

# Elswick House Nursery School

## Staffing Policies and Procedures

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# **The Handbook**

This Handbook contains our current staffing policies and rules and has been designed to help you understand how Elswick House Nursery School is organised, what standards and procedures you are expected to follow and what you can expect from us in return. The staffing policies and procedures contained within this handbook are non-contractual. We hope this will help our new employees to feel part of the team more quickly, and be a gentle reminder to us all of the right way to work here.

## **Everyone is welcome**

We are an equal opportunities employer and actively supports Human Rights, and all Equality legislation. Our ethos is to respect and value people's differences, to help everyone achieve more at work as well as in their personal lives, so that they feel proud of the part they play in our success. Our Grievance Procedures ensure sympathetic handling, and hopefully satisfactory resolution, for all aspects of employees concerns or dissatisfaction.

We believe that all decisions about people at work should be based on the individual's abilities, skills, performance and behaviour and our Nursery requirements. Our policy must be strictly adhered to by all of our team. Discrimination, abuse or harassment will result in disciplinary action being taken including dismissal for serious cases.

**From the start**

## **Introduction**

At Elswick House Nursery School we aim to have a high-quality staff team that always act in the best interests of children's safety and welfare. To achieve this, we have a range of policies to support the recruitment, development and retention of staff.

The Nursery's policies in respect of personnel are governed by the following: -

- The best interests of the children, their welfare, safety, care and development.
- The requirements of the Early Years Foundation Stage.
- The needs of the children, including maintaining continuity of care.
- Compatibility between all members of staff and the building of a good team spirit.
- Consideration of the advancement of each member of staff both by internal and external training to help them achieve their maximum potential.
- Equal pay for work of equal value.
- Compliance with the current legislation including the principles of the Equality Act 2010 and all current legislation governing discrimination.

We will ensure: -

- All interviews will follow our recruitment procedures to ensure safe and fair and non-discriminatory recruitment occurs.
- The provision of a statement of terms and conditions and contract for every member of staff in employment (contract to be received by new employee within two months of commencement of employment).
- Prior to commencement of employment, the successful applicant shall be provided with an offer letter (conditional on an enhanced Disclosure and Barring Service (DBS) clearance) with the induction procedure and any details of other information relevant for their first day of work.
- New members of staff will have made available to them, copies of all our policies and procedures and we will ensure their understanding and adherence to these over an induction period.
- Discrimination or harassment of any member of staff relating to sex, race, sexual orientation, gender, gender reassignment, age, religion or belief and disability will not be acceptable. This includes unwanted verbal or physical third-party harassment by those not employed by the Nursery.

## **Induction**

1. We provide Staff Induction Training for new members of staff, which lasts until the probationary period has been completed. In the first week of employment staff information sheets are completed and the role of the new member of staff made clear. They are given a written job specification. They are introduced to other members of staff and the children and familiarise themselves with the layout of the premises.

2. Every new member of staff is made aware of our Policies and Procedures and how to access them. The Nursery Manager and/or Proprietor goes through all the Policies and Procedures with the new member of staff. The Safeguarding Children Policy is explained in full and the reasons for it discussed. This includes security issues, such as what to do when a visitor comes to the door and other related security policies, such as the use of mobile phones. The procedure to follow in the event of a fire is explained and the new member of staff is shown the location of fire extinguishers. The Health and Safety Policy is explained at length and particular attention is

given to the administration of medication, accident procedures and the handling of food. The Nursery's view regarding Equality and Diversity is made clear and the Behaviour Policy is discussed in full. Where careful and accurate record keeping is required, this is pointed out and the reasons for it explained. Special mention is also made of the parent partnership and the importance that Elswick House attaches to it. The Nursery's expectations of all its employees with regard to uniforms, dress code and general conduct are made clear in the Professionalism Policy. The new member of staff is encouraged to ask questions.

3. All staff appointments are subject to a probationary period of three months as set out in their contract of employment which also confirms details regarding absence, holidays, dress code, conduct and confidentiality. Contracts of employment are issued as part of the induction process. Two identical contracts are signed - one is filed and the other is retained by the new member of staff. During this time new members of staff are supervised, and their progress monitored by their immediate superior. Subsequent line management is the Nursery Manager and the Proprietor. Staff members will not be left alone for long periods with individual children.

