Section 2. Suitable People

Safeguarding and Welfare Requirements: Suitable People

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

* 1. Employment & Safer Recruitment
	2. Disciplinary and Grievance Procedure
	3. Student placements
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Every Child Matters-supporting the 5 outcomes

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* 1. **Employment & Safer Recruitment**

**Policy Statement**

Busy Bees Preschool will meet the Safeguarding and Welfare Requirements of the Early Years Foundation Stage, ensuring that our staff are appropriately qualified, and we carry out checks for criminal and other records through the Disclosure Barring Service (DBS), in accordance with statutory requirements.

**Procedures**

*Vetting and staff selection*

* We work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
* We welcome applications from all sectors of the community and applicants will be considered on the basis of their suitability to the post, regardless of marital status, age, gender, culture, religious belief, ethnic origin or sexual orientation. Applicants will not be placed at a disadvantage by us imposing conditions or requirements which are not justifiable.
* All staff, regular parent helpers and the Preschool Committee are required to complete a Staff Suitability Declaration which refers to reasons whereby a person may be disqualified through association with someone who has committed either violent or offences against children. **See NDNA Staff Suitability and Disqualification factsheet for further details.**
* We use Ofsted guidance on obtaining references and criminal record checks through the DBS, for all staff and regular volunteers who have access to children, this is carried out before prior to employment. This is in accordance with requirements under the Safeguarding Vulnerable Groups Act (2006) for the vetting and barring service.
* All staff have comprehensive job descriptions, which set out their staff roles and responsibilities.
* All staff have contracts of employment which sets out their responsibilities as employees, and the employers responsibilities to employees.
* We keep all records relating to employment of staff and volunteers, including qualifications, identification & the date and reference number of the DBS checks. This is collated on a Suitability & Identity check form and updated as required.
* Staff are expected to disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children- whether received before, or at any time during their employment with us.

**Changes to staff**

* We inform Ofsted of any changes to the person responsible (the manager) and Committee for the setting.

**Disqualification**

* When we become aware of any relevant information which may lead to the disqualification of employee, we will take the appropriate action to ensure the safety of the children. Ofsted and the DBS will be informed if a person is disqualified when it is likely to affect the suitability of them being in regular contact with children; this will happen within 14 days.
* See the Disciplinary and Grievance Procedure, 2.2 for more details

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**2.2 Disciplinary and Grievance Procedure for Busy Bees Preschool**

**Minor disagreements**

Minor disagreements among preschool staff, or between staff and Committee, can usually be resolved at regular staff meetings or informally through discussion.

**Disciplinary procedure**

A more serious situation arises when a dispute cannot be resolved, or when the Committee is dissatisfied with the conduct or activities of an employee.

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

1. Theft or fraud
2. Ill treatment of children
3. Assault
4. Malicious damage
5. Gross carelessness which threatens the health and safety of others
6. Being unfit through abuse of drugs or alcohol

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

Any disciplinary matter will normally be dealt with in three stages;

1. An oral warning
2. A written warning
3. Notice of dismissal

The employee may be accompanied by a friend or trade union official at each stage if he/she wishes.

If an oral warning is to be given;

(1) The employee should be interviewed by the Preschool Chair who will state his/her case, keeping to the facts of the matter.
(2) The employee will be given full opportunity to state her/his case.
(3) If the warning is still considered to be appropriate, the employee will be told:

 a. what action should be taken to correct the conduct
 b. That he/she will be given reasonable time to rectify matters
 c. that if he/she fails to improve then further action will be taken
 d. that a record of the warning will be kept
 e. that he/she may appeal against their decision

If following the above procedure the nature of the warning hasn’t been rectified, then a written warning may be issued following the same procedure stated above, and likewise a dismissal if deemed necessary following the actions of the written warning.

Several oral warnings for different incidents/matters may result in a written warning for all of the named matters and steps taken to resolve all of the matters.

**Appeals**

* Will be heard without unreasonable delay and ideally at an agreed time and place. Employees should let employers know the grounds for their appeal in writing
* The appeal should be dealt with impartially and wherever possible, by a manager who has not previously been involved in the case
* Workers have a statutory right to be accompanied at appeal hearings
* Employees should be informed in writing of the results of the appeal hearing as soon as possible

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* 1. **Student Placements**

**Policy Statement**

Busy Bees Preschool recognises that qualifications and training make an important contribution to the quality of the care and education provided by early years settings. As part of our commitment to this we offer placements to students undertaking early years qualifications and training. We also offer placements for work experience students.

In co-operation with educational providers, we welcome students into the preschool on the following conditions.

The needs of the children are paramount. Students will not be admitted in numbers which hinder the essential work of the preschool, as a general rule only two student placements will be accepted at any one time.

