



**Willaston Pre-school**

# **Willaston Pre-school Staff Policy Document**

*(Safeguarding Policy, Special Educational  
Needs and Disability (SEND) policy and  
General policies are now in Separate  
Documents)*

**October 2023**

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## Code of conduct

### Working for Willaston Pre-school

This Code of conduct sets out the setting's standards and principles. It is not a complete list of what employees can and cannot do, but the aim is to enable staff to understand:

- the ground rules that all staff must observe
- the expectations the setting has of its staff

This code is binding on all setting staff. Breaches of the code and the standards it expresses may result in disciplinary action. All staff are expected to operate within the law. Unlawful or criminal behaviour, even away from work, could result in disciplinary action.

The breaking of some rules is considered serious enough that employees could be dismissed for a first offence without notice. It is each employee's responsibility to read this code, and to work in accordance with it and all other employment related policies and codes. Should an employee be unsure about any aspect of this code they should check with their line manager.

### Applying for a job with Willaston Pre-school

The setting is committed to a fair and open approach to staff recruitment. All appointments should be made without bias, on the basis of the candidate's ability and suitability for the job.

Candidates must declare any matter which might draw into question their suitability for the job by ensuring that they:

- are open and honest at any interview and on any application form
- disclose any criminal offence\* of which they have been convicted
- disclose any criminal charges they face, which (if convicted) would make them unfit for their job
- do not seek undue favour from staff

*\* Unless it is "spent" under the terms of the Rehabilitation of Offenders Act 1974*

### Working standards

All employees must adhere to the organisation's policies on bullying and harassment and equal opportunities.

Employees must not discriminate against or harass people met in the course of their work, particularly on the grounds of:

- race
- age
- gender
- religious beliefs
- ethnic or national origin
- disability
- sexuality
- marital status
- HIV status

Employees must never demean, distress or offend the decency of others, for example, by:

- using inappropriate physical contact
- using pin-ups or downloading pornographic material from the internet
- displaying racist material
- making sexually aggressive or inappropriate remarks
- using foul language and expletives
- using social media, blogs or other online platform inappropriately

Employees must not:

- consume significant levels of alcohol prior to or during working hours sufficient to affect their work performance, conduct or contact with the client group and colleagues
- drink enough alcohol to affect their work, and should not drink at all, before or during work, as this could affect safety
- be found under the influence of or found to be distributing illegal drugs or drugs known to induce a legal high; this will be subject to disciplinary action, potentially resulting in dismissal
- be found under the influence of or found to be in the possession of or distributing illegal drugs or drugs known to induce a legal high

Employees must ensure that they:

- comply with the policy in place on smoking at work including e-cigarettes
- never disclose or misuse confidential information
- disclose any matter which it is their duty to report
- never steal, take or damage other employees' or organisational belongings. All lost property must be handed to line managers

Employees must ensure that they:

- adhere to the setting's policies and procedures, statutory, regulatory or legal requirements, as they apply to their role and area of work
- carry out any other duties which may reasonably be required of them in accordance with the needs of the setting
- are flexible and adaptable with respect to their role

## **Employee relations**

All employees are expected to work co-operatively and support the manager. A climate of mutual confidence, trust and respect between managers and employees is essential to achieving work targets and providing a high-quality service.

All employees are expected to:

- co-operate with managers, and not deceive, abuse or undermine management
- carry out proper instructions
- fill in accurately and honestly any document, form or record requested by a manager for work
- never destroy, damage, alter or falsify any such document or record

## **Managing employees**

The setting expects managers to provide staff with direction, positive motivation and an appraisal meeting in line with the current policy.

Managers must ensure that they:

- manage within their budget
- set standards of work, give feedback and advice to staff on how improvements can be made and ensure standards are met
- ensure that staff carry out their work properly
- deal with staff fairly and consistently, especially when applying the setting's policies and procedures
- provide for employees a working environment which is safe and free from any form of unfair discrimination, bullying or harassment.

Managers are required to undertake induction, probation and supervision meetings in line with the setting's policies and procedures. Any material deviation from these policies and procedures will normally result in disciplinary action being taken. If managers are unable to follow these policies and procedures then they must immediately contact the trustees.

## **Working practice**

The setting aims to promote good health and safe working among the staff. All employees have a responsibility to contribute to safe working practices. Failure to do so could place individuals, service users and other staff at risk.

Employees must:

- follow safety codes
- wear any safety clothing the organisation provides for work
- report any accidents or incidents
- attend any medical examination as required
- never risk injury or danger to themselves or others
- never do anything that negatively affects their performance or judgement at work

- follow the organisation's procedures for reporting any absence for sickness

Employees must ensure when taking sick leave that they:

- never claim sick leave when they are not actually sick
- act sensibly to speed their recovery and return to work
- do nothing which is inconsistent with their illness or injury, or which might delay their recovery or worsen the problem

During the Covid-19 pandemic employees must ensure that they adhere to all Government guidelines concerning keeping themselves and others safe. Following these guidelines will protect you and in turn protect your colleagues and any children in your care.

Failure to adhere to Government guidelines will be deemed a breach in sections Working honestly, Working with integrity and Working within the Law of this Code of conduct, and may result in formal disciplinary action as breaches maybe deemed gross misconduct.

### **Hours and attendance**

Reliable time-keeping, attendance and sickness reporting are all important to the success of the setting. Poor attendance and bad time-keeping increase costs, reduce service levels and undermine the reputation of individuals and the organisation.

Employees must ensure that they:

- attend work on time
- agree in advance with their line manager any leave or time off that is required
- tell their line manager if they are not able to attend work for any reason

### **Working honestly**

The setting expects employees to use the organisation's money and resources with absolute honesty, which can be demonstrated at all times. Employees must also ensure that they declare any relevant information that calls into question their suitability to work with children and vulnerable adults.

Employees must ensure that they:

- declare any information that calls into question their suitability to occupy their role e.g. any incident which lead to a social services investigation or police investigation, arrest, caution or criminal charge which is related or relevant to their employment (e.g. child related offences, violence, theft, fraud)
- avoid corruption and the suspicion of it. For example, asking for or offering bribes of any sort
- comply with the financial regulations
- avoid fraud and report any suspicions or evidence of fraud taking place
- do not falsify documents to claim pay, sick pay or annual leave
- give due care to the setting's property and equipment - taking care not to lose or damage it
- never do private work when they should be at work for the setting or are on sick leave. Employees must have permission from their manager before they undertake any private work,

even out of work time, to ensure that there is not a conflict of interest or concerns regarding health and safety

- never abuse their position with the to benefit themselves, their family, friends or any outside organisation
- only use the setting's telephones to make essential personal phone calls as agreed by line management and pay for all personal phone calls, unless authorised by their manager.

This is not an exhaustive list.

Whilst employed by the setting, employees are not permitted to have any business or undertaking or engage in any other activities that might interfere with the performance of their duties or cause a conflict of interest or otherwise. If they have or wish to commence any outside business interest or undertaking, whether financial or otherwise, they must first seek written permission, which will not be unreasonably withheld. If in doubt, advice of the manager must be sought before engaging in any activities or business or outside interests which might in any way interfere with the performance of their duties or cause a conflict of interest.

The setting expects staff to learn from and use policies, procedures and intellectual property (i.e. Trademarks and Copyright) in a way to help the setting achieve its aims and objectives. Use of and sharing of the policies and procedures shall be for work related purposes only. Staff are not permitted to share the setting's policies, procedures and any other form of actual or potential intellectual property with any external party unless authorised in writing to do so. Failure to act in accordance with this procedure will potentially lead to disciplinary action.

### **Working with integrity**

The relationships that the organisation has with partners, contractors, consultants, community groups, service users, suppliers and others, must be managed so that there can be no suspicion of corruption, or dishonesty with the charity's money.

Employees must ensure that they:

- do nothing outside work which could damage external confidence in the setting or make them unsuitable for the work they do
- are fair and impartial in dealing with customers, suppliers and partners
- do not accept gifts that will place them under obligation
- do not disclose confidential information useful to any of the setting's competitors
- get permission in advance to use setting's equipment for personal use
- do not claim loyalty points or benefit personally from loyalty schemes when purchasing goods or services using the setting's procurement card or petty cash. This also applies where goods or services are purchased on behalf of the setting, using personal cash (in line with expenses rules) and redeemable points are issued

Employees must ensure that they:

- comply with the setting's anti-bribery policy.
- comply with all applicable bribery and corruption laws.
- do not accept gifts that will place them under obligation
- do not offer, promise, give, request, agree to receive, or accept any bribes, in the course of their employment, when conducting setting business or when representing the setting in any capacity

- report any suspicious conduct that may amount to a bribe being offered, promised, given, requested or accepted (either involving them or another employee or person acting for, or on behalf of, the setting) immediately to manager or the trustees.

### **Personal relationships at work**

Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence his/her conduct while at work.

Any employee who embarks on or is in a close personal relationship with a client, customer, contractor or supplier, or a colleague working in the same area, must declare the relationship to his/her manager. This also applies if the relationship is between a manager and an employee whom he/she supervises; the relationship should be declared to the trustees. The information declared will be recorded on the personal files of both employees and treated in strict confidence.

### **Working with sensitive information**

The organisation expects all staff to adhere to the organisational policy on data protection and confidentiality and all relevant legal and statutory requirements.

### **Working within the law**

Unlawful or criminal behaviour at, or even outside of, work might result in loss of trust and confidence in an employee or the organisation.

Therefore, staff must ensure that they:

- uphold the law at work
- never break a law away from work which could damage confidence in them or the setting or which makes them unsuitable for the work they do. This includes, for example:
  - i submitting false or fraudulent claims to public bodies
  - ii crimes of dishonesty which render the employee unfit to hold a position of trust
  - iii. crimes involving the taking, possession, buying, selling or production of unlawful (i.e. un-prescribed) or not over the counter drugs
- advise their manager of any incident which leads to a social services investigation, police investigation, caution or criminal charge which is related to their employment (e.g. a child related offence, theft, fraud or disqualification. This is not an exhaustive list). If uncertain as to whether to report a police investigation, caution or criminal charge guidance must be sought from the line manager.