4. After the first month (or before, if deemed necessary) the Nursery Manager and/or the Proprietor may meet with the new member of staff to review the first four weeks. This provides an opportunity to commend good practice, where it is being shown, and to point out where improvement is possible. The new member of staff's knowledge of the Policies and Procedures may also be tested at this time. A similar review takes place after two months and again after three.

5. If the Nursery Manager and Proprietor feel that the new member of staff has failed to show the required standard, their contract will be terminated and the reasons for the decision made clear. Alternatively, the Nursery Manager and Proprietor may consider extending the probationary period for a further three months.

6. On satisfactory completion of the probationary period, the new member of staff is confirmed in post.

### **Equality and Diversity Policy**

We believe that no person at Elswick House - parent/carer, child, member of staff or job applicant - should be discriminated against in any way, or on any grounds. Difference is accepted, irrespective of gender, gender reassignment, sexual orientation, age, race, religion or belief, marriage and civil partnership, pregnancy and maternity or disability. We believe that everyone attending the Nursery should be treated equally and fairly and have equal access to all aspects of the Nursery from the day they first start at Elswick House to the day they leave. Testimony to this commitment can be seen in our daily routines and activities (displayed in the Toddler Room and Baby Room), in the resources we use, in the children's "My Story" folders, in our wall displays and on the Parents Area of our website. We involve parents in the life of the Nursery at every opportunity and endeavour to build relationships with them based on mutual trust and respect, which ensures they feel valued and belong.

We operate a 'first come, first served' policy, open to all children within the required age range, dependent on space being available and on the ability of parents to pay the fees.

Elswick House has a designated member of staff (ENCO) with special responsibility for implementing our Equality and Diversity Policy. The Nursery's ENCO and senior staff are keenly aware of the importance of upholding our Equality and Diversity principles and constantly

monitor the Nursery to ensure good practice and improvement. All members of staff are extremely professional and are encouraged to be very approachable and non-judgemental. They are expected to be well versed in all the Nursery's policies, including Equality and Diversity.

The children are recognised for their individuality and potential. They are encouraged to show mutual respect for each other and to be non-sexist in their choice of activities. Racial and sexist attitudes, or remarks, are challenged. All family compositions are respected. All lifestyles are depicted in a positive way.

Daily activities are carefully planned with appropriate resources and equipment to extend play and learning opportunities. If it is feasible, equipment and play activities may be adapted to encourage the participation of children with disabilities and learning difficulties.

Strengthening and improving our stock of books, pictures, jigsaws, toys and equipment to further inclusivity is ongoing. Wherever possible resources are selected which encourage positive role models and avoid racial, or sexist stereotyping, or the depiction of derogatory images of any group of people.

In so far as is reasonably possible, displays should exhibit positive imagery and promote diversity.

### **Staff Professionalism**

A high level of professionalism is essential and is expected from all members of staff. This is pointed out to all new members of staff. They are role models for the children and should act accordingly.

A genuine interest in, and enthusiasm for, childcare is essential. Members of staff need to be well qualified and/or experienced and must be prepared to upgrade their skills regularly and keep abreast of developments within the Early Years Foundation Stage framework.

Members of staff should have high expectations of all children and a commitment to helping them achieve their full potential. They must be able to establish trusting, supportive relationships with children in their care and be able to communicate sensitively and effectively with them. Good collaborative skills are important as they will be working as members of a team. Members of staff need endless patience and must take their responsibilities seriously. A sense of fun and a sense of humour can be great assets.

Members of staff must respect difference and understand the importance of treating all children equally and fairly. They must be seen as non-judgemental and approachable by parents. Members of staff need to be aware that an excellent working relationship with parents is a most desirable outcome and always in the best interest of the child.

