

18. Employment and Staffing

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V14.0	12 May 2024	Updated and reviewed. • Employment Law Act 2024 • Carers Leave Act 2023 • Protection from Redundancy Act 2023	J Dyer	Dropbox Website	May 2025
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V16.0	3 July 26	Updated & reviewed	J Dyer	Website	July 26

Statement of Intent

North Nibley Pre-school is committed to providing high-quality childcare to parents and children as well as a safe and happy working environment for staff. We provide a high staffing ratio to ensure that children have sufficient individual attention and to guarantee care and education of a high quality.

We ensure our staff are appropriately qualified and carry out Enhanced Criminal Record checks as well as child barring checks through the Disclosure and Barring Service (DBS) in accordance with statutory requirements to meet the Safeguarding and Welfare requirements of the Early Years Foundation Stage (EYFS).

All staff are required to complete a 'Staff Suitability Declaration' form when they commence work with us and on an annual basis¹. Failure to complete this form will be treated as a disciplinary matter which may lead to dismissal.

North Nibley pre-school is committed to the principles and practice of equal opportunity.

Aims

To ensure that children and their parents are offered high quality pre-school care and education and that staff are treated equally and fairly.

¹ EYFS Suitable People, Para 3.11; and Ofsted Inspecting Safeguarding in early years, education and skills settings, para 13

Methods

Staffing Ratios

- We use the following ratios of adult to child:
 - Children aged 2 years of age: 1 adult: 4 children
 - Children aged 3 – 4 years of age: 1 adult: 8 children
 - A minimum of two Early Years Practitioners will be on duty at any one time.
- We use a key person system to ensure that each child and their family has a named member of staff who they can develop a relationship with regarding each child's development and well-being. Key workers and parents meet regularly for discuss and consultation on the child's progress.
- We hold regular staff meetings to undertake curriculum planning and to discuss children's progress, their achievements and any difficulties which may arise from time to time.
- Both our Playleader and Deputy Playleader will have a minimum of Level 3 qualification in Pre School Practice.
- North Nibley Pre-school ensures that there is always a Level 3 qualified staff member in the setting in a supervisory role. We will ensure that a minimum of half of our remaining staff hold the CACHE Level 2 Certificate in Pre-School Practice or an equivalent qualification.

Recruitment

- We work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
- All new staff are required to produce documentation that confirms they have the right to work in the UK.
- We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and best practice.
- Applications are welcomed from all sections of the community. Applicants will be considered on the basis of their suitability for the post, regardless of marital status, age, gender, culture, religious belief, ethnic origin or sexual orientation. Applicants will not be placed at a disadvantage by our imposing conditions or requirements that are not justifiable.
- References are sought from both the most recent employer and the most recent educational setting (if applicable). Internal references will only be acceptable from someone with authority not a work colleague. We will endeavour to check that any electronic references received are from a legitimate source, by asking that it be sent via email.
- We use the Ofsted approved company for guidance on obtaining references and criminal record checks through the Disclosure and Barring Service for staff and volunteers who will have substantial access to children.
- We will inform Ofsted of any changes to staff or committee via email using their required format.
- 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 at North Nibley Pre-school. This question is also asked as part of staff 1-1's and at yearly appraisal.
- Staff are required to complete a Conflict of Interest form on an annual basis if applicable.
- All permanent appointments will be subject to a 3-to-6-month probationary period (at the discretion of the Management Committee).
- All staff have job descriptions which set out their roles and responsibilities.

For more details of North Nibley Pre-school's recruitment policy, please see the separate Safer Recruitment policy which details the process undertaken.

Changes to staff including disqualification

- We inform Ofsted of any changes in the person responsible for our setting within 14 days of the change.
- Where an employee is disqualified, or where we learn of relevant information that may lead to disqualification of an employee, we will take appropriate action to ensure the safety of children. Information will be provided to Ofsted in accordance with section 3.18 of the Statutory Framework for the Early Years Foundation Stage (latest version).

Disqualification by association

Staff are covered by this legislation if they are employed or engaged to provide early years childcare, or if they are directly concerned with the management of such childcare. This includes volunteers and casual workers (including those on work experience) who are directly concerned with the management of childcare provision, or who work on a regular basis, whether supervised or not, in relevant childcare, are within scope of the legislation².

Staff who are not employed to directly provide childcare, are not covered by the legislation. Similarly, those staff who are only occasionally engaged and are not regularly required to work at the setting will not automatically come within the scope of the legislation.

The Pre-school's Committee are not covered by the legislation, unless they volunteer to work at the setting on a regular basis, or they are directly concerned with the day-to-day management of the provision.