### **Working with volunteers**

Employees must ensure that they do not:

- canvass volunteers on employment related matters for which there are approved organisational procedures (for example, in matters of recruitment, discipline, unsatisfactory performance, terms and conditions of employment)

### **Managing contact with the media**



The charity expects staff to promote the policies and reputation of the setting. Contact with the press and media should always be made in consultation with the trustees. This protects individual employees from unwanted media attention and allows the setting to properly manage its reputation. Staff should not discuss organisational business with the press or media without seeking guidance from the trustees.

Employees must ensure that they:

- do not bring the charity's name into disrepute in any way
- refer enquiries from the press to the trustees in the first instance
- report any irregularities, malpractice or illegal or fraudulent activity immediately
- never abuse this process by raising unfounded allegations maliciously. This will be viewed as a disciplinary matter

### **Gross misconduct**

The setting will apply this Code of conduct consistently and fairly. Any breaches of this code could result in disciplinary action. Breaches known as gross misconduct would be serious enough to justify the setting dismissing staff for a first offence and without notice. Examples of gross misconduct are given below:

- concealment of any serious matter which should be reported
- disclosure of any confidential information
- obtaining a job by lies or deception
- stealing from the organisation, members of staff, clients or service users
- falsification of expense claims or self-certification forms, whether or not for personal gain
- committing serious acts of discrimination, bullying or harassment
- threatening, fighting with or assaulting anyone
- seriously demeaning or offending the decency of others
- failing to declare any information that calls into question their suitability for the role they occupy
- risking injury or danger to themselves or others
- deliberate damage to or misuse of the organisation's property
- doing private work without permission which conflicts with the work of the setting or whilst on sick leave
- using, possessing or distributing illegal drugs
- breaching financial regulations and/or the setting's financial related policies and procedures
- breaking a law away from work which reflects badly on the organisation or which makes an employee unsuitable for the work they do
- obtaining money by fraud, for example, by falsifying timesheets
- submitting false or fraudulent claims to external bodies
- offering, promising, giving, requesting and agreeing to receive or accept any bribes, gifts or favours which will place individuals under an obligation
- failing to follow the organisations policies and procedures and/or regulatory requirements which results in people being placed at significant risk, significant wrong doing or malpractice
- sharing the settings policies, procedures and any other form of actual or potential intellectual property with an external party
- gross negligence

- conduct that brings the setting's name into disrepute
- failing to comply with Government guidelines concerning Covid-19 whether in or out of work

This is not a complete list as the circumstances of each case will be different.

This policy was adopted by	Willaston Pre-school	<i>(name of provider)</i>
On	22 September 2022	<i>(date)</i>
Date reviewed	October 2023	
Date to be reviewed	October 2024	<i>(date)</i>
Signed on behalf of the provider	<i>Jacqueline Piaf</i>	
Name of signatory	Jacqueline Piaf	
Role of signatory (e.g. chair, director or owner)	Manager	

## Employment

### Policy statement

Willaston Pre-school is committed to following safe recruitment procedures when seeking to employ new members of staff. We meet the Safeguarding and Welfare Requirements of the Early Years Foundation Stage, ensuring that our staff and volunteers are appropriately qualified, and we carry out checks for criminal and other records through the Disclosure and Barring Service (DBS) in accordance with statutory requirements.

### Procedures

#### *Vetting and staff selection*

- We work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
- All our staff have job descriptions, which set out their roles and responsibilities.
- We welcome applications from all sections of the community. Applicants will be considered on the basis of their suitability for the post, regardless of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation, sex, age, marriage or civil partnership. Applicants will not be placed at a disadvantage by our imposing conditions or requirements that are not justifiable.
- We follow the requirements of the Early Years Foundation Stage and Ofsted guidance on checking the suitability of all staff and volunteers who will have unsupervised access to children. This includes obtaining references and ensuring they have a satisfactory enhanced criminal records check with barred list(s) check through the DBS. This is in accordance with requirements under the Safeguarding Vulnerable Groups Act (2006) and the Protection of Freedoms Act (2012) for the vetting and barring scheme.
- Where an individual is subscribed to the DBS Update Service, we carry out a status check of their DBS certificate, after checking their identity and viewing their original enhanced DBS certificate to ensure that it does not reveal any information that would affect their suitability for the post.
- We keep all records relating to the employment of our staff and volunteers; in particular those demonstrating that suitability checks have been done, including the date of issue, name, type of DBS check and unique reference number from the DBS certificate, along with details of our suitability decision.

- We require that all our staff and volunteers keep their DBS check up-to-date by subscribing to the DBS Update Service throughout the duration of their employment with us.
- Our staff are expected to disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children – whether received before, or at any time during, their employment with us.
- We obtain consent from our staff and volunteers to carry out on-going status checks of the Update Service to establish that their DBS certificate is up-to-date for the duration of their employment with us.
- Where we become aware of any relevant information which may lead to the disqualification of an employee, we will take appropriate action to ensure the safety of children. In the event of disqualification, that person’s employment with us will be terminated.

#### *Notifying Ofsted of changes*

- We inform Ofsted of any changes to our Registered Person, trustees, our provision and our manager.

#### *Training and staff development*

- Our manager holds a Level 6 BA (Hons) in Childhood Studies and has Early Years Professional status. Our deputy holds the NNEB Level 3 and at least half of our other staff members are qualified to either Level 2 or 3 standard.
- We provide regular in-service training to all our staff - whether paid staff or volunteers - through the Pre-school Learning Alliance and external agencies.
- Our budget allocates resources to training.
- We provide our staff with induction training in the first week of their employment. This induction includes our Health and Safety Policy and Safeguarding Children and Child Protection Policy. Other policies and procedures are introduced within an induction plan.
- We support the work of our staff by holding regular supervision meetings and appraisals.
- We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and best practice.

#### *Staff taking medication/other substances*

- If a member of staff is taking medication which may affect their ability to care for children, we ensure that they seek further medical advice. Our staff will only work directly with the children if medical advice confirms that the medication is unlikely to impair their ability to look after children properly. On arrival staff sign in and declare themselves fit for work.
- Staff medication on the premises will be stored securely and kept out of reach of the children at all times. Staff inform the manager of any prescribed medication which may be necessary to take in an emergency for chronic/long term conditions e.g asthma, epilepsy, epi-pens for allergic reactions etc.
- If we have reason to believe that a member of our staff is under the influence of alcohol or any other substance that may affect their ability to care for children, they will not be allowed to work directly with the children and further action will be taken.

*Managing staff absences and contingency plans for emergencies*

- Our staff take their holiday breaks when the setting is closed. Where a staff member may need to take time off for any reason other than sick leave or training, this is agreed with our manager with sufficient notice.
- Where our staff are unwell and take sick leave in accordance with their contract of employment, we organise cover to ensure ratios are maintained.
- Sick leave is monitored and action is taken where necessary, in accordance with the individual's contract of employment.
- We have contingency plans to cover staff absences, as follows:

We have a list of volunteers, who have been DBS checked and can be called upon to cover staff absences when necessary.

This policy was adopted by	<u>Willaston Pre-school</u>	<i>(name of provider)</i>
On	<u>11 October 2021</u>	<i>(date)</i>
Reviewed	<u>5 October 2022, 31</u>	<i>(date)</i>
	<u>October 2023</u>	
Date to be reviewed	<u>October 2024</u>	<i>(date)</i>
Signed on behalf of the provider	<u><i>Jacqueline Piaf</i></u>	
Name of signatory	<u>Jacqueline Piaf</u>	
Role of signatory (e.g. chair, director or owner)	<u>Manager</u>	

## Induction of staff, volunteers and managers

### Policy statement

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

### Procedures

- We have a written induction plan for all new staff, which includes the following:
  - Introductions to all staff and volunteers, including management committee members where appropriate.
  - Familiarising with the building, health and safety, and fire and evacuation procedures.
  - Ensuring our policies and procedures have been read and are carried out.
  - Introduction to parents, especially parents of allocated key children where appropriate.
  - Familiarising them with confidential information where applicable in relation to any key children.
  - Details of the tasks and daily routines to be completed.
- The induction period lasts at least two weeks. The manager inducts new staff and volunteers. The chairperson or senior manager inducts new managers.
- During the induction period, the individual must demonstrate understanding of and compliance with policies, procedures, tasks and routines.
- Successful completion of the induction forms part of the probationary period.
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	<u>October 2023</u>	
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Signed on behalf of the provider	<u><i>Jacqueline Piaf</i></u>	
Name of signatory	<u>Jacqueline Piaf</u>	
Role of signatory (e.g. chair, director or owner)	<u>Manager</u>	

## **Staff personal safety**

### **General**

- Members of staff who are in the building early in the morning or late in the evening, ensure that doors and windows are locked.
- Where possible, the last two members of staff in the building leave together after dark and arrange to arrive together in the morning.
- Visitors are allowed access only with prior appointments and once identifications are verified.
- Staff make a note in the shared diary of meetings they are attending and when they are expected back.
- The setting managers liaises with local police for advice on any issues or concerns.

### **Home visits**

Home visits are done at the setting manager's discretion under the following health and safety considerations:

- Staff normally do home visits in pairs; usually manager or deputy and key person.
- Each home visit is recorded in the diary with the name and address of the family being visited, prior to the visit taking place.
- Staff alert a contact person in the setting when they are leaving to do the home visit and what time they are expected to return
- If there is reason for staff to feel concerned about entering premises on a visit, they do not do so, for example, if a parent appears drunk or under the influence of drugs.
- Members of staff carry work issued mobile phone when going out on a home visit.
- If staff do not return from the home visit at the expected time the contact person attempts to phone them and continues to do so until they make contact

If no contact is made after a reasonable amount of time has passed, the contact person rings the police.

### **Dealing with agitated parents/visitors in the setting**

- If a parent or visitor appears to be angry, mentally agitated, or possibly hostile, two members of staff will lead them away from the children to an area less open but will not shut the door behind them.