Mobile phones must be turned off and should not be used in working hours. Under no circumstances should mobile phones belonging to members of staff be used to take photographs of the children whilst at Nursery. (*See mobile phone policy*)

#### **Members of staff are required to: -**

- Conduct themselves responsibly at all times and show a high level of professionalism.
- Act as role models for the children and be sensitive to the concerns of parents.

- Be well qualified and/or experienced and must be prepared to regularly upgrade his/her skills.
- Have a thorough knowledge of the Early Years Foundation Stage curriculum.
- Have a thorough understanding of all the Nursery's Policies and Procedures (especially the Health and Safety, Safeguarding Children, Equality and Diversity and Staff Professionalism Policies) and must adhere to them.
- Be of smart appearance and conform to the Nursery's high standard of uniform.
- Fingernails must be kept clean and short. False nails and extensions must not be worn.
- Observe all rules and procedures, particularly those concerning smoking, mobile phones and fire safety.
- Act wholeheartedly in the interests of the Employer and the Nursery at all times.
- Report to the Employer and/or the Nursery Manager any issue or incident, which they feel might be prejudicial to the best interests of the Nursery and/or the children in the Nursery; also, to report other 'need-to-know' information, which might affect the children.
- Inform the Employer of any changes in his/her situation - physically, socially or medically - that might affect his/her work.
- Not remove any material or equipment from her place of work without prior permission.
- Not use the Employer's time, material or equipment for unauthorised work.

## **Dress Code**

It is important that we all present a smart and professional image when people visit our premises. Smart business / smart casual dress describes our policy best. Sometimes it helps to be clear about what is not acceptable, so we have detailed some examples below:

Visible tattoo or facial piercings. No extreme hair styles in terms of colours or cuts. Unless approved by management, it would not be acceptable for employees to wear jeans, very casual trousers or skirts, overly tight or revealing clothing and items with inappropriate logos. Footwear such as trainers, flimsy sandals or flip flops are not acceptable.

## **Uniform**

If you have been issued with a uniform it is your responsibility to keep it clean and presentable. If the uniform becomes worn or stained, please speak to the Proprietor or Manager about obtaining a replacement.

## **Smoking Policy**

As well as being a legislative requirement, it is our responsibility to care for the health, safety and wellbeing of all our team. Our Smoking Policy applies to everyone who works here, as well as visitors, contractors or business partners. We ask all our employees to help us enforce it. In addition to cigarettes, cigars and pipes, electronic cigarettes are also banned. This is because the vapour may annoy others and the long-term effects are unknown, but also from a distance, some electronic cigarettes are difficult to distinguish from the real variety. This in turn may confuse visitors and make managing this Policy more difficult.

## **Where this smoking policy applies: -**

Smoking is strictly prohibited anywhere on the Nursery premises and this includes the outside areas such as the car park. We would remind everyone that it is a criminal offence to smoke in a 'smoke free' area. Breaches of this Policy will result in disciplinary action.

## **Right of search**

In the interests of security, we reserve the right of search. Searches of employees, their bags, other possessions and vehicles may take place from time to time. You may, if you wish, be accompanied by a colleague during the search. If you refuse to allow yourself or your possessions to be searched, this may be treated as gross misconduct.

## **Drug and Alcohol Policy**

It is the responsibility of the Nursery to ensure, so far as is reasonably practicable, the health, safety and wellbeing of all employees. Employees who are under the influence of drugs and/or alcohol whilst at work may adversely influence their own safety and that of their colleagues. By establishing clear and comprehensive rules, which apply to all employees we also aim to provide a supportive environment to those with a drug or alcohol related problem, who are committed to changing their behaviour.

### **Definition**

Alcohol covers all alcoholic beverages. Drugs include all Class A, B and C substances, 'legal highs', or psychoactive drugs, drugs which are only legally available on prescription, solvents which are misused, and any other drug that has an adverse effect on your ability to carry out your work in a safe and effective way.

### **Rules**

The taking of alcohol and drugs is strictly prohibited before working hours, where appropriate functioning at work would be adversely affected, and at all times during working hours. For the avoidance of doubt, working hours include meals and other breaks.

