

# Employment

## 2.1 Employment and staffing

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

#### Policy statement for St Joseph's Nympsfield Out of School Club

St Joseph's Nympsfield Out of School Club 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 Play Leader and Chair. As well as the Play Leader 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 three to seven years of age: 1 adult : 8 children
  - level 6+: 13 (3+)
- A minimum of two staff/adults are on duty at any one time.
- We hold regular staff meetings to undertake curriculum planning.

##### *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.
- 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.

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<sup>1</sup> St Joseph's Nympsfield Out of School Club does not take children below the age of 3

<sup>2</sup> DfE 'Keeping Children Safe in Education: Statutory guidance for Schools and Colleges', and Inspecting Safeguarding in early years, education and skills settings (latest versions)

- 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 is only repeated in the event that the Out of School Club 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.
- Staff are required to complete an annual Criminal Declaration form.
- Staff are required to complete an annual 'Staff Suitability Declaration' form<sup>3</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 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.

### *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 the EYFS.

### *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 Play Leader.
- 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 Play Leader 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 Play Leader.
- 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 Play Leader will keep them abreast of any changes/developments which will affect them or the way they work.

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

### *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 Child Care 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 Nympsfield Out of School Club 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>4</sup> and Safeguarding and Child Protection Policy<sup>5</sup>. Other policies and procedures will be introduced within an induction plan. Managing staff absences and contingency plans for emergencies.
- St Joseph's Nympsfield Out of School Club is open during term time as well as four weeks during holidays (3 days during February half term, 3 days during Easter and 6 days during the Summer Holiday). Our staff take their holiday breaks when the Club 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 Out of School Club's sickness and absence procedure<sup>6</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 Club's Sickness and Absence Procedure.
- We have contingency plans to cover staff absences, as follows:
  - the Deputy Play Leader will cover for the Play Leader;
  - a Play Assistant will cover for the Play Leader; and
  - bank staff will cover for Play Assistant(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 Nympsfield Out of School Club does not have to give a reference by law. However, should the Club 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

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<sup>4</sup> See 3.2 Health and Safety General Standards

<sup>5</sup> See 1.2 Safeguarding and child protection

<sup>6</sup> See 2.1.3 Sickness and Absence

- can be brief (ie. a basic or factual reference)– such as job title, salary and when the worker was employed.

St Joseph's Nympsfield Out of School Club may provide a detailed or character reference which can include:

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

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

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

#### *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>7</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>8</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;

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<sup>7</sup> For more detail, refer to 2.1.4 Pay Reviews

<sup>8</sup> 2.1.6 Flexible Working

- 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.

### *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 another employer, eg because of a merger or the original employer stops operating. 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 and child protection
- 2.1.3 Sickness and Absence
- 2.1.6 Flexible Working
- 3.2 Health and Safety General Standards

Version Number	Author	Purpose of change	Date
1.0	NP and HS	Updating policies	23.01.2023
2.0	KC	Reviewed, formatted plus inclusion of	15 Sept 23 Chair

<b>Version Number</b>	<b>Author</b>	<b>Purpose of change</b>	<b>Date</b>
		<ul style="list-style-type: none"><li>• reference requests for current/former employees;</li><li>• how and when changes to employee contracts will occur; and</li><li>• “Associated Policies and Procedures” section.</li></ul>	(H Saunders)
3.0	KC and LBe	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>	20.05.2024 Committee Meeting