- If the person is standing, staff will remain standing.
- Staff will try to empathise, for example: ‘I can see that you are feeling angry at this time’.
- Staff offer to discuss the issue of concern and show they recognise the concern.
- Staff will ensure that the language they use can be easily understood
- Staff will make it clear that they want to hear issues and seek solutions.
- If the person makes threats and continues to be angry, members of staff make it clear that they will be unable to discuss the issue until the person stops shouting or being abusive, avoiding expressions like ‘calm down’ or ‘be reasonable’.
- If threats continue, members of staff will explain that the police will be called and emphasise the inappropriateness of such behaviour in front of the children.
- The procedure Threats and abuse towards staff and volunteers is implemented where staff feel threatened or intimidated.
- After the event, it is recorded in the child’s file together with any decisions made with the parents to rectify the situation.
- Any situation involving threats to members of staff are reported to the line manager, following the procedure Threats and abuse towards staff and volunteers.

Copies of correspondence regarding the incident will be kept in the relevant child’s file.

This policy was adopted by	<u>Willaston Pre-school</u> (name of provider)
On	<u>11 October 2021</u> (date)
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Date to be reviewed	<u>October 2024</u> (date)
Signed on behalf of the provider	<u><i>Jacqueline Piaf</i></u>
Name of signatory	<u>Jacqueline Piaf</u>
Role of signatory (e.g. chair, director or owner)	<u>Manager</u>



## Staff Supervision Policy

Willaston Pre-school is committed to ensuring that every member of staff receives effective supervision on a regular basis. It is the principal way to review your work, to ensure that you fully understand your roles and responsibilities and are properly supported as well as providing opportunities for you to continue to develop your skills. Willaston Pre-school values the importance of providing continuity and the opportunity to build relationships between Supervisor and Supervisee. It is also a requirement of our Safeguarding and welfare policy to provide regular opportunities for all staff to discuss any concerns they may have with a senior member of staff or the safeguarding representative of our committee.

Functions of Supervision:-

1. Management
2. Learning and Development
3. Support
4. Negotiation.

### **1. Management**

Discussion will include overall quality of supervisees performance; ensure that policies and procedures are understood and followed; roles and responsibilities are clearly understood and to develop and monitor action plan targets.

### **2. Learning and Development**

Provides an opportunity for staff to reflect on their own performance; to identify learning and development needs and develop plans to address any weaknesses.

### **3. Support**

This recognises that from time to time supervisees may require support to carry out their role, perhaps because of specific incidents or personal issues that may temporarily impact on their work performance. By offering support and providing supervisees time to reflect, in order to prevent issues adversely affecting them and their work.

### **4. Negotiation**

This ensures that the relationship between supervisees, their team, the organisation and other agencies is effective and can be achieved by:-

- Briefing senior managers about key issues.
- Dealing sensitively and clearly with concerns and complaints about colleagues and others with whom they work.
- Consulting and briefing staff on changes and developments which affect their work.

Willaston Pre-school understands that staff supervision is an on-going process but will also make available opportunities for regular one-to-one discussions. The following format will be used:-

- Planned/Formal Supervision - A half termly meeting between supervisor and supervisee in order to discuss organisational, professional and personal objectives as well as an opportunity for staff to raise issues with their manager in confidence. They will also provide opportunities to discuss the Key Person role and any issues regarding children's development or well-being.
- Informal/Unplanned Supervision – A response to an event, when it is inappropriate to wait for the next planned supervision meeting.
- Annual Appraisal (Reviewed 6 monthly) –
  1. To identify what has gone well and reflect on recent training.
  2. Set measurable objectives and/or targets.
  3. Have an opportunity to identify future learning and development needs

Dates and times of meetings will be pre-arranged and this arrangement will be honoured unless changed by mutual agreement.

Discussions will be recorded and will form part of the appraisal process. The record will be agreed and signed by both parties to show that it is a true reflection of the discussion. A copy of this record will be given to the staff member and a second copy will be kept in a confidential file at the Pre-school.

Willaston Pre-school understands that staff supervision is a private but not a confidential process. However, access to records will be controlled and will only be made available to those who have a legitimate right to see them.

Confidentiality cannot be guaranteed as the Supervisor may need to discuss the content with the Pre-school Chairperson or other agencies, in the case of a Safeguarding issue. Any actions arising from the discussion may need to be included at staff meetings in order to improve and develop practice for the benefit of all the staff and children in the Pre-school.

This policy was compiled with reference to the following document – CWDC (2007) *Providing effective supervision; A workforce development tool, including unit of competence and supporting guidance*.

Effective Supervision is important in improving good standards of practice and Supervisors should be available to educators as an important source of advice and expertise.

*Working Together to Safeguard Children March 2010*

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On	<u>11 October 2021</u> (date)
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Signed on behalf of the provider	<u><i>Jacqueline Piaf</i></u>
Name of signatory	<u>Jacqueline Piaf</u>
Role of signatory (e.g. chair, director or owner)	<u>Manager</u>

## Key person supervision

Staff taking on the role of key person must have supervision meetings in line with this procedure.

### Structure

- Supervision meetings are held every 4-6 weeks for key persons. For part-time staff this may be less frequent but at least every 6-8 weeks
- Key persons are supervised by the setting manager or deputy.
- Supervision meetings are held in a confidential space suitable for the task
- Key persons should prepare for supervision by having the relevant information to hand.

### Content

The child focused element of supervision meetings must include discussion about:

- the development and well-being of the supervisee's key children and offer staff opportunity to raise concerns in relation to any child attending. *Safeguarding concerns must always reported to the designated person immediately and not delayed until a scheduled supervision meeting*
- reflection on the journey a child is making and potential well-being or safeguarding concerns for the children they have key responsibility for
- promoting the interests of children.
- coaching to improve professional effectiveness based on a review of observed practice/teaching
- reviewing plans and agreements from previous supervisions including any identified learning needs for the member of staff
- During supervision staff can discuss any concerns they have about inappropriate behaviour displayed by colleagues, but must never delay until a scheduled supervision to raise concerns.
- Staff are reminded of the need to disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children that have occurred during their employment. New information is referred immediately to the designated officer.

### Recording

- Key person supervision discussions are recorded and is retained by the supervisor and a copy provided to the key person.
- The key person and supervisor must sign and date the minutes of supervision within 4-6 weeks of it happening and disagreements over recorded content must be minuted.
- Each member of staff has a supervision file that is stored securely at all times.
- Concerns raised during supervision about an individual child's welfare may result in safeguarding concerns not previously recognised as such, these are recorded on 06.1b Safeguarding incident

reporting form and placed on the child’s file. The reasons why the concerns have not previously been considered are explored.

- Additional safeguarding or welfare decisions made in relation to a child during supervision are recorded on the individual case file. The supervisor (if not the designated person) should ensure the recording is made and the designated person is notified.

### Checking continuing suitability

- Supervisors check with staff if there is any new information pertaining to their suitability to work with children. This only needs to be recorded on the supervision meeting record.
- Where staff are on zero hours contracts or are employed as and when needed, their line manager completes the staff suitability self-declaration form quarterly, and/or at the beginning of every new period of work.
- Regarding the use of agency staff/support workers/self-employed persons there is an expectation that as part of the agreement with agencies they have sought information regarding their employee’s suitability to work with children. Line managers must review this regularly.
- The position for students on placement is the same as that for agency staff

### Exceptional Circumstances

Where exceptional circumstances prevent staff from conducting supervision as outlined in this procedure, the line manager is informed in writing, a copy placed on the supervision file and the appropriate actions agreed to ensure that the setting meets its obligations within the EYFS.

### Further guidance

Recruiting Early Years Staff (Pre-school Learning Alliance 2016)

People Management in the Early Years (Pre-school Learning Alliance 2016)

This policy was adopted by	<u>Willaston Pre-school</u>	<i>(name of provider)</i>
On	<u>11 October 2021</u>	<i>(date)</i>
Reviewed	<u>5 October 2022, 31</u>	<i>(date)</i>
	<u>October 2023</u>	
Date to be reviewed	<u>October 2024</u>	<i>(date)</i>
Signed on behalf of the provider	<u><i>Jacqueline Piaf</i></u>	
Name of signatory	<u>Jacqueline Piaf</u>	
Role of signatory (e.g. chair, director or owner)	<u>Manager</u>	

## Grievance Procedure

### 1. Introduction

The following procedure should be followed in order to settle all grievances concerning any employee(s) of Willaston Pre-school.

### 2. Principles

- The key objective of the procedure is to allow grievances to be settled quickly, fairly and at the lowest possible level within Willaston Pre-school, whilst allowing employees the opportunity to appeal to a higher level if necessary.
- The procedure covers all employed staff in Willaston Pre-school who have a grievance.
- It covers all matters which may become a source of grievance, excluding:
  - Those concerned with disciplinary action, unless the disciplinary action amounts to discrimination, or the action was not taken on the grounds of the employee's conduct or capability.
  - Decisions on strategic business issues, which are taken by the trustees, but not excluding the operational impact of those decisions.
- Employees are encouraged to raise concerns verbally with their line manager (or employer) prior to raising a formal grievance.
- Employees are entitled to be accompanied by a trade union representative or by a work colleague at a grievance meeting and appeal.

### 3. Procedure

Willaston Pre-school's policy is to encourage free interchange and communication between managers and the staff they manage. This ensures that questions and problems can be aired and resolved quickly and that grievances are settled informally.

#### 2. Informal Procedure

- If an employee has a complaint about their individual circumstances at work, then they are entitled to raise a grievance. Employees are expected to discuss ordinary day-to-day issues informally with their line manager through supervision meetings or if necessary request a separate meeting. Where this is not possible employees should raise their concerns verbally with the next level of management, prior to raising a formal grievance.
- If after seeking to resolve concerns informally, employees are not satisfied, then they should write to the setting explaining their grievance.

#### 3. Formal procedure

- Employees must state in writing the nature of the alleged grievance and send the written complaint to their line manager.
- Where the grievance is against their line manager, the matter should be raised with a more senior manager or trustee.