Staff are contractually obliged to safeguard the children in their care. This may sometimes mean disclosing information about people in staff's personal life. North Nibley Pre-school may need to assess the risk because of the association with the staff member, and whether they represent a risk of harm to the children attending the setting.

Staff members are advised to speak to the Lead Practitioner or to the Chair of the Committee (where you are the Lead Practitioner), the moment they become aware that a relative or friend (which you they may or may not live with), is, or has been, the subject of a police investigation, charged or has a conviction for offences against a child and/or a violent offence against an adult.

Once a staff member has declared they are disqualified, a meeting will be arranged to discuss, among other things:

- the process of applying to Ofsted³ for a waiver. The member of staff applies for the waiver;
- their work pending issue of the waiver.

A work colleague will be allowed to accompany the disqualified member of staff to the meeting.

² Statutory Guidance: 'Disqualification under the Childcare Act 2006' updated 31 August 2018, on the application of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 and obligations under the Childcare Act 2006 in schools.

³ disqualification@ofsted.gov.uk

This meeting will record the date on which the information about disqualification was provided. Personal data, including any details of the individual's criminal record, will not be held without the consent from the individual. Where this is not given, then the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted, will be recorded. All information will be kept confidential and securely, in line with DPA and GDPR requirements.

The Playleader in consultation with the Chair, will consider whether the disqualified member of staff can undertake work elsewhere or reallocated to another role. Only at as a last resort, when all other options have been exhausted, will the disqualified staff member be given a leave of absence or similar.

Once the waiver is obtained, the individual can resume work immediately. However, the waiver may explain that there are some restrictions. If this is so, the individual concerned must discuss this with the Playleader and/or Chair. The setting will receive a copy of the waiver notification but not the relevant conviction materials.

Reference requests for current/former staff

North Nibley Pre-school does not have to give a reference by law. However, should the setting decide to do so, then the referee, acting on behalf of the setting, will ensure that it is:

- fair and accurate – and can include details about the member of staff's performance and if they have been dismissed; and
- can be brief (ie. a basic or factual reference)– such as job title, salary and when the worker was employed.

The Pre-school may provide a detailed or character reference which can include:

- answers to questions from the employer requesting the reference.
- details about the member of staff's skills, ability and experience.
- details about the member of staff's character, strengths and weaknesses relating to their suitability for the new role.
- how often the member of staff was off work.
- disciplinary details (see Note A);
- the reason the member of staff left the job.

Note A: only substantiated safeguarding allegations can be provided in a reference. Low level concerns will not be included unless they relate to issues which would normally be included in a reference, eg. misconduct or poor performance.

Once the employee starts work with a new employer they can ask to see a copy of a reference. They have no right to ask their previous employer.

Training and Development

- North Nibley Pre-school's budget allocates resources to staff training.
- Both our Playleader and Deputy Playleader hold an appropriate qualification for working in an Early Years setting at Level 3 (or above).
- We provide regular in-service training to all staff through Foundation Stage and Playgroup & Toddler Association (PATA) Training and offer training to our volunteers where appropriate. We also recognise the value of in-house training between staff and feedback from courses attended.

- We provide staff induction training in the first week of employment. This induction includes our Health and Safety Policy and Procedures and Safeguarding Children and Child Protection Policy and Procedures (including online safety). Other policies and procedures are introduced within an induction plan.
- We support the work of our staff by holding regular supervision meetings and appraisals.
- All our staff hold first aid certificates in line with EYFS requirements. This is funded by the Pre-School committee.
- All staff are aware of North Nibley Pre-school's Safeguarding and Child Protection policy and will report any information to the Designated Safeguarding Lead or her Deputy at the earliest opportunity.
- We support our staff's development by allowing time off to attend (self-funded) courses or to complete coursework.

