

## General Welfare Requirement: Suitable People

Providers must ensure that adults looking after children, or having unsupervised access to them, are suitable to do so.

## Employment

### 2.1 Employment and staffing

(including pre-appointment, vetting, contingency plans, appraisal, training and development)

#### Policy Statement for St Joseph's Pre-school

St Joseph's Pre-school provides a staffing ratio in line with the Welfare requirements of the Early Years Foundation Stage (EYFS) to ensure that children have sufficient individual attention and to guarantee care and education of a high quality. Our staff are appropriately qualified and we carry out checks for criminal and other records through the Disclosures and Barring Service (DBS) in accordance with statutory requirements. Evidence of pre-employment and DBS checks and staff qualifications is kept in the setting's Single Central Record (SCR). The SCR is managed and maintained by The Treasury Administrator on behalf of the Chair. As well as the Treasury Administrator and Chair, access is only permitted to the Office for Standards in Education, Children's Services and Skills (Ofsted).

#### Procedures

##### *Ratios*

- To meet this aim we use the following ratios of adult to children<sup>1</sup>:
  - children aged two years of age: 1 adult : 4 children; and
  - children aged three to seven years of age: 1 adult : 8 children, lead practitioner: 13 (3+)
- A minimum of two staff/adults are on duty at any one time.
- We use a key person approach to ensure that each child has a named member of staff with whom to form a relationship and who plans with parents the child's wellbeing and development in the setting. The key person meets regularly with the family for discussion and consultation on their child's progress.
- We hold regular staff meetings to undertake curriculum planning and to discuss children's progress, their achievements and any difficulties that may arise from time to time.

##### *Recruitment, pre-employment checks and vetting*

- We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and best practice.
- Our recruitment process ensures that at least one member of an interview panel has completed the Safer Recruitment in Education training<sup>2</sup> and achieved a grade C or above. More than one member of staff on the panel will also have been appropriately trained.
- We use Ofsted guidance on obtaining references and enhanced criminal record checks through the DBS for staff and volunteers who will have unsupervised access to children. This is in accordance with requirements under the Safeguarding Vulnerable Groups Act 2006 for the vetting and barring scheme.

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<sup>1</sup> St Joseph's Pre-school does not take children below the age of 2. Adherence to EYFS paragraphs 3.41 and 3.43 ('Staff:child ratios')

<sup>2</sup> Keeping Children Safe in Education, Statutory Guidance for Schools and Colleges, DfE and Inspecting safeguarding in early years, education and skills settings (latest version)

- St Joseph's Pre-school will not be undertaking an online search as part of due diligence on a candidate<sup>3</sup> who has been shortlisted for interview.
- Where an employment offer has been made to a new member of staff and we have agreed a start date for the individual that commences before their DBS certificate is available, our procedures ensure that the individual is never left in unsupervised contact with children, whilst they are in the process of obtaining a DBS certificate.
- References are sought from both the most recent employer and the most recent educational setting (if applicable). Internal references will only be acceptable from someone with authority, not a work colleague. We will endeavour to check that any electronic references received are from a legitimate source, by asking that it be posted to us too.
- We keep all records relating to employment of staff and volunteers, in particular those demonstrating that checks have been done, including the date and number of the enhanced DBS check and who carried out the check.
- We seek additional criminal records checks for anyone who has lived or worked abroad.
- We recommend that our staff enrol on the DBS update service.
- DBS checks for all staff and volunteers will be repeated
  - in the event that the pre-school has cause for concern or if the individual has had a break in service of more than 3 months. However, this is not applicable for anyone on maternity/paternity leave or if they are not attending the setting due to legal coronavirus restrictions in place at the time; or
  - there is a change in personal details, eg. name change due to marriage or divorce.
- Staff are required to complete an annual Criminal Declaration form.
- Staff are required to complete an annual 'Staff Suitability Declaration' form<sup>4</sup>. Failure to complete this form will be treated as a disciplinary matter which may lead to dismissal. This is kept in their personnel file in a secure filing cabinet.