### **Special circumstances**

Where employees are attending Nursery-related social functions, we accept that moderate amounts of alcohol may be consumed. However, we insist that employees stay within the legal limit whilst driving a car, and would strongly advise that no alcohol at all should be taken if driving.

### **Medication**

Where employees are taking medication for a pre-diagnosed condition, the type of drug and its possible contra-indications must be reported to their Line Manager. This sensitive information will be treated confidentially.

### **Confidentiality**

An employee who has a drug, or alcohol related, problem may approach their Line Manager in confidence, within the provisions of the law, and receive help and support. Any absence during a rehabilitation period will be treated as normal sickness absence.

### **Disciplinary action**

Any employee who is found to be under the influence of drugs and/or alcohol during working hours will be suspended on full pay pending a disciplinary hearing. This may result in the employee's dismissal for Gross Misconduct.

Any employee found to be in possession of, or dealing in, illegal substances will be suspended on full pay pending a disciplinary hearing. This may result in the employee's dismissal for Gross Misconduct. In all instances of this kind, the employee will be reported immediately to the police.

## **Recruitment, Training and Development**

## **Staffing Policy**

Our staff are appropriately qualified. The Proprietors are both qualified Teachers. The Nursery Manager has a BA (Hons) Degree in Leadership & Management, and the Deputy Manager has a Diploma in Childcare Education (level 3). Two members of staff have degrees in child related studies and another member of staff, who has a BA in Dance, is studying for her Level 3 in Childcare. Ten other members of staff hold Level 3 NVQ's, NNEB's or similar. One members of staff is Level 2 and is undergoing training towards Level 3. Two members of staff are unqualified, but both have extensive experience of working with young children.

The following staff: child ratios are adhered to: -

<b>0 - 18 months</b>	<b>1: 3</b>	<b>2 years to 3 years</b>	<b>1: 4</b>
<b>18 months to 2 years</b>	<b>1: 3</b>	<b>3 years +</b>	<b>1: 8</b>

All members of staff have detailed job descriptions, which set out their roles and responsibilities in the Nursery.

## **Recruitment**

At Elswick House Nursery School we are vigilant in our recruitment procedures aiming to ensure all people working with children are suitable to do so. We follow this procedure each time we recruit a new member to join our team.

### **Legal requirements**

- We abide by all legal requirements, relating to safe recruitment, as set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) and accompanying regulations.
- We also follow any requirements, or guidance, given by the Disclosure and Barring Service (DBS). We carry out an enhanced DBS check and request at least two independent references for every new employee.
- We abide by the employer's responsibilities, relating to informing the DBS of any changes to the suitability of their staff, whether this member of staff has left the Nursery, or is still under investigation.
- We also include the requirement for an additional criminal records check (or checks if more than one country) for anyone who has lived or worked abroad. Further information can be found in our Child Protection/Safeguarding Policy.

### **Advertising**

We use a reputable website to advertise for any vacancies.

### **Interview stage**

- We shortlist all suitable candidates against a pre-set specification and ensure all applicants receive correspondence regardless of whether they are successful in reaching the interview stage or not.
- The Proprietor and Manager will decide the most appropriate people for the interview panel. There will be at least two people involved and both are involved in the overall decision making.
- At the start of each interview all candidates' identities will be checked using, for example, their passport and/or photocard driving licence. All candidates will be required to prove

they are eligible to work in the UK. The interview will also cover any gaps in the candidate's employment history.

- All candidates reaching the interview stage are questioned using the same set criteria and questions. These cover specific areas of childcare, including safeguarding the children in their care, planning suitable activities to enhance the child's development and their understanding of the legal frameworks applied to childcare and used in the Nursery. The questions will be value based and will ensure the candidate has the same values as the Nursery with regards to the safety and welfare of the children in their care.
- Every shortlisted candidate will be asked to take part in a supervised practical exercise which will involve spending time in a particular age group in the Nursery interacting with the children, staff and where appropriate parents.
- The manager and deputy will then select the most suitable person for this position based on these scores and their knowledge and understanding of the early year's framework as well as the needs of the Nursery.
- Every candidate will receive communication from the Nursery stating whether they have been successful or not. Unsuccessful candidates are offered feedback.