Managing staff absences

Sickness absence

- Staff absence must always be reported to the Playleader, or in the case of the Playleader and the Administrator, to the Setting Support Officer, by telephone (no text), by the member of staff as soon as possible – but no later than 8am.
- The Setting Support Officer must keep a log of absences and reasons and inform the chair/treasurer at a suitable time.
- Staff adhere to the guidance given by HSC Public Health Agency in their document entitled 'Guidance on infection control in schools and other childcare settings' (revised March 2017), with respect to absences.
- Where staff are unwell and take sick leave in accordance with their contract of employment, we organise cover to ensure ratios are maintained.
- Sick leave is monitored, and action is taken where necessary in accordance with the contract of employment.
- Any sickness absence of less than seven days requires the employee to complete the setting's 'Staff sickness and absence reporting form' (see Appendix 1), which is kept at the front of their confidential file.
- Where sickness absence exceeds seven days, North Nibley Pre-school will require an employee to obtain a 'Fit Note' from a GP or a hospital doctor.
- A 'back to work' discussion with the Setting Support Officer or Playleader will take place after each period of sickness/absence. This is to establish the reason for and cause of the absence to consider whether there is anything the Playleader/Setting Support Officer or organisation can do to help and to confirm that the employee is fit to return to work.
- The Playleader's or Administrator's 'return to work' discussion should take place with the Setting Support Officer or another committee member, as nominated by the Chair.
- A more formal review will be triggered by:
 - frequent short-term absences, eg. three periods of absence in a six-month period; or after a long-term absence.
- In exceptional circumstances, e.g. after a long-term absence, we may ask the employee's permission to ask for a report from their GP. This request will be made in writing requesting the employee's counter signature.
- Absences of one to three days will be considered as a 'short term' absence.
- Absences of four days or more will be considered as a 'long term' absence.
- If an explanation for the absence is not forthcoming or considered to be unsatisfactory, disciplinary procedures will apply.
- All records relating to staff sickness/absence will be stored confidentially and securely.

Sick pay

Normal statutory sick applies to those staff who qualify⁴. Staff are to refer to their individual contract of employment.

Maternity

Absence relating to pregnancy will be recorded separately from sickness records.

Employees are entitled to have reasonable time off with pay, to attend antenatal clinics.

Statutory Maternity Pay will apply as appropriate. Staff to endeavour to make routine appointments outside of work time where possible.

- **Neonatal Care (Leave and Pay) Act 2023.**

Came into effect on 6 April 2025.

A baby might get neonatal care if they:

- are born early
- are ill or injured when they are born
- have a low birth weight
- Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care. It can be used when the baby is no longer receiving neonatal care, for example, at the end of maternity leave.
The right to take neonatal care leave applies from the first day of work. Eligible parents can take neonatal care leave once their child has been in neonatal care for at least 7 consecutive days. Parents who have a baby admitted to neonatal care up to the age of 28 days might be eligible for up to 12 weeks of leave. This includes fathers and partners of birth parents.

Disability

- Absence relating to disability will be recorded separately from sickness records. We work within the framework of the Equality Act 2010 to ensure an inclusive and anti-discriminatory approach.
- If an employee is disabled or has a physical or mental health condition that makes it hard for them to do their job, they can get extra help via an Access to Work (AtW) grant, including mental health support. However, before applying for the grant the employee should talk to their line manager first about any 'reasonable adjustments' that can be made to assist them in their role. An AtW grant can pay for:
 - special equipment, adaptations or support worker services to help the individual do things like answer the phone or attend meetings.
 - help getting to and from work.

Time off for medical appointments

Where possible, appointments for Doctors, Dentists, Optician or Hospital etc, should be made outside normal working hours.

Dependency leave

Dependency leave is time away from North Nibley Pre-school to deal with an emergency involving a dependent. This includes the death of a dependent. A dependant could be a spouse, civil partner, child, parent or person who lives in the same household as the employee and relies on them for care.

⁴ www.gov.uk/statutory-sick-pay

- An employee can take time off if they need to help a dependant when there's an unexpected problem or emergency. For example:
 - helping a dependant who is ill, injured or assaulted.
 - taking a dependant to hospital when they go into labour unexpectedly.
 - a child's school unexpectedly closes.
 - a dependant dies.
- Dependency leave is unpaid but maybe paid at the discretion of the committee.
- Dependency leave will only be granted for one day, but the committee will discuss further leave if necessary and it will be dependent on the individual case.

Carers Leave

- Employees can take up to 1 week of carer's leave every 12 months. They can choose to take leave as: half days – (this is the minimum they can take), full days, a whole week. An employee is entitled to a period of leave that is equal to their usual working week. For example, if someone works 3 days a week, they can take 3 days of carer's leave. An employee might have been working for their employer for less than a week. If that's the case, a week is the number of days or hours they would normally work in that week.
- A dependant who needs an employee's care could be:
 - husband, wife, civil partner or partner.
 - their child.
 - their parent.
 - a person who lives in their household (not tenants, lodgers or employees); or
 - a person who relies on them for care, such as an elderly neighbour
- Carers leave is unpaid but maybe paid at the discretion of the committee.
- North Nibley Preschool committee should be notified, and any further unpaid leave will be at the discretion of the committee; this decision will be made according to what the committee believe to be reasonable in the given circumstances.

Bereavement leave

North Nibley Pre-school has a separate policy with regards to Bereavement Leave⁵ and this is what will be referred to in these circumstances.