### *Equality and diversity*

- We value the benefits that a diverse workforce brings to the setting. We strive to ensure that the work environment is free of harassment, including sexual harassment<sup>5</sup>, and bullying and that everyone is treated with dignity and respect. The commitment is an important aspect of advancing equality and diversity in employment and our interaction with others, including bank staff, job applicants, volunteers and carers. As such we work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
- We welcome applications from all sections of the community. Applicants will be considered on the basis of their suitability for the post, regardless of marital status, age, gender, culture, religious belief, ethnic origin or sexual orientation. Applicants will not be placed at a disadvantage by our imposing conditions or requirements that are not justifiable.
- We will take reasonable steps to prevent sexual harassment and St Joseph's Pre-school will not tolerate such persecution. Should a member of staff experience or witness sexual harassment then we ask them to bring this to the attention of their line manager or the Committee Chair. This can be done anonymously. If the perpetrator is another member of staff or Committee Member we will follow the setting's grievance procedure. If they are a third party, eg. parents/carers, visitors, trades person we will take steps to ensure the member of staff is not put in the position of being alone with them or

<sup>3</sup> Refer to Para 221 of KCSiE

<sup>4</sup> Required by Early Years Foundation Stage Framework Section 3 Suitable People section

<sup>5</sup> Sexual harassment is different from harassment related to a person's protected characteristics, eg sex, sexual orientation or gender reassignment.

preferably has no contact with them. Should the perpetrator be a member of St Joseph's Catholic Primary School's staff, we will contact the School's Head Teacher.

#### *Changes to staff including disqualification*

- We inform Ofsted of any changes in the person responsible for our setting within 14 days of the change.
- Where an employee is disqualified, or where we learn of relevant information that may lead to disqualification of an employee, we will take appropriate action to ensure the safety of children. Information will be provided to Ofsted in accordance with section 3.15 of the Statutory Framework for the Early Years Foundation Stage (latest version).

#### *Disqualification by association*

Staff are covered by this legislation if they are employed or engaged to provide early years childcare, or if they are directly concerned with the management of such childcare. This includes volunteers and casual workers (including those on work experience) who are directly concerned with the management of childcare provision, or who work on a regular basis, whether supervised or not, in relevant childcare, are within scope of the legislation<sup>6</sup>.

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

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

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

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

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

- the process of applying to Ofsted<sup>7</sup> for a waiver. The member of staff applies for the waiver;
- their work pending issue of the waiver.

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

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<sup>6</sup> Statutory Guidance: 'Disqualification under the Childcare Act 2006' updated 31 August 2018, on the application of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 and obligations under the Childcare Act 2006 in schools.

<sup>7</sup> [disqualification@ofsted.gov.uk](mailto:disqualification@ofsted.gov.uk)

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

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

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

### *Roles, responsibilities and appraisal*

- All staff have job descriptions which set out their staff roles and responsibilities. These are reviewed and updated periodically by the Lead Practitioner.
- All staff who work at the setting must sign in using the Ipad this is for Health and Safety reasons only. Working hours are recorded in the daily register, with hours outside of contracted hours also being recorded on overtime timesheets.
- As well as the regular staff meetings described under 'Procedures', all staff must attend yearly appraisals with their line manager and complete a self-assessment form. The Lead Practitioner will complete an appraisal proforma concerning each individual staff member once a year. An individual meeting will be held with each staff member to review progress, challenges, support strategies, routines and developments.
- The Chair will undertake the appraisal of the Lead Practitioner.
- The Treasurer will undertake the appraisal of the Treasury Administrator.
- Bank staff do not have appraisals, but they will receive feedback periodically.
- All staff will attend individual supervision meetings at least every term.
- Staff will attend weekly full team planning meetings to ensure that all progress, challenges and developments can be discussed as a team.
- Bank staff are not required to attend staff meetings. The Lead Practitioner will keep them abreast of any changes/developments which will affect them or the way they work.

### *Training and staff development*

- Management and leaders are qualified with at least a relevant Early Years qualification i.e. NNEB, NVQ3, Early Years Care and Education or B Ed Early Years. Other staff hold a Level 3 Diploma in Childcare and Education and a minimum of half of staff hold the CACHE Level 2 Certificate in Pre-school Practice or an equivalent or higher qualification.
- Training is on-going and we provide regular in-service training to all staff - whether paid staff or volunteers – covering the Early Years as well as health and safety related courses. Training is provided through PATA and external agencies.
- St Joseph's Pre-school budget allocates resources to training.
- We provide staff induction training in the first week of employment. This induction includes our Health and Safety Policy<sup>8</sup> and Safeguarding Children and Child Protection

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<sup>8</sup> Policy 3.2 Health and Safety general standards

Policy<sup>9</sup> (including online safety). Other policies and procedures will be introduced within an induction plan.