All students will receive an induction where their role will be discussed and relevant information shared before they start their placement. Students are supervised at all times by staff and report to the room supervisor. Under no circumstances will students be left alone with children.

Any information gained by the students about the children, families or other adults in the preschool must remain confidential.

Students will not undertake nappy changing, toilet training or duties considered to be dangerous to themselves or duties that may put our children in danger.

Students from schools/college on a short term placement are not counted in ratios. Students on a long term placement, who are 18 and over, had a full induction & DBS check, have childcare experience and are competent may be included in ratios in situations where the preschool may be short staffed or to assist on outings. This is at the manager’s discretion.

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**2.4 – Staff Absence Management**

**Policy Statement**

Staff sickness will be managed with the aim of minimising disruption to the preschool and supporting good health of all staff. Staff must be fit to work and must consider the physical demands of the role.

**Employee Responsibility**

Busy Bees Preschool’s agreed attendance standard is 95% although staff should of course strive to achieve 100% attendance. The employee has a responsibility to help their own recovery.

It is the employee’s responsibility to be aware of the procedure to follow when reporting sickness or absence from work.

**Exclusion periods for contagious illnesses**

Working with children means that employees are in contact with illnesses which can be highly contagious. We take the health of children and staff very seriously therefore if employees have any contagious illness they must adhere to the same exclusion periods as children. This will ensure that staff are able to recover appropriately and that this illness is not passed on to other staff, children or parents. The manager will advise employees of any exclusion times required, following advice from Public Health England.

**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 employees and could possibly result in disciplinary action.

On the first day of absence, employees must:

* Telephone the preschool manager before 8am by telephone on the first day of absence, using the number given at induction
* A text message will not be accepted
* Give brief details of the illness
* Telephone and speak to someone themselves unless hospitalised or

Incapacitated in which it is permissible to request that a family member/friend does this on their behalf

* Prompt reporting of sickness absence enables staffing to be arranged and minimises the disruption to the preschool

If staff are aware that the illness is likely to last for more than the one day; due to exclusion periods of illnesses, they should discuss the length of absence expected with the manager. In all other circumstances staff must contact the manager daily.

 For absences of more than seven consecutive days, employees must provide a ‘fit note’ completed by a qualified medical practitioner for the period of absence.

 **Recording**

The manager is responsible for recording all occurrences of sickness absence within the preschool, including part days. Absence should also be recorded if the employee attended for work but subsequently had to leave work early due to ill health. The manager must also ensure that the end of the sickness absence is recorded and notified to the accountant to process Payroll.

It is imperative that the details of sickness absence including the reasons for it are recorded to assist in identification of trends in absence along with resultant costs and risks to Busy Bees.

**Return to Work Interview**

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 adjustments to the role (on a temporary or more permanent basis) are required and what they are. These might include adjusted work patterns, start and finish times and changes of duties
* Future requirements and expectations, e.g. improved attendance
* The return to work interview should be recorded and signed by both the manager and employee and a copy 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 should be 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.

**Managing Absence; defining the types of sickness absence**

**Short-term sickness absence; with no underlying health condition**

This is defined by patterns of sickness absence for which there is no common underlying problem. Short-term absence may be short periods of one or two days occurring frequently.

The manager should use their discretion in deciding which path to follow depending on their individual circumstances.

**Managing short term absence with no underlying health conditions**

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

* 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

**Stage 1 Attendance Management Meeting** - The manager will meet with the employee to formally highlight that their attendance has fallen below the minimum level required by the preschool and one or more of the triggers has been identified. The purpose of this meeting will be to discuss the employee’s attendance record, taking a supportive approach toward their health and to agree any remedial action to support them to achieve the required standard. The meeting will be led by the manager, who will be supported by the deputy or committee if required. The employee will be entitled to be accompanied by a friend who is employed by Preschool or by a Management team representative. The meeting will be handled with sensitivity and compassion but the need for sickness absence to be managed will be made clear to the employee.

* The employee will be advised that their attendance is unsatisfactory and that during the next 3 month period they will be expected to achieve a minimum attendance level of 95%. It should be made clear to the employee that the purpose of this target setting is to encourage more regular attendance in order to meet the basic requirements of their job. However it should also be made clear to the employee the consequences of failing to make an improvement.

**Stage 2 Attendance Management Meeting** - At the end of the formal review period, a further meeting will be held. Once again the manager may be supported by a member of the management team/Committee and the employee has the right of representation as outlined above.

If the employee has achieved the required standard of attendance, the manager should advise and congratulate the employee upon this improvement and discuss the importance of maintaining this improvement. The manager will confirm that the formal process is now over and their attendance will be monitored as with all other staff. This will be confirmed in writing to the employee.