- Normally within five working days of receiving a grievance, the line manager will write to the employee, inviting them to attend a meeting where the alleged grievance can be discussed. The meeting should be scheduled to take place as soon as reasonably possible, and normally at least 48 hours' notice of this meeting should be provided to the employee.
- Employees are required to take all reasonable steps to attend the meeting. However, should, for a reasonably unforeseen reason, either the employee, employee's companion, or the line manager be unable to attend the meeting, it must be rearranged.
- Should an employee's companion be unable to attend, then the employee should make contact within five days of the letter to arrange an alternative date that falls within ten days of the original date provided. These time limits may be extended by mutual agreement.
- At the meeting the employee must inform the manager hearing the grievance what the basis for the complaint is.
- After the final meeting, the manager hearing the grievance must write to the employee informing them about any decision and offering the right of appeal. This letter should be sent within ten working days of the grievance meeting and should include the details of how to appeal.
- Should the employee consider that the grievance has not been satisfactorily resolved, then they must set out their grounds of appeal in writing within seven working days of receipt of the decision letter, confirming that they wish to appeal against the decision or failure to make a decision.
- Within five working days of receiving an appeal letter, the employee should be invited to attend an appeal hearing where the alleged grievance can be discussed. The appeal meeting should be scheduled to take place as soon as reasonably possible.
- Employees are required to take all reasonable steps to attend the appeal hearing. However, should, for a reasonably unforeseen reason, either the employee, the line manager or the employee's companion be unable to attend the meeting, it must be rearranged.
- Should an employee's companion be unable to attend then the employee should make contact within five days of the date of the letter to rearrange an alternative date that falls within the ten days of the original date provided. These time limits may be extended by mutual agreement.
- After the appeal meeting, the appeal hearing manager must write to the employee informing them of the employer's final decision. This letter should be sent within ten working days of the appeal hearing.
- This is the final stage of the procedure.
- 

This policy was adopted by

Willaston Pre-school *(name of provider)*

On

11 October 2021 *(date)*

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Signed on behalf of the provider	<hr/> <i>Jacqueline Piaf</i>
Name of signatory	<hr/> Jacqueline Piaf
Role of signatory (e.g. chair, director or owner)	<hr/> Manager
	<hr/>



## Dignity at work

Willaston Pre-school is committed to ensuring that you are treated with dignity and respect at work. Bullying and harassment of any kind will not be tolerated in the work place.

Willaston Pre-school's procedures provide a fair, effective and consistent method of dealing with matters relating to bullying and harassment. Examples of what Willaston Pre-school deems to be unacceptable behaviour include:

- Unwanted physical contact.
- Spreading offensive or malicious rumours or insulting someone (particularly on race, gender or disability grounds).
- Ridiculing or demeaning someone, setting them up to fail.
- Insulting behaviour or gestures.
- Deliberate exclusion from conversations or social activities.
- Unfair treatment.
- Misuse of power or position.
- Unwelcome sexual advances e.g., touching, offensive jokes or materials.
- Embarrassing, threatening, humiliating, patronising or intimidating remarks.
- Deliberately undermining a competent worker.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Physical or verbal assault.
- Damage to property.

If you feel you have been treated in a way you find unacceptable, please speak to your line manager in the first instance or the Chairperson and the above procedure will be followed. You will not be victimised for raising a matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.

This policy was adopted by

Willaston Pre-school *(name of provider)*

On

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Reviewed	<hr/> 5 October 2022, 31 (date)
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Name of signatory	<hr/> Jacqueline Piaf
Role of signatory (e.g. chair, director or owner)	<hr/> Manager
	<hr/>

## **Disciplinary procedure**

### **1. Introduction**

This procedure is designed to encourage all employees to achieve high standards of conduct and work performance and also aims to provide a fair, effective and consistent method of dealing with disciplinary matters.

### **2. Key principles**

- Employees are expected to know the standard of conduct or work performance expected of them.
- Employees will be provided with a management statement of the case prior to any disciplinary meeting and will be allowed to respond to any alleged fault or failing at the meeting.
- At a disciplinary meeting and appeal, an employee is entitled to be accompanied by a recognised trade union representative or work colleague employed by the setting. Other external representatives may not accompany an employee.
- For minor or isolated infringements of rules or expected behaviour, managers and supervisors should give employees informal advice, coaching and counselling as part of their supervisory duties.
- Where an employee's conduct or performance fails to improve as a result of advice, coaching or counselling, or where the offence is more serious, then the disciplinary procedure will be applied.
- A prompt and thorough investigation into the concerns will take place prior to a disciplinary meeting taking place. The employee will be informed that an investigation is taking place as soon as possible. The setting reserves the right to dispense with an investigation interview with the employee (suspected of contravening policies or rules), and to proceed directly to a formal disciplinary meeting.

The employee must take all reasonable steps to attend the disciplinary meeting and any appeal. Except in cases of gross misconduct, no employee will be dismissed for a first offence.

### **3. Categories of gross misconduct**

Gross misconduct can include:

- theft, fraud and deliberate falsification of records, expenses, qualifications and other offences of dishonesty
  
- physical violence
  
- serious bullying or harassment
  
- deliberate damage to property
  
- conviction of a criminal offence relevant to the employee's role
  
- gross negligence
  
- serious insubordination
  
- misuse of the setting's property or name
  
- misuse of electronic communications which defames individuals or brings the organisation into disrepute
  
- bringing the organisation into serious disrepute
  
- serious incapability whilst on duty brought on by alcohol, illegal drugs or legal highs
  
- serious negligence which causes or might cause unacceptable loss, damage or injury
  
- serious infringement of health and safety rules
  
- serious failure to comply with policies, procedures and legal requirements that safeguard children
  
- serious breach of the early years setting's and statutory policies
  
- serious breach of confidentiality (subject to the Public Interest (Disclosure) Act 1998)
  
- defaming or bad mouthing the setting on social networking sites

- serious breaches of the Data Protection Act
- bribery and corruption

This provides the main categories of gross misconduct but is not an exhaustive list.

#### **4. Steps prior to deciding to take disciplinary action**

- When any incident of misconduct or negligence or poor performance is alleged to have occurred, the manager must establish the facts to decide whether there is a need for a disciplinary meeting.
- Where appropriate/possible, signed written statements should be obtained as quickly as possible from the individual(s) concerned and should include where possible, dates, times, details of those present and the issues of concern.

#### **5. Procedure**

- At the earliest opportunity the manager must inform the employee that an allegation/incident has occurred and that an investigation is to take place.
- Following an appropriate investigation, the manager must prepare a written statement of the employee's alleged conduct or characteristics, or of the circumstance which have led to the contemplation of taking disciplinary action.
- The manager must send the statement and any witness statements to the employee, including any evidence that will be relied upon at the meeting and invite her/him to attend a disciplinary meeting to discuss the matter. The employee should also be informed of their right to be accompanied at the meeting. Employees should be given an appropriate amount of notice of the meeting in order to prepare their response and to contact any witnesses that she/he wishes to call to the meeting to give evidence.
- A disciplinary meeting must take place before any disciplinary action is taken, (except where the action in question consists of suspension pending a disciplinary meeting). At the disciplinary meeting, the manager (investigation officer) should ensure that the circumstances of the complaint against the employee are presented to the disciplinary panel and that the employee is provided with an opportunity to respond to the management case. The disciplinary panel will then decide whether or not to issue a disciplinary penalty. The outcome of the disciplinary meeting must be confirmed in writing within [10] working days, include the right of appeal and the name of the person to whom any appeal letter should be addressed.
- Where practicable the investigating officer(s) will normally not sit on the disciplinary panel.

- Where practicable the disciplinary panel should consist of a minimum of two people not previously involved in the case.

## **6. Appeal**

- Any employee who feels they have been disciplined unfairly may appeal in writing to the person named in the disciplinary letter. All appeals must be submitted in writing, clearly setting out the grounds for appeal, within seven working days of the date of the disciplinary meeting letter.
- Normally an appeal meeting will be arranged with the employee together with the line manager of the manager, for example, the owner, who issued the disciplinary penalty, within 15 working days of the employee's request.
- A letter detailing the outcome of the appeal should be issued within 10 working days of the appeal meeting.

## **7. Disciplinary penalties**

- Managers should not issue any disciplinary penalties without a formal meeting.
- There are five disciplinary penalties, which may result from misconduct:
  - formal verbal warning (first formal warning)
  - written warning
  - final written warning
  - dismissal with notice
  - summary dismissal (dismissal without notice on the grounds of gross misconduct)
- The gravity of the offence will determine which disciplinary penalty is issued. All disciplinary penalties must be confirmed in writing.

## **8. Formal verbal warning**

- Minor breaches of organisational discipline, misconduct or time keeping, or failure to meet performance criteria, may result in a formal verbal warning given by the line manager. The line

manager may give this at a disciplinary meeting with the employee. The warning should be confirmed in writing. If the warning relates to unsatisfactory performance then it should set out:

- the performance required
- the improvement required
- the timescale for improvement
- any review date
- any support that can be offered to assist the employee to improve their performance
- If the warning relates to conduct, then the nature of the misconduct and the change in behaviour required should be set out in the warning letter.
- The employee may be accompanied at the meeting by a work colleague or a recognised trade union representative.
- The warning will be placed on the employee's personnel file. After a period of [three months], if no further disciplinary action has been found necessary and the minor breach has been resolved, the warning will expire.

## **9. Written warnings**

- If the infringement is regarded as more serious, or the employee's work or conduct are considered unsatisfactory after they have received a formal verbal warning and after a period has elapsed in which the employee has had time to remedy their work or conduct, a disciplinary meeting conducted by the line manager will be held.
- The employee will be informed of the nature of the complaint and such evidence as may exist, and will be given an opportunity to respond. The employee will be told of the decision and given a letter of confirmation within 10 working days of the disciplinary meeting. The written confirmation will state:
  - the date of the disciplinary meeting and those present
  - the penalty imposed
  - details of the misconduct, poor performance or poor time keeping that has occasioned a warning and the performance required or the change in behaviour required
  - the timescales for performance improvement, where appropriate

- details of any necessary action to remedy the situation, any period of review, extra training or supervision etc., or the possibility for redeployment/demotion
  - that any further misconduct etc. will result in a further disciplinary meeting and will normally result in a confirmed final warning, which if unheeded will result in dismissal with appropriate notice
  - that there is a right of appeal
- After a period of [six months], if no further disciplinary action has been found necessary and the minor breach has been resolved, the warning will expire.