#### *Managing staff absences and contingency plans for emergencies*

- St Joseph's Pre-school is open during term time only, as such our staff take their holiday breaks when the setting is closed. Where staff may need to take time off for any reason other than sick leave or training, this is agreed with the manager with sufficient notice.
- Where staff are unwell and take sick leave in accordance with the Pre-school's sickness and absence procedure<sup>10</sup>, we organise cover to ensure ratios are maintained. Using our qualified bank staff as needed.
- Sick leave is monitored and action is taken where necessary in accordance with the setting's Sickness and Absence Procedure.
- We have contingency plans to cover staff absences, as follows:
  - the Deputy Lead Practitioner will cover for the Lead Practitioner;
  - a practitioner will cover for the Deputy Practitioner; and
  - bank staff will cover for practitioner(s).

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

- As part of the recruitment process, applicants are requested to declare if they are taking any medication or other substances which could potentially affect their ability to care for children. Equally, staff are requested to declare if they are taking any medication or other substances which could potentially affect their ability to care for children. We will seek advice on any medication/substance declared to ensure that an applicant or member of staff can work directly with children and that the medication or substance in question will not impair the applicant or staff member's ability to look after the children properly.
- Staff are made aware of this declaration as well as the requirement to store medication on the premises securely and out of the reach of children.

#### *Reference requests for current/former staff*

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

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

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

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

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

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<sup>9</sup> Policy 1.2 Safeguarding Children and Child Protection

<sup>10</sup> Policy 2.1.3 Sickness and Absence

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

### *Changes to employment contracts*

- Staff contracts will not be updated if the only change is an annual salary increase. The signed letter of notification will stand as an appendix to the contract<sup>11</sup>.
- If there are changes to other terms and conditions then contracts will be amended to reflect all changes, within one month
- In the case of fixed term contracts, where there is only an annual salary increase, the salary increase letter will stand as an appendix to the contract. A new contract, with the updated salary, will be issued as and when a new fixed term contract is agreed (i.e. ahead of the start of the academic year).
- temporary changes to a staff member's hours, even if regular (i.e. to cover training, SENCO duties each week or for additional staff cover regarding numbers) will be classed as overtime (or a deduction from hours worked) on the payroll submission and contracts will not be amended.

### *Flexible Working*

St Joseph's Nympsfield Out of School Club has a separate policy with regards to Flexible Working<sup>12</sup>.

### *Redundancy*

- Redundancy is a form of dismissal from a job and it happens when employers need to reduce their workforce.
- If an employee is being made redundant, then they might be eligible for certain things, including:
  - redundancy pay;
  - a notice period;
  - a consultation with your employer;
  - an option to move to a different job;
  - time off to find a new job.
- An employee must be selected for redundancy in a fair way, eg. because of your level of experience or capability to do the job.
- An employee cannot be selected because of age, gender, or if they are disabled. This could be classed as an unfair dismissal.
- The Protection from Redundancy Act (Pregnancy and Family Leave) came into force on 6 April 2024. Employees who are pregnant or returning from maternity, adoption or shared paternity leave will gain priority status for redeployment opportunities in a redundancy situation for a period of up to 18 months after the birth of the child (the actual amount depends on the type of leave taken). This is extending the right which previously only applied to those on maternity, shared paternity leave or adoption leave.
- Priority status means that these employees have priority access to redeployment opportunities over other redundant employees. It does not mean that they cannot be made redundant at all.

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<sup>11</sup> For more detail, refer to 2.1.4 Pay Reviews

<sup>12</sup> 2.1.6 Flexible Working

### *Transfer of Undertakings (Protection of Employment) regulations (TUPE)*

This applies to employees of businesses in the UK, eg. where a business or part of a business moves from one employer to another. This can include mergers where 2 employers close and combine to form a new one. The identity of the employer must change, to be protected under TUPE during a business transfer. The size of the business does not matter.