Requests for “other” absences

- A member of staff can request emergency leave in order to deal with urgent domestic problems such as burglary, fire or flooding. The appropriate line manager should normally grant one day's paid leave, and the Pre-school committee should be notified accordingly.
- Where early years staff may need to take time off for any reason other than sick leave or training, this is agreed with the Chair with sufficient notice and will be unpaid.

Contingency plans for last minute staffing shortfalls

- In case of emergency absence of staff present the Playleader will look at ratios taking into account the absent member of staff and the number of under 3's that are present and will also look at Bank Staff able to come in that day or, failing that, committee members.
- Staff will also approach arriving parents to appeal for volunteers to forgo their session (if possible) and instead gain a session on a mutually agreed date, in order to maintain the appropriate staff to child ratio and allow preschool to stay open.
- The Pre-school will close only as a last resort, this decision is to be made by the Chair. Please refer to the Emergency Closure Policy⁶.

⁵ See Policy 48 Bereavement Leave

⁶ See Policy 39 Emergency Closure

Flexible Working

Please refer to Policy 52 Flexible Working.

Redundancy

All employees will be consulted ahead of making a redundancy. Consultation will explain why the setting is planning on making redundancies and only when all staff have been consulted, will redundancies be made.

Employees being made redundant will be informed face to face where reasonably possible and also in writing.

Redundancy Protection – 6 April 2024

The Protection from Redundancy Act (Pregnancy and Family Leave) came into force on 6th April 2024. This means that employees who are pregnant or returning from maternity, adoption or shared parental leave will gain priority status for redeployment opportunities in a redundancy situation for a period of up to 18 months after the birth of the child (the actual amount depends on the type of leave taken). This is extending the right which previously only applied to those on maternity, shared parental leave or adoption leave.

Statutory notice period denotes how much redundancy pay employees are eligible for based on how long the employee has worked for the setting:

- | | |
|---------------------------|-------------------|
| • one month up to 2 years | a week's notice |
| • between 2 and 12 years | one week per year |
| • 12 years or more | 12 weeks |

Data Protection

- We process personal data relating to those we employ to work at or otherwise engage to work at North Nibley Pre-school⁷.
- The DfE advise that the General Data Protection Regulations 2018 gives rights to data subjects (ie. pupils, their parents and teachers/staff) regarding the information held. These rights include:
 - the right to know the types of data being held
 - why it is being held, and
 - to whom it may be communicated.
- In order to ensure our data subjects are informed we have created a Privacy Notice for parents/carers and one for staff to ensure we meet their rights. The Privacy Notice for parents/carers is available via our website and included in our Welcome Pack. The Staff Privacy Notice is included in staff induction packs.

Further Information

- The Equality Act 2010
- Department of Education and Safer Recruitment guidance
- Ofsted: '[Early years Inspection Handbook](#)' (latest version)
- HSC Public Health Agency "[Guidance on infection control in schools and other childcare settings](#)"
- General Data Protection Regulation 2018
- Keeping Children Safe in Education (DfE guidance – latest version)

⁷ See Policy 36 : Data Collection and Information Sharing

- Statutory Framework for Early Years Foundation Stage (DfE – latest version)
- Carers Leave Act 2023
- Protection from redundancy (Pregnancy and Family Leave) Act 2023
- [Employment status and employment rights: guidance for HR professionals, legal professionals and other groups - GOV.UK](#)
- Neonatal Care Act 2023. <https://www.acas.org.uk/your-maternity-leave-pay-and-other-rights>

Associated policies and procedures

- No 4 : Safeguarding children and child protection
- No 8 : Equality and diversity
- No 27 : Disciplinary procedure
- No 29 : Safer recruitment
- No 36 : Data collection and information sharing
- No 38 : Grievance procedure
- No 39 : Emergency Closure
- No 48 Bereavement Leave
- No 52 Flexible Working

Appendix 1: North Nibley Pre-school Staff Sickness and Absence Reporting Form

This form should be completed immediately upon return to work, by all employees following an absence from work. If the sickness absence has been for 7 calendar days or more, a 'Fit Note' from a GP or hospital doctor is also required.

Name:	
To whom did you report your sickness?	
Date reported:	
Date of first day of incapacity (including non-working days):	
Date of first day of absence from work:	
Date of return to work:	
State briefly why you were unfit for work/unable to come to work:	

	Yes	No
Have you consulted a doctor?		
If absent for more than 7 calendar days, have you submitted a doctor's note?		
If absence was not due to illness, please state which of the following it was due to:		
Urgent family leave:		
Parental leave:		
Authorised unpaid leave:		
Other (please state below):		

I declare that the information given is true, to the best of my knowledge. I understand that false information may result in loss of sick pay/company pay and/or disciplinary action.

Signature of Employee: **Date:**

Signature of Manager: **Date:**