## **10 Final Written Warning**

- If the employee's work or conduct fails to improve, or where the infringement is sufficiently serious, the manager will follow the same procedures as for issuing a written warning. If proven, a final warning, which will be in writing, will be given to the employee warning that any further misconduct will result in dismissal with appropriate notice.
- After a period of [12 months], if no further disciplinary action has been found necessary and the breach has been resolved, the warning will expire.

## **11. Gross misconduct**

- Employees dismissed with notice will be paid for this notice period. An employee may be dismissed without notice if there has been an act of gross misconduct, or a major breach of duty or conduct that brings the organisation into disrepute. The employee will be suspended with pay while the circumstances of the alleged gross misconduct are investigated.
- A dismissal must be confirmed in writing within [10] working days of the date of the disciplinary interview. As well as covering the points stated in section 9 above, the letter should also include details of any outstanding money owed to the employee, how and when it will be paid and the final date of employment.
- In certain cases, where a member of staff is dismissed from the organisation or internally disciplined because of misconduct relating to a child, the setting informs the Disclosure and Barring Service.

## **12. Suspension**

- Suspension should be used in circumstances where the line manager needs to conduct an investigation prior to a hearing where it is felt that the impact of not suspending the



employee, during the period, is more likely to be detrimental than suspending them.

- Cases which involve potential gross misconduct will usually result in suspension, particularly when relationships have broken down or where the setting's property or responsibilities to other parties are involved, or where the employee's presence may prejudice the inquiry.
- Suspension should be kept brief and reviewed to ensure that it is not unnecessarily protracted.
- Where a member of staff is suspended because of alleged misconduct relating to a child, the setting informs Ofsted, social services and may also contact the Police and other relevant agencies.

### 13. Timescales

- Employees are required to take all reasonable steps to attend hearings. However, should, for a reasonably unforeseen reason, either the employee, the line manager or their companions be unable to attend meetings, they must be rearranged.
- Should an employee's companion be unable to attend, then the employee should make contact within [five] days of the date of the letter to arrange an alternative date that falls within [10] days of the original date provided.
- Time limits may be extended by mutual agreement.

This policy was adopted by	Willaston Pre-school	<i>(name of provider)</i>
On	11 October 2021	<i>(date)</i>
Reviewed	5 October 2022, 31 October 2023	<i>(date)</i>
Date to be reviewed	October 2024	<i>(date)</i>
Signed on behalf of the provider	<i>Jacqueline Piaf</i>	
Name of signatory	Jacqueline Piaf	
Role of signatory (e.g. chair, director or owner)	Manager	

## Whistleblowing policy

It is important to Willaston Pre-school that any fraud, misconduct or wrongdoing by employees, or people engaged in the organisation's business, is reported and properly dealt with. We therefore encourage all individuals to raise any concerns that they may have about the conduct of others in the early years setting or the way in which the early years setting is run.

We recognise that effective and honest communication is essential if malpractice is to be effectively dealt with and the organisation's success ensured.

Whistleblowing relates to all those who work with, or within, the early years setting, who may from time-to-time think that they need to raise with someone in confidence certain issues relating to the organisation.

Whistleblowing is separate from the grievance procedure. If you have a complaint about your own personal circumstances, you should use the normal grievance procedure. If you have a concern about malpractice within the organisation, then you should use the procedure outlined below.

### Procedure

- Report any concerns to your line manager. If this is not possible, then report your concerns to a more senior manager or trustee.
- All employees and those involved with the early years setting should be aware of the importance of preventing and eliminating wrongdoing within the organisation. You should be watchful for illegal, inappropriate or unethical conduct and report anything of that nature that you become aware of.
- You should be watchful and report any wrongdoing. Wrongdoing could include:
  - abuse of a child or vulnerable person
  - a child, parent, employee or volunteer being put at risk of harm
  - unsafe working practices
  - a failure to comply with statutory or legal obligations
  - a criminal offence which has or is about to be committed
  - the use of unsafe equipment
  - falsification of financial records

- bribery and/or corruption which has taken or is about to take place
  - covering up wrongdoing or malpractice
- Any matter you raise under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation will be reported back to you.
  - You will not be victimised for raising a matter under this procedure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.
  - Victimisation of an individual for raising a qualifying disclosure (something that it is in the public interest to disclose) will be a disciplinary offence.
  - If misconduct is discovered as a result of any investigation under this procedure the early years setting’s disciplinary procedure will be used, in addition to any appropriate external measures.
  - If you make a malicious, vexatious or false allegation then this will be considered a disciplinary offence and disciplinary action will be taken against you.
  - An instruction to cover up wrongdoing is itself a disciplinary offence. If you are told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. In this event you should report the matter to a more senior manager or a trustee.

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# Capability procedure

## 1. Introduction

This procedure applies to all employees who have successfully completed their probation period and establishes guidelines for line managers and employees in relation to the management of unsatisfactory performance. It is designed to ensure that cases of unsatisfactory performance are dealt with similarly and fairly, with the prime objective of improving an employee's performance to the required level.

## 2. Principles

- The first step is to establish whether it is a misconduct or capability issue, as only concerns about work performance due to lack of knowledge or skills should be addressed through the capability procedure. For example, an individual incapable of working to required standards through no fault of their own should be taken through the capability procedure, whereas concerns about work performance due to carelessness, neglect or lack of effort should be dealt with through the disciplinary procedure as misconduct.
- Managers have a responsibility for setting realistic and measurable standards of performance, for explaining these standards to employees and for supporting employees to achieve the standards set.
- Managers also have a responsibility for making employees aware of the standards expected of them and where expectations change and develop over time, informing employees of these changes.
- All employees have a contractual responsibility to perform their duties to an acceptable standard and are expected to be proactive in terms of ensuring that they are clear and understand the standards of performance required of them.

## 3. Informal stage

- When there is evidence that an employee is not performing at an acceptable level, the line manager should investigate the circumstances without delay and make every effort to establish the reasons for the unsatisfactory performance.
- If, following this assessment, the line manager considers that the employee's performance is poor due to capability then an informal discussion with the employee will be arranged.
- At this meeting the key points to be covered by the line manager will be to make clear the areas in which the employee's performance is below expectations (explaining the grounds/evidence for this view) with the aim of identifying any problems or reasons for the unsatisfactory performance, which could be resolved. Solutions to the problem could include closer supervision, additional guidance, advice, training, coaching or some other kind of ongoing support to the individual.

- Give the employee the opportunity to explain their unsatisfactory performance and to raise any concerns they may have about the job, or the support and guidance they have been given to do it.
- Ensure that the employee is aware of the level of performance required in relation to each element of the duties about which there is a concern.
- Set a reasonable time frame within which improvement is expected and arrange a further meeting at the end of this time to review the situation.
- The content and outcome of this meeting will be confirmed by the line manager in writing to the employee, including the type of improvement required, any additional support or training that will be provided, any other agreed actions and the timescale for improvement and review. The line manager should also make the employee aware of the consequence of failing to reach the expected standard of performance.
- When discussing unsatisfactory performance, line managers must be specific about their concerns and demonstrate evidence and/or give examples to support their assertions.
- At the end of the informal review period the line manager will need to write to the employee to confirm the outcome of the informal review period, stating either that performance targets have been reached, ending the process, or performance targets have not been reached, requiring a formal stage 1 meeting under the capability procedure.
- If there is an improvement in the performance which is not sufficient, then the informal review period can be extended to allow the employee to reach the required level and demonstrate they can maintain the improvement over a sustained period of time.

#### **4. Formal stages**

- Where an employee's performance fails to improve as a result of having being given relevant support, for example, guidance, advice, coaching or training, and performance remains below the required standard, then the formal stages of this procedure will apply.
- It is important to make it clear to the employee, the outcomes of the various stages potentially resulting in the following sanctions:

Stage 1 – First Written Warning (12 months on file)

Stage 2 – Final Written Warning (18 months on file)

Stage 3 – Dismissal

- If an employee's unsatisfactory performance is sufficiently serious or gross negligence is alleged, it

may be appropriate to move directly to stage 2 or 3. This might occur where the employee's actions have had, or are likely to have, a serious or harmful impact on a setting, a service user or person. Alliance members can use their free 24-hour legal advice line prior to taking the decision to move to a higher stage.

- At any stage during the formal stages of the procedure, if the employee's performance meets the required standard and this is sustained, the process ends.

## 5. Stage 1 – Potential issue of First Written Warning

- If there is continued unsatisfactory performance, the employee should be invited to a formal meeting to discuss the matter. The meeting will normally be conducted by the line manager who will be accompanied by a trustee. At this meeting the employee will have the opportunity to explain their unsatisfactory performance.
- At the stage 1 meeting the employee will be reminded of the earlier informal discussions and the steps taken to support an improvement in their performance. They will be told as precisely as possible, the reasons for the manager's continued concerns about their performance.
- If, having heard any explanations offered by the employee, the line manager remains concerned and an extension is not appropriate, the line manager will write to the employee issuing them with a **First Written Warning** normally within 10 working days. The letter will indicate:
  1. the unsatisfactory performance
  2. the performance required
  3. the improvement required
  4. the timescale for improvement
  5. any review date
  6. any support that can be offered to assist the employee to improve their performance
  7. the consequence of not meeting the performance targets
  8. the right to appeal
- This warning will be placed on the employee's personnel file and will be removed as spent after a period of 12 months.
- At this meeting further consideration should be given to any additional training or support that

could reasonably be provided to the employee to enable them to reach the required standard of performance.