TUPE applies when:

- the employees' jobs usually transfer over to the new company. Exceptions could be if the employees are made redundant or in some cases where the business is insolvent;
- the employees' terms and conditions transfer;
- continuity of employment is maintained.

From 1 July 2024, employers with fewer than 50 employees undergoing TUPE transfers will be able to consult directly with employees if no representative is in place already.

### **Further Guidance**

- [www.acas.org.uk](http://www.acas.org.uk): [Redundancy](#)
- [www.GOV.uk](http://www.GOV.uk): [Business transfers, takeovers and TUPE](#)

### **Associated policies and procedures**

- 1.2 Safeguarding children and child protection
- 2.1.1 Disciplinary
- 2.1.3 Sickness and absence
- 2.1.4 Pay Reviews
- 2.1.6 Staff Wellbeing
- 3.2 Health and Safety general standards
- 4.10.2 Financial Controls

<b>Version Number</b>	<b>Author</b>	<b>Purpose of change</b>	<b>Date</b>
1.0	K Coupe	New policy	Sept 2014
2.0	K Coupe C Ajayi	Reviewed and version controlled. Checked by C Ajayi	7 Nov 2018
3.0	K Coupe	Updated re Staff Suitability Declaration form	23 Jan 2019
4.0	K Coupe	Comprehensively reviewed in line with safeguarding requirements and Keeping Children Safe in Education (KCSiE) 2018	27 Feb 2019 Cttee Mtg
5.0	A Shipton	Reviewed in relation to changes in Government Guidance and legislation. Removal of reference 3 to Ofsted's 'Inspecting safeguarding in early years, education and skills settings (Sept 2019), para 13 only, as this guidance did not specify the requirement for staff declaration forms but importance on the recruitment process (Annexe 1). Updated to reflect our values in inclusion, equality and diversity in employment. Insertion of requirements in relation to 'disqualification', declaration of medication and additional record	29 April 2021 Cttee via email (quorate)

<b>Version Number</b>	<b>Author</b>	<b>Purpose of change</b>	<b>Date</b>
		checks for staff having worked abroad.	
6.0	K Coupe	Updated with regards to KCSiE (Sept 2021). In particular the provision of a reference for current/former members of staff (see ACAS).	13 Oct 2021 Chair (A Hitchings)
7.0	L Farrer	Update with regards to <ul style="list-style-type: none"> <li>• changes to employment contracts being made within one month and for temporary changes to hours not being amended through contracts.</li> <li>• Inclusion of “associated policies and procedures” section as per Section 175/157 EY safeguarding audit 2022</li> </ul>	20 June 2022 Cttee Mbr (G Ind)
8.0	K Coupe	Updated with regards to KCSiE 2022. Inclusion of section concerning “disqualification by association”	05 Nov 2022 Cttee Mbr (L Finn)
9.0	K Coupe	Confirmation on when DBS checks will be repeated for staff and volunteers	10 Feb 2023 Cttee Mbr (S Webb)
10.0	L Farrer	Updated to account for the removal of the need to update contracts each time a salary is amended.	28 Mar 23 Cttee Mbr (S Webb)
11.0	L Farrer	Updated with wording confirming the recording of staff working hours in response to PATA’s advice on HMRC audits	06 Nov 2023 Cttee Mbr (S Webb)
12.0	K Coupe	References to paragraphs in the Early Years Foundation Stage update	14 Jan 2024 Cttee Mbr (G Ind)
13.0	K Coupe	Updated in line with changes to Employment Law re redundancy protection, from 6 April 2024. <ul style="list-style-type: none"> <li>• inclusion of redundancy and TUPE sections.</li> <li>• new “Further Guidance” section</li> <li>• reference to Flexible Working policy</li> </ul>	07 June 2024 Cttee Mbr (G Ind)
14.0	K Coupe	Updated in line with The Worker Protection (Amendment of Equality Act 2010) Act 2023. <ul style="list-style-type: none"> <li>• further wording re sexual harassment in Equality and Diversity section</li> </ul>	17 Dec 2024 Cttee Mbr (G Ind)