow our legal obligations as an employer at all times including dealing with any disciplinary matter in a fair and consistent manner. We have the following policy and procedure that sets out our process.

**Legal obligations**

Our legal obligations as an employer are detailed in the ACAS Code of Practice on disciplinary and grievance procedures (2015). A full copy of the ACAS Code of Practice and the accompanying guidance can be obtained from the ACAS website <http://www.acas.org.uk>.

We note that a failure to follow the code does not, in itself, make an organisation liable to formal proceedings at an employment tribunal, but failure to follow the code may result in any compensation award payable to be increased by up to 25% or reduced by 25% if the employee does not comply.

**Objectives and guiding principles**

The objective of this procedure is to set out the standards of conduct expected of all staff and to provide a framework within which our managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

It is our policy to ensure that any disciplinary matter is dealt with fairly and consistently. We will take the necessary steps to establish the facts and to give employees the opportunity to respond before taking any formal action.

This procedure does not form part of any employee’s contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

The procedure applies to all employees regardless of length of service.

Minor conduct issues can often be resolved informally between the employee and their line manager. These discussions should be held in private and without undue delay whenever there is a cause for concern. Where appropriate a note of any such discussions may be held on the employee’s personnel file, but will be ignored for the purpose of future disciplinary issues.

Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (due to the serious nature of the allegation against you).

The employee will not normally be dismissed for a first act of misconduct, unless it is decided it amounts to gross misconduct or the employee has not yet completed their probationary period.

**The procedure**

Our aim is to deal with disciplinary matters sensitively and fairly. All employees must treat all information in connection with the disciplinary procedure and its investigation as confidential.

Where there has been a serious allegation of misconduct or gross misconduct and/or there are serious concerns regarding the employee’s capability, we aim to establish the facts quickly and no disciplinary action will be taken until the matter has been fully investigated. The employee will be informed if a formal complaint is made against them, and if necessary, they may be suspended on full pay pending the outcome of the investigation and disciplinary procedure.

**Stage 1: Investigation**

* The nursery manager will investigate any allegations/concerns quickly and thoroughly to establish whether a disciplinary hearing should be held
* The purpose of the investigation is to establish a balanced view of the facts relating to the allegations against the employee. The amount of investigation 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
* Investigation interviews are solely for the purpose of fact finding and no decision on the disciplinary procedure will be taken until after the disciplinary hearing
* The employee is not normally allowed to bring a companion to an investigatory interview. However, we may allow them to bring a work colleague or trade union representative in exceptional circumstances and if the employee wishes to be accompanied, they should contact the nursery manager to discuss the reasons for their request
* If the investigations lead us to reasonably believe there are grounds for disciplinary action, with legal advice the nursery will write to the employee outlining the allegations against them, the basis of the allegations and the potential consequences. The employee will be invited to a disciplinary hearing to discuss the matter. They will be sent any copies of evidence which may be referred to in the hearing (e.g. witness statements, or a summary of the statements if the witness’s identity is to remain confidential, and minutes of meetings).

**Suspension**

* If the nursery believes that the employee may be guilty of misconduct, which is considered (at the setting’s absolute discretion) to be serious misconduct, where relationships have broken down, or where we have any grounds to consider that nursery property or responsibilities to other parties are at risk, or where we consider in the settings absolute discretion that the employees continued presence at the Company's premises would hinder an investigation, the nursery is entitled to suspend the employee on full pay
* Any such suspension will normally last only as long as required to enable an investigation into the circumstances giving rise to such belief of serious misconduct to be carried out and any disciplinary hearing to be convened
* Any such period of suspension is not a punishment, nor considered as disciplinary action against the employee, nor does it imply that any decision has been taken about the employee’s case.

**Stage 2: Invite to disciplinary hearing**

* The nursery will hold the disciplinary meeting to discuss the allegations. The employee will have the right to bring a companion to the meeting. A companion may be a work colleague or trade union representative. The employee must inform the nursery manager prior to the meeting who their chosen companion is. If their companion is unreasonable, for example, there may be a conflict of interest, the nursery manager may require the employee to choose someone else
* If the employee or their companion is unable to attend the meeting the employee should inform the nursery manager immediately and an alternative time and date, where applicable will be arranged. The employee must make every effort to attend the meeting and failure to do so without good cause may be treated as misconduct in itself.

**Disciplinary hearing**

* During the meeting the nursery manager or designated person leading the meeting will go through the allegations against the employee and the evidence that has been collated. The employee will be able to state their case and call relevant witnesses (provided the employee gives advance notice and we agree to their attendance) to support the case
* The nursery may adjourn the disciplinary meeting if further investigations need to be carried out and the employee will be given reasonable opportunity to consider new information
* The employee will be notified of the decision in writing, usually within 7working days of the hearing
* If the employee persistently fails to reply to invitations, or persistently fails to attend the arranged hearing without good cause, it may be carried out in their absence and they will be notified of the decision in writing. The employee will retain the right to appeal.