- A reasonable time period (immediately or within a reasonable timescale) will be set within which improvement is expected and a further meeting arranged at the end of this time to review the situation.
- If there is improvement in the performance which is not sufficient, then the first written warning can be extended to allow the employee to reach the required level and demonstrate that they can maintain the improvement over a sustained period of time.

## 6. Stage 2 – Potential issue of a Final Written Warning

- If the problem is more serious, or if there has been a failure to meet the performance targets set at the stage 1 meeting, the employee shall be invited in writing to a stage 2 meeting, normally with at least ten working days' notice. The letter inviting the employee to the meeting shall set out the issues to be considered.
- The meeting will normally be conducted by the line manager who will be accompanied by a trustee, as at the stage 1 meeting. At this meeting the manager will review the history of the case, including the steps that have been taken to support the employee to achieve the required level of performance.
- If no satisfactory explanation is given for the failure to meet the required standard of performance, the manager will write to the employee issuing them with a **Final Written Warning** normally within 10 working days. The letter will indicate:
  1. the unsatisfactory performance
  2. the performance required
  3. the improvement required
  4. the timescale for improvement
  5. any review date
  6. any support that can be offered to assist the employee to improve their performance
  7. the consequence of not meeting the performance targets, for instance, that the employee may be dismissed if no acceptable improvement in performance is achieved within the given

timescale

8. the right to appeal as outlined in section 10 will apply (see below)

- This formal and final written warning will be placed on the individual's personnel file and will be removed as spent after a period of 18 months.
- Further consideration should be given to any additional training or support that could reasonably be provided to the employee to enable them to reach the required standard of performance. A review period (immediately or within a reasonable time scale) will be set within which improvement is expected and a further meeting arranged at the end of this time to review the situation.

## **7. Stage 3 – Potential dismissal**

- If the employee does not improve as specified in the final written warning issued under stage 2, or where serious performance issues arise or gross negligence is alleged (and after such investigation as is appropriate in the circumstances), the employee will be invited to a stage 3 meeting. Where practicable the panel (who will decide the outcome) should consist of a minimum of two people not previously involved in stage 1 and 2.
- A letter will be sent to the employee, normally ten working days before a stage 3 meeting, detailing the purpose of the meeting, and the circumstances that have led the employer to consider dismissing the employee. The employee will be invited to make any written submissions. The employee will also be advised that one consequence of the meeting may be the termination of employment. Prior to the meeting the employee will be provided with copies of the papers that will be considered at the meeting.
- At the stage 3 meeting, the line manager normally will present the history of the case, including the steps that have been taken to support the employee to achieve the required level of performance. The employee's explanation will be heard and considered.
- The person conducting and hearing the case will consider the facts of the case and any representations made. On the basis of the information presented the chair may decide on the following outcomes:
  1. that there are insufficient grounds to dismiss the employee under this procedure
  2. extension or renewal of a warning or final written warning issued under this procedure
  3. that the employee should be dismissed on grounds of capability (with



appropriate notice)

The above list is not exhaustive and the outcome may vary according to the circumstances of the case.

- The decision will be confirmed in writing within 10 working days of the meeting and will notify the employee of her or his right to appeal against any sanction. In the event that the decision taken is to dismiss the employee, the letter will include the reasons for the dismissal and the date that her or his employment will terminate together with details of any notice arrangements.

## **8. Representation**

- The employee has the right, if they wish, to be accompanied by a workplace colleague or trade union representative at all formal (stage 1, 2 and 3) meetings.
- It should be noted that the representative/companion has no right to answer questions on behalf of the employee, to address the meeting if the employee does not wish him or her to do so, or to prevent the employer explaining its case.

## **9. Timescales**

- Employees are required to take all reasonable steps to attend the meetings. However, should, for an unforeseen reason, either the employee, the line manager or their companion be unable to attend the meeting, it must be rearranged.
- An employee will receive a minimum of 48 hours advanced notice in writing of any stage 1, 2 or 3 meetings arranged under this policy from receipt of the letter to the addressee. This letter will include a statement which sets out the areas of unsatisfactory performance and any other relevant circumstances. Where witnesses are to be called by the manager or the individual, prior notice of this should be given.
- Should an employee's companion be unable to attend then the employee should make contact within 5 days of the date of the letter to arrange an alternative date that falls within 10 working days of the original date provided.
- Time limits may be extended by mutual agreement.

## **10. Right of appeal**

- An employee has the right to appeal against any formal action taken against them in line with this procedure and must do so in writing to the identified person in their outcome letter, within

seven working days of the date of the outcome letter, stating their grounds for appeal.

- Normally for appeals, the Chair of the appeal meeting will not have had any prior involvement in the process.
- Normally an appeal meeting will be arranged with the employee together with the line manager of the manager who issued the sanction e.g. a trustee. This should happen within 15 working days of the employee's request.
- The appeal meeting will take into account any new evidence that either party may present and consider its relevance to the sanction imposed.
- Where an appeal is upheld, reference to the warning or dismissal will be removed from file. Alternatively, the outcome of the appeal hearing may be to impose a lesser penalty, for example, a final warning instead of dismissal. The outcome of the appeal will be set out in a letter to the employee.
- A letter detailing the outcome of the appeal should be issued within 10 working days of the appeal meeting.

This policy was adopted by	<u>Willaston Pre-school</u>	<i>(name of provider)</i>
On	<u>11 October 2021</u>	<i>(date)</i>
Reviewed	<u>5 October 2022, 31</u>	<i>(date)</i>
	<u>October 2023</u>	
Date to be reviewed	<u>October 2024</u>	<i>(date)</i>
Signed on behalf of the provider	<u><i>Jacqueline Piaf</i></u>	
Name of signatory	<u>Jacqueline Piaf</u>	
Role of signatory (e.g. chair, director or owner)	<u>Manager</u>	

## Sickness absence policy and procedure

### Key principles

Willaston Pre-school is committed to promoting the health, safety and wellbeing of it's staff by:

- providing appropriate support to facilitate staff retention and return to work after illness, for example through a phased return, flexible working and making reasonable adjustments
- tackling issues which may result in absence due to work related stress
- encouraging attendance, monitoring absence and the cost of sickness absence;
- working with unions and health and safety representatives to identify actions and preventative measures to promote the health, safety and well being of staff

The sickness absence policy aims to ensure that absence is managed in a consistent, supportive and effective way so that operational and service levels are maintained. This policy applies to all staff with a contract of employment.

This policy explains:

- keys steps for effectively managing absence
- procedures to be followed by staff
- how the setting works with employees to keep absence levels to a minimum

### Types of sickness absence

Not all patterns of absence fall neatly into one of the following groups and/or the pattern may change over a period of time, so some flexibility of approach may be needed.

#### *Frequent short-term sickness absence*

This is when an employee has been absent from work through sickness or injury on a number of occasions within a defined time frame, or absences which fall into a pattern over the same period.

#### *Long-term sickness absence*

This is when an employee has been, or is expected to be, absent from work for more than four consecutive weeks.

## **Managing short-term and frequent intermittent absences**

The procedures relating to sickness absence reporting and management are set out below.

### *Notification*

If you are absent due to sickness on a normal working day, you must notify your manager, or other designated member of staff:

- by telephone - speaking to the manager or deputy as soon as possible and no later than 7:30 am on the day you are unable to work
- you will need to state the reason for your absence and the expected duration of your sickness absence where known. If we do not hear from you within an hour of your normal start time your manager will endeavour to contact you at home. If you are unable to call yourself you may ask someone to make contact on your behalf. However, you must ensure you speak with your manager later the same day or as soon as practicable thereafter. If you are off for more than 3 consecutive working days, you must contact your manager by the fourth day (or next working day). Your manager may ask that you contact them before this where, for example, cover arrangements may need to be put in place. For longer periods of absence, you should maintain regular contact with your manager, normally weekly (longer by agreement with your manager).

We acknowledge that there may be exceptional circumstances which prevent the member of staff from meeting the reporting and certification requirements, for example, in the case of a severe injury / hospitalisation.

- Employees must have ceased to experience diarrhoea and vomiting for 48 hours before returning to work.

### *Record keeping and certification*

#### **Days 1 - 7 of sickness absence**

For the first 7 calendar days of continuous sickness absence (i.e. including non working days), you do not need to obtain a note from your G.P. to cover your absence. When you contact your manager to inform them about your absence and the reasons for this, your manager or other designated person will record this information. On your first day back at work you must notify your manager or another designated person to confirm the dates of your sickness absence and the reasons for absence. Where practicable, you will receive a back to work interview. This process gives you the opportunity to check and confirm your absence record and ensure the information held is correct. It is your responsibility to inform your manager if you think your sickness absence record is incorrect when you have your back to work interview.

### **Sickness absence that exceeds 7 days**

For absences that exceed 7 continuous calendar days (including non-working days) you must provide a Med 3 form which is a 'Statement of fitness for work' or evidence of a doctors appointment and or prescription.

You are responsible for ensuring your medical Statements reach your manager promptly. Periods of absence that are not covered by a Statement will not qualify for occupational nor statutory sick pay, however, each case will be considered on its merits before occupational sick pay is withheld. If your G.P. provides advice that you may be fit for work you should notify your manager as soon as practicable. You should send your Statements to your manager or other designated person who will arrange for this to be logged electronically and passed to the payroll team for processing. If the Statement is not received by the twelfth consecutive day of sickness, you may not be entitled to occupational sick pay.

### **Sickness absence that occurs because of dependents**

Willaston Pre-school is aware that it's staff have families that are sometimes needing extra support; either due to illness or accidents. Appointments with dependents will be considered and can be taken without pay or a swap of hours with an agreeable member of staff. Illnesses of dependents, either children or aging parents- 1 day will be given then the staff member must either swap with an agreeable member of staff or take the time without pay.