* + If there is a repetition of poor attendance within 3 months of achieving the target set during the 1formal meeting the formal procedure will begin again at Stage 1.
	+ If however the level of attendance has not met the required minimum standard, the manager will discuss the reasons for this during the meeting and any further support that may be needed.
	+ A further target of 95% attendance will be set for the following 3 months. Also during this meeting the employee will be advised that they will be given a formal written warning that their attendance does not meet the Busy Bees Preschool requirements. This warning will advise that should there be no sustained improvement that demonstrates they are able to regularise their attendance to the level required; Busy Bees may have to give consideration to terminating their employment under their Disciplinary Policy on the grounds of capability.

**Stage 3 Attendance Management Meeting -** At the end of the 2nd formal review period a further meeting will be held. As previously, there may be a member of the Management team in attendance and the employee has the right of representation as outlined above.

* If the employee has made the required improvement during the review period the manager should advise and congratulate the employee on the improvement of their attendance and discuss the importance of maintaining this standard. The manager will confirm the formal process is over and their attendance will be monitored as with all other staff. This will be confirmed in writing to the employee. The employee will be advised that if during the next 12 months their attendance falls below the required standard in any rolling 3 month period, the process would recommence at Stage 2.
* If the employee has again failed to meet the 95% attendance target during the second formal 3 month review period, the manager must advise the employee of their failure to meet the target and the matter will now be referred to the Trustees/Committee with authority to dismiss for their consideration.

## Consideration for Dismissal

 Before a manager refers the matter to the relevant Trustee there must be clear documentary evidence that the attendance targets have been set correctly in line with this policy. The completed case will be forwarded to the relevant member of the management team.

The Committee will invite the employee to a hearing which will follow the process outlined in the Busy Bees Disciplinary Policy. Outcomes from this hearing may include, but are not limited to:

* A further written warning and/or
* The setting of a further attendance target of 95% attendance to be achieved during the following 3 months
* Dismissal for persistent short term sickness absence on the grounds of capability, i.e. their inability to attend regularly for work and failure to meet the previously set targets

Previous warnings related to poor attendance may also be taken into account when considering appropriate action. This must be made clear to the employee from the outset and the relevance of such previous warnings should be considered by the Management Team.

**Long-term sickness absence**

For the purposes of the policy, long-term sickness absence is defined by the Preschool as absences lasting over one month. Where absence last over 14 calendar days or more the manager will contact the member of staff concerned obtain an initial assessment of the problem and to offer any further help or assistance. This informal contact may be maintained with the employee’s agreement until one month’s continuous absence.

**Long Term Sickness Absence or Absence with an Underlying Health Problem**

 This is defined as a period or pattern of sickness absence for which there is a common underlying health cause. This type of sickness absence will normally present itself as long term sickness – a long period or periods of sickness absence normally with a high number of days absence but over few episodes. However it can in some cases present in a different pattern, e.g. a number of short periods of sickness absence.

 In using this guidance, the manager should use their discretion in deciding which path to follow depending on the particular circumstances of the individual employee.

Contact the member of staff concerned to obtain an initial assessment of the problem and to offer any further help or assistance.

At this point and where felt appropriate after further assessment of the problem, the manager will arrange a face-to-face meeting or telephone conference between

themselves and the member of staff. The meeting should:

* Seek to confirm the reasons and nature of the absence and its likely duration
* Ensure that the member of staff is aware of the preschool’s concern regarding their health and necessary absence from work
* Consider offering alternative duties or a shorter working week if this would enable a quicker return to work subject to medical advice
* Give consideration to any personal problems being encountered and discuss

possible ways of helping the individual resolve these

* Advise 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 Preschool 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 should be arranged. At this point, unless there are reasonable grounds to believe there will be an improvement in the foreseeable future, the manager should inform the member of staff that long-term sickness absence due to ill health may put their employment at risk and 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, every 3 months, and ultimately it may become necessary from a business perspective to consider termination of employment. Reasons for termination could include failure to engage with medical services or attendance does not improve over an agreed period of time. In these circumstances, the preschool 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 occupational health
* 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 Preschool Manager and Committee, making sure the capability procedure has been exhausted.

**Occupational health**

The preschool will 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 preschool 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 colleague or union representative.

The preschool reserves the right to request employees see a medical advisor (e.g.

consultant, GP or Occupational Health Advisor) 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 expert medical opinion as to whether or not the employee can fulfil their job role.

**Sick Pay**

Statutory Sick Pay (SSP) will be paid in accordance with Department for Work and

Pensions requirements. The Preschool will pay staff sickness for up to 5 days each academic year

**2**  **Suitable People**

This policy was adopted at a meeting of Busy Bees Preschool

Held on

Date to be reviewed

Signed by Manager

Signed by Officer