**Appeal**

* The employee will be given the opportunity to appeal the decision. If they wish to appeal, the employee should state their full grounds in writing and the letter should be sent to Lynsey Brench within 5 from the date the decision was communicated to them
* The appeal meeting will be conducted impartially by another Trustee, where possible, who has not previously been involved in the case
* The employee will be able to bring a companion to the meeting and the companion may be a work colleague or trade union representative (as stated above)
* The nursery may adjourn the appeal hearing if further investigations need to be carried out and the employee will be given reasonable opportunity to consider any new information before the hearing is reconvened
* The nursery will inform the employee in writing of the final decision as soon as possible, usually within 5 working days of the appeal hearing.

There is no legal right to appeal beyond this stage.

**Disciplinary penalties**

In the first instance, where less serious offences are concerned, the nursery is most likely to give the employee a verbal warning. This warning will be recorded and a copy maintained in the employee’s personnel file with a time scale for improvement or to not re-offend.

*[Note: the right to a verbal warning is not part of the ACAS code. Many employers use verbal warnings as a first stage but you may prefer to use a written warning as the first stage depending on the circumstances.]*

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

The employee will not normally be dismissed for a first act of misconduct, unless it is decided that it amounts to gross misconduct or the employee has not yet completed their probationary period.

**First written warning**

A first written warning may be authorised by the Manager. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee disciplinary record.

**Final written warning**

A final written warning may be authorised by Chairperson. It will usually be appropriate for:

1. misconduct where there is already an active written warning on the employee record,
2. misconduct that we consider is sufficiently serious, to warrant a final written warning even though there are no active warnings on the employee record.

**Dismissal**

Dismissal may be authorised by the chairperson***.*** It will usually only be appropriate for:

1. any misconduct during the employee probationary period;
2. further misconduct where there is an active final written warning on the employee record; or
3. any gross misconduct regardless of whether there are active warnings on the employee record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out below.

**Levels of authority**

Nursery Managers (including officer in charge) have the authority to suspend an employee pending investigation. Only the Nursery Manager (including officer in charge) and higher management has the authority to dismiss an employee as set out above.

**Gross misconduct**

In the case of gross misconduct, the nursery reserves the right to dismiss an employee without notice (or payment in lieu of notice) if, after investigation and a hearing, the management are satisfied that there is sufficient justification for so doing.

**Duration of warnings**

Under normal circumstances warnings will be valid for the following time periods, although these may vary according to the nature of the occurrence and may therefore be determined by mutual agreement at the time of issue:

* Verbal warning - six months
* First written warning - six months
* Final written warning - 12 months.

On expiry, warnings will be disregarded for future disciplinary purposes.

**Alternatives to dismissal**

In some cases, the nursery may, at the setting’s discretion, consider alternatives to dismissal. These must be authorised by the Trustees and will usually be accompanied by a final written warning. Examples include:

* Demotion/Loss of seniority
* Change to job role
* A period of suspension without pay
* Loss of additional hours/overtime.

**Examples of gross misconduct**

Examples of what would constitute a gross misconduct offence include:

* Failure to inform the employer of a disqualification, either personally or a person living in the same household as the registered provider, or a person employed in that household
* Theft or the unauthorised possession of property belonging to the nursery, its employees or customers
* Assault on any employee or persons associated with the nursery
* Breach of confidence i.e. the divulging of confidential information relating to the nursery, its employees or clients
* Dishonesty, including the use of any funds, expenses or allowances for any other purpose than that for which they have been delegated by the nursery
* Being under the influence of drugs or alcohol whilst on duty
* Serious or persistent breaches of safety rules
* Fraud including falsification of work records and expense claims
* Signing/clocking in or out for another employee
* Physical assault/punishment or abuse towards a child e.g. hitting a child in chastisement or harsh disciplinary actions and/or threatening the use of corporal punishment which could adversely affect a child’s well-being
* Discrimination/harassment in any way against a child/person
* Persistent failure to follow nursery documentary systems and procedures
* Unauthorised absence from work/unacceptable attendance levels
* Obscene language or other offensive behaviour
* Negligence in the performance of the employee duties.

Further behaviour that could constitute gross misconduct is not limited by the above list.

**Examples of misconduct**

Examples of what would constitute a misconduct offence include:

* Minor breaches of our policies including the Sickness Absence Policy, Mobile Phone, Smartwatches and Social Networking Policy, and Health and Safety Policies
* Minor breaches of the employee contract
* Minor damage to, or unauthorised use of nursery property
* Poor timekeeping
* Time-wasting
* Refusal to follow instructions
* Excessive use of our telephones for personal calls
* Excessive personal email or internet usage
* Smoking in no smoking areas.

N.B. Some of the misconduct offences above may, dependent on the circumstances and having followed a detailed investigation, also be classed as gross misconduct offences.

As an organisation we take the health and wellbeing of staff and children seriously. As such, we would expect all members of staff working within the setting to abide by any government recommendations, laws and guidelines set for example rules on social distancing whether at work or in their private lives. Any breaches of government guidelines will be dealt with in accordance with our disciplinary procedures and may also be treated as misconduct.

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