### **Managing absence**

In order to manage sickness absence effectively and consistently we will seek to support staff during periods of illness and use the following interventions and procedures to facilitate a return to work, retain staff in employment and improve attendance:

- Return to work discussions and/or interviews
- Staff to keep in touch during absence
- Monitoring and recording absence
- Carrying out sickness review meetings
- Providing management support
- Seeking medical reports
- Managing absence through the procedures detailed below or through the disciplinary procedure where appropriate
- 

### **Return to Work Discussions**

All staff will have a return to work discussion with their manager, normally on their first day back at work.

Absence is monitored over a 12 month rolling period. So current absence will be calculated from the date of review for the previous 12 month period. If a period or pattern of absence continues beyond 12 months, such previous absence may be considered as part of the ongoing absence review. The content of return to work discussions will vary depending upon the length, type of absence and concerns in relation to your sickness record. It is likely to be a brief conversation about your health

and offer of support; however, it may be a more detailed discussion or meeting depending upon the issues.

**Your manager will:**

- acknowledge and welcome you back to work;
- find out the reason and cause of absence if this is not known;
- make sure you are well and fully fit to return to work, taking into account any recommendations from your G.P. where relevant
- bring you up to date with any changes or news.
- Sickness information will be held confidentially and access restricted to authorised personnel within Willaston Pre-school.

**Short Term Sickness**

If your attendance, due to short term or intermittent absence, becomes a matter of concern, for example, persistent short term absences or a pattern such as Monday/Friday absences before/after Bank Holidays and preschool closures, your manager will discuss this with you informally with a view to resolving issues and improving attendance. Poor attendance and reliability issues may have a negative impact upon colleagues, workloads and team effectiveness.

The following procedure aims to provide a consistent approach to managing short term absence initially through informal interventions and where attendance does not improve / attendance targets are not met and concerns continue, through a formal process. If attendance has not improved and there is no underlying medical condition, poor attendance may become a disciplinary matter. Ongoing absence issues will be managed through the long term sickness and capability process if it becomes clear that the sickness absence is:

- long term (likely to exceed 20 consecutive working days); and/or
- related to a disability; or
- related to a known underlying medical condition.

**Informal Stage:**

Initial sickness review meeting-You will be required to attend an initial sickness review meeting with your manager if you have:

- more than 10 self certificated working days sickness within a 12 month period (pro rata for part time staff); or
- 4 periods of absence within a 6 month period or;
- a pattern of absence that is of concern (e.g. Mondays / Fridays or absence following bank holidays).
- 

**Purpose of meeting**

The initial sickness review meeting should aim to:

- identify any contributing issues and how these may be resolved;
- establish whether there is an underlying medical condition or disability (this may involve seeking further medical advice)

- consider what other support may be needed; and
- encourage a member of staff to improve their attendance at work through agreed attendance targets.

### **Formal Stage:**

#### **Formal sickness review meeting**

A formal review meeting will be held with you if your attendance remains of concern and there is no underlying medical condition.

#### **Reasons for a formal meeting may be that:**

- attendance targets have not been met; or
- there has been no sustained improvement; or
- self certified sickness absence has reached 20 working days (pro rata for part time staff) within a 12 month period; or
- the pattern of absence is a cause of concern.

You will be given at least 5 working days written notice to attend a meeting

#### **Purpose of meeting**

At this meeting, your manager will:

- review your attendance;
- discuss how this may be improved;
- review the improvement targets;
- discuss any management support or other needs.

### **Ill Health Capability Review**

#### **Undertaking a Capability Review**

In some cases of long term continuous or intermittent sickness absence, Willaston Pre-school will need to consider your capability / fitness for work where:

- there is no predicted date of return;
- medical evidence indicates that an individual is permanently unfit for work;
- a return to work may be unlikely within a reasonable timescale;
- there is a high level of intermittent absence;
- the member of staff is not able to fulfil their job role effectively (after appropriate interventions to facilitate their return or improve their attendance).

#### **A capability review will consider whether:**

- Further investigation is required, for example, if recovery is taking longer than predicted or there has been a recent deterioration in relation to health or a disability. Further medical advice and relevant specialist reports may be requested to ensure any decision takes into account up to date medical information.
- Reasonable adjustments have been made where this is appropriate and whether there are any further reasonable adjustments.

- A phased return, alternative duties, or flexible working have been discussed and considered where appropriate.

### **Withholding occupational sick pay**

In some cases Willaston Pre-School may take a decision to withhold or suspend occupational sick pay where:

- the notification of sickness absence procedures and certification requirements are not adhered to;
- recommended treatment is not followed;
- self-certificated absence is persistent / short term and becomes a disciplinary matter;
- sickness absence follows notification of a disciplinary or capability hearing or investigation;
- there is a failure to cooperate with, or abuse of, the absence policy and procedure.

You will be given notice in writing that your occupational sick pay will be suspended or withheld.

Occupational sick pay will cease if you do not adhere to the requirements stated within this policy.

This policy was adopted by	<u>Willaston Pre-school</u>	<i>(name of provider)</i>
On	<u>11 October 2021</u>	<i>(date)</i>
Reviewed	<u>5 October 2022, 31</u>	<i>(date)</i>
	<u>October 2023</u>	
Date to be reviewed	<u>October 2024</u>	<i>(date)</i>
Signed on behalf of the provider	<u><i>Jacqueline Piaf</i></u>	
Name of signatory	<u>Jacqueline Piaf</u>	
Role of signatory (e.g. chair, director or owner)	<u>Manager</u>	



## Employee rights under the Access to Medical Reports Act 1988

1. You can ask to see the medical report before the setting receives it. This request for access can be made either:
  - a) to the setting when you grant us permission to obtain it (in which case we will tell the doctor of your request and let you know when we apply for the report)
  - b) direct to the doctor at a later date, but before the report is supplied to the setting
2. If you ask to see the report:
  - a) you must contact the doctor to arrange access within 21 days of the setting applying for the report, otherwise the doctor can give the report to us without showing it to you and without your consent. (Under 1(b) above you must contact the doctor within 21 days of notifying that you wish to see the report)
  - b) having seen the report, you can ask the doctor (in writing) to amend anything which you think is incorrect or misleading; if the doctor does not agree, a statement of your views will be attached to the report at your request
  - c) provided you have seen it, the report will not be given to us unless you give the doctor your consent
3. You will not be entitled to see any part of the report which:
  - a) the doctor believes could seriously harm your physical or mental health, or that of others
  - b) indicates the doctor's intentions in respect of you
  - c) reveals information about another person, or the identity of someone who has given the doctor information about you (unless that person consents or is a health professional involved in your care)
4. The doctor will tell you why access to the whole or part of the report is refused. Your rights of amendment will apply only to the disclosed part of the report. The doctor will only give the report to the early years setting with your consent.
5. You do not have to give the setting permission to obtain a medical report. (However, the inability to obtain up-to-date medical information may affect decisions made about your

employment with the setting).

6. You may ask to see any medical report relating to you which the doctor has provided for employment purposes in the last six months (if prepared on or after 1 January 1989). Such a request should be made to your doctor.

7.

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# Domestic abuse and sexual violence policy

## Willaston Pre-school

The setting recognises that any of our employees may be affected by domestic abuse, for example, as a survivor of domestic abuse, an individual who is currently living with domestic abuse, someone who has been impacted upon by domestic abuse or as an individual who perpetrates domestic abuse.

We are committed to developing a workplace culture in which there is zero tolerance of domestic abuse. We are also committed to ensuring that any employee who is the victim of domestic abuse has the right to raise the issue with their manager in the knowledge that they will always receive appropriate support and assistance, including specialist support where needed. We want to send out a strong message that domestic abuse is unacceptable in any circumstances.

The setting recognises that domestic abuse is an equalities issue and undertakes to not discriminate against anyone who has been subjected to domestic abuse in terms of current employment or future development. We are also particularly committed to ensuring that any children we identify who are or have been affected by domestic abuse receive appropriate help and support and will give ongoing domestic abuse training (see Domestic Abuse: A Toolkit for Employers (PHE 2021), to our staff to enable them to recognise the signs and symptoms of children who have been impacted in this way and take appropriate action.

### Definition of Domestic Abuse

For purposes of this policy, domestic abuse is defined as: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group. It is also important to remember that most research also suggests that domestic abuse occurs in all sections of society irrespective of gender, race, culture, nationality, religion, sexuality, disability, age, class or educational level.

## **Identification of the problem**

Whilst it is for the individual themselves to recognise they are a victim of domestic abuse, there are signs which may indicate an employee may be a victim. These may include:

- The member of staff may confide in their colleagues/manager.
- Staff may inform their manager that a colleague is suffering from domestic abuse.
- There may be obvious effects of physical abuse
- It may come to light as a result of enquiries into a drop-in performance or a significant change in behaviour.
- It may reveal itself as the background to poor attendance at work.

Managers who support staff in such matters should address the issue positively and sympathetically ensuring that the employee is aware that support and assistance can be provided.

The setting respects employees' right to privacy. Whilst we strongly encourage victims of domestic abuse to disclose the abuse for the safety of themselves and all those in the workplace, we do not force them to share this information if they do not want to.

## **Confidentiality and right to privacy**

Employees who disclose experiencing abuse can be assured that the information they provide is confidential and will not ordinarily be shared with other members of staff without their permission. There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are safeguarding concerns about children or vulnerable adults or where the employer needs to act to protect the safety of employees. As far as possible, information will only be shared on a need-to-know basis.

All records concerning domestic abuse will be kept strictly confidential. No records will be kept of absences related to domestic abuse and there will be no adverse impact on the employment records of victims of domestic abuse. Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.

Where domestic abuse in a same sex relationship is disclosed, due regard will be paid to the double disclosure of confidential information.

## **Support for individuals**

The setting recognises that developing a life free from abuse is a process not an event and we will provide ongoing support for employees who disclose abuse. We will respond sympathetically, confidentially and effectively to any member of staff who discloses that they are experiencing domestic abuse. Where domestic abuse has been reported, line managers will treat unplanned absences and temporary poor timekeeping sympathetically.

Line managers may offer employees experiencing domestic abuse a broad range of support. This may include, but is not limited to:

- Special paid leave for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.

- Temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role.
- Redeployment or relocation.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including flexible working.
- Access to counselling/support services in paid time.
- Access to courses developed to support female survivors of domestic abuse, for example The Freedom Programme ([www.freedomprogramme.co.uk/](http://www.freedomprogramme.co.uk/)).

Line managers will respect the right of staff to make their own decision on the course of action at every stage.

### **Organisational planning**

All employees will be made aware of this policy through a range of methods including induction, training and policy documents. The setting will remind staff of the importance of not divulging personal details of other employees, such as addresses, telephone numbers or shift patterns.

A member of staff trained in domestic abuse issues (see Domestic Abuse: A Toolkit for Employers (PHE 2021)), will be nominated as an additional confidential contact for staff. This person will also provide guidance for line managers who are approached by staff who are being abused.

### **Training**

The setting is committed to ensuring all managers are aware of domestic abuse and its implications in the workplace, including safety implications.

We use Hestia's free Employer's Advice Line and digital tool, Respond to Abuse ([www.hestia.org/respond-to-abuse](http://www.hestia.org/respond-to-abuse)), which supports employers to help staff experiencing domestic abuse to plan a route to safety.

Our managers and key staff undertake training with SafeLives (<https://safelives.org.uk/training>) to help them to recognise the signs of domestic abuse, understand the issues and respond quickly and effectively when a victim needs help.

### **Raising awareness in the workplace**

The setting will raise awareness of domestic abuse through the following measures:

- communicating and making available a list of external resources.
- publicising a statement communicating the organisation's position on domestic abuse to all employees;

To support this policy, the Domestic Abuse: A Toolkit for Employers (PHE 2021) is available for staff and managers to use.

### **Additional support**

When an employee discloses domestic abuse, the manager will encourage the employee to contact a specialist support agency to undertake a Domestic Abuse Stalking and Harassment (DASH) risk assessment and make appropriate referrals where necessary.

We will work with the employee and a specialist agency (with the employee's consent) to identify what actions can be taken to increase their personal safety at work and at home as well as address any risks there may be to colleagues.

The setting encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse.

### **Perpetrators of domestic abuse**

Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. The setting recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

Employees should report if they suspect a colleague is a perpetrator of abuse. The setting views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the Code of conduct for disciplinary purposes.

This policy should be read in conjunction with our Safeguarding children, young people and vulnerable adults policy and procedures, Code of conduct policy and Dignity at work policy.

### **Further guidance**

Anyone using this policy to respond to a victim or perpetrator of domestic abuse should refer to Domestic Abuse: A Toolkit for Employers (PHE 2021) at [www.bitc.org.uk/toolkit/domestic-abuse-toolkit/](http://www.bitc.org.uk/toolkit/domestic-abuse-toolkit/) for further guidance, using the helplines and supportive organisations as listed under Useful resources, as appropriate.

This policy was adopted by	Willaston Pre-school	<i>(name of provider)</i>
On	22 September 2022	<i>(date)</i>
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Signed on behalf of the provider	<i>Jacqueline Piaf</i>	
Name of signatory	Jacqueline Piaf	
Role of signatory (e.g. chair, director or owner)	Manager	

# Anti-bribery

## Introduction

The setting is committed to preventing bribery and maintaining a culture within the charity in which bribery is never acceptable.

Bribery is a criminal offence and therefore the setting does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does, or will, the setting accept bribes or improper inducements.

To use a third party as an intermediary as a means to bribe others is a criminal offence, the setting does not, and will not, engage indirectly in or otherwise encourage bribery.

The setting is committed to the prevention, deterrence and detection of bribery. The setting has a zero-tolerance towards bribery whether internal or external to the setting. The setting aims to maintain anti-bribery compliance integral to its business practice rather than as a one-off exercise.

## What is bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Any such advantage is referred to as an “unfair business advantage” in this policy. It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation that an unfair business advantage will be received, or to reward an unfair business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to anyone to "facilitate" or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that an unfair business advantage will be provided by the setting in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy

## Key offences

There are four key offences under the Bribery Act (2010):

1. Bribery of another person (section 1)
2. Accepting a bribe (section 2)
3. Bribing a foreign official (section 6)
4. Failing to prevent bribery (section 7)



## **Penalties**

An individual guilty of an offence under sections 1, 2 or 6 of the Act is liable on conviction to imprisonment or to a fine, or to both.

Organisations are liable for these fines and if guilty of an offence under section 7 of the Act are liable to an unlimited fine.

## **Purpose of this policy**

This policy provides a coherent and consistent framework to enable the setting's owners/trustees/directors, employees and volunteers to understand and implement arrangements enabling compliance and to enable owners/trustees/directors, employees and volunteers to identify and effectively report a potential breach.

We require that all owners/trustees/directors, employees and volunteers, including temporary agency staff and contractors to:

- act honestly and with integrity at all times and safeguard the setting's resources for which they are responsible
- comply with all of the laws and regulations in which the setting operates, in respect of the lawful and responsible conduct of activities. Individuals are expected to comply with the spirit of the law/regulations as well as what is explicitly stated in the law/regulations.

## **Application of the policy**

This policy applies to all of the setting's activities. For partners, contractors, consultants, community groups and suppliers, the setting will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the setting, the responsibility to control the risk of bribery occurring resides at all levels of and functions of the setting.

This policy covers all staff, including all levels and grades, those permanently employed, bank staff, temporary agency staff, contractors, owners/trustees/directors and volunteers.

## **Commitment to action**

The setting commits to:

- setting out a clear anti-bribery policy and keeping it up-to-date
- making all owners/trustees/directors, employees, other staff and volunteers aware of their responsibilities to adhere strictly to this policy at all times
- training/guiding all owners/trustees/directors, employees, other staff and volunteers so that they can recognise and avoid the use of bribery by themselves and others
- encouraging its owners/trustees/directors, employees, other staff and volunteers to be vigilant and to report any suspicions of bribery, providing them with suitable means of communication and ensuring sensitive information is treated appropriately
- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution

- taking firm and vigorous action against any individual(s) involved in bribery
- provide information to all owners/trustees/directors, employees, other staff and volunteers to report breaches and suspected breaches of this policy
- include an appropriate clause in employment contracts to prevent bribery

### **Facilitation payments**

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

### **Gifts and Hospitality**

This policy does not change the requirements of the setting's Code of Conduct. This policy makes it clear that:

- Sample tokens of modest value (for example, resources from potential suppliers) whether given personally, or received in the post, may be retained unless they could be regarded as an inducement or reward.
- You should refuse the offer or invitation (or return the gift), if you are unclear as to whether or not it may be accepted or retained then seek guidance from either your line manager or the owner/trustees/directors.

### **Public contracts and failure to prevent bribery**

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence or "the offence of bribery".

Organisations that are convicted of "failing to prevent bribery" are not automatically barred from participating in tenders for public contracts.

### **Responsibilities of those working or providing services on behalf of the setting**

All owners/trustees/directors, employees, other staff and volunteers are required to avoid activity that breaches this policy. This also includes external companies and individuals. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the setting or under its control.

Trustees, employees and volunteers must:

- ensure that they read, understand and comply with this policy
- raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future

Where a Trustee acts as a representative of the setting he or she must not use or attempt to use their position as a Trustee improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

As well as the possibility of civil action and criminal prosecution, employed staff that breach this policy, will face disciplinary action, which could result in summary dismissal for gross misconduct.

Dismissal can still be an outcome with or without civil action or criminal prosecution.

### **Contractual arrangements**

The setting will not conduct business with service providers, agents or representatives that do not support the setting's anti-bribery objectives. The setting reserves the right to terminate its contractual arrangements with any third parties acting for, or on behalf of, the setting with immediate effect where there is evidence that they have committed acts of bribery.

### **Risk Assessment**

Local management in all business areas of the setting must assess the vulnerability of each of their areas to these risks on an on-going basis.

### **Record Keeping**

The setting will keep financial records and have appropriate internal controls in place which will evidence the business reason for making any payments to third parties:

- All expense claims incurred relating to third parties must be submitted in accordance with our expenses policy and specifically record, the reason for the expenditure.
- All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, must be kept in line with the setting's financial procedures.
- No accounts must be kept "off-book" to facilitate or conceal improper payments.

### **Raising a concern**

The setting is committed to ensuring a safe, reliable and confidential way of reporting any suspicious activity. We want owners/trustees/directors, employees other staff, and volunteers to know how they can raise concerns. As previously stated, everyone has a responsibility to help detect, prevent and report instances of bribery immediately.

If an individual has a concern regarding a suspected instance of bribery or corruption, in the first instance advice should be sought from the owner/trustees/directors, and if appropriate, completion of the form to report suspected bribery practices, as outlined in this policy. For further guidance on making a disclosure, please refer to the setting's Whistleblowing policy.

The setting will aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery, or because of reporting a concern in good faith.

### **Breaches**

A breach of the setting's Anti-Bribery policy by an employee will be treated as grounds for disciplinary action, which may result in a finding of gross misconduct, and immediate dismissal. Owners/trustees/directors, other staff and volunteers will potentially be removed from their role in line with relevant procedures.

The setting reserves the right to terminate its contractual arrangements with any third parties acting for, or on behalf of, the setting with immediate effect where there is evidence that they have committed acts of bribery.

Employees and other individuals acting for the setting should note that bribery is a criminal offence that may result in up to 10 years' imprisonment and/or an unlimited fine for the individual and an unlimited fine for the setting.

This policy was adopted by	Willaston Pre-school	<i>(name of provider)</i>
On	22 September 2022	<i>(date)</i>
Date reviewed	October 2023	
Date to be reviewed	October 2024	<i>(date)</i>
Signed on behalf of the provider	<i>Jacqueline Piaf</i>	
Name of signatory	Jacqueline Piaf	
Role of signatory (e.g. chair, director or owner)	Manager	

Other relevant staff policies e.g Confidentiality, E-safety and Health and safety general standards.

Please refer to General policy document

Please sign to confirm you have read and understood our Policies and Procedures.

Name

.....

Your signature

.....

Date .....