## **Students**

At Elswick House Nursery School we are committed to sharing good practice with those wishing to pursue a career in childcare. We welcome students to join our staff team and gain work experience within our Nursery. We will accept 2 student(s) at a time as more students than this places undue pressure on staff. We do, however, accept small groups or occasional placements when research or studies are being carried out that will be of benefit to childcare. We will only offer placements to students who are associated with a recognised child-related course, or on occasions, pupils from local secondary schools on work experience. We offer placements only after discussions with the appropriate tutors and the establishment of close links with the college, training provider or school. We expect all students to visit the Nursery for an interview, followed by their student induction and Nursery tour. At this time, students will have the opportunity to read and discuss relevant health and safety policies, receive a copy of the Student Handbook and sign their contract in readiness for their first day.

Our policy for those on placements is as follows: -

- All students will have an enhanced Disclosure and Barring Service (DBS) check before their placement begins
- All students are assigned to a senior member of staff who will supervise their work and explain the health, safety and fire requirements of the Nursery
- Students will be always supervised by the member of staff assigned to them and will not be left alone with the children. They will only change nappies under supervision
- Students will be supported to understand Nursery policies and procedures
- We require students to keep to our confidentiality policy
- It is expected that during the student's placement their tutor, or the Student Co-ordinator, will visit the Nursery to receive feedback about the student's progress
- Students will be offered support and guidance throughout their placement and given constructive, honest feedback in respect of their performance. Staff will respect individual students' needs and abilities
- An accurate evaluation of ability and performance for both students and training providers will be provided and the Nursery will support students who are experiencing difficulties with action plans if needed

- To maintain parent partnerships, parents will be informed when students are present in the Nursery e.g., via the parent noticeboard. Wherever possible this will be accompanied by a recent photograph of the student
- All students on placement must adhere to the same codes of conduct as permanent staff including timekeeping and dress codes
- All students are encouraged to contribute fully to the Nursery routine and to spend some time in every area.

## **Young Worker Policy**

At Elswick House Nursery School we support young workers and apprentices as we foster and shape the workforce of the future. At times there may be students on placement within the Nursery. The EYFS (2017) sets out the requirements for young people working in a setting and we will always adhere to these requirements.

Any student aged 17 or over who is attending our setting on a long-term placement e.g., for 6 months or more, will be monitored and assessed to determine their competence levels. If we believe that they are demonstrating the high levels of competence and responsibility we expect from our staff, then we may consider including them in our staff ratios.

Apprentices aged 16 and over, who are attending our setting on a long-term placement and undertaking early education training, will be monitored and assessed to determine their competence levels. If we believe that they are demonstrating the high levels of competence and responsibility we expect from our staff then we may consider including them in our staff ratios.

Any young person in the setting under the age of 18 is considered a child by law, therefore we will be vigilant towards their safety and well-being. We will provide each young person with a mentor/buddy within the setting that can support their well-being. Any safeguarding concerns will be dealt with according to our safeguarding policies procedures.

Within our Nursery we expect our young staff to: -

- Read, understand and adhere to all policies
- Take part in our ongoing staff suitability procedures. Declare any reasons why their suitability to work with children may change during their placement
- Share any safeguarding concerns they may have with their buddy/mentor or the safeguarding officer
- Maintain a high standard of work, behaviour, appearance and attendance whilst with the Nursery
- Undertake a full induction conducted by the Nursery
- Access training as required by the management
- If studying whilst with the setting, undertake all tasks required by the tutor to keep up to date with the course. If their coursework falls behind at any point their placement in the setting will be at risk
- Ensure that the Nursery environment is always safe and secure for all children and report any issues as they arise
- Help with the day to day running of the Nursery by undertaking tasks as determined by the supervisors and management
- Take part in staff meetings and all staff training as required by the Nursery. In some cases, we may include students on long term placements (aged 17 and over) and staff working as apprentices in early education (aged 16 and over) in our staff: child ratios. This will be

at the discretion of the manager and will only occur when the manager is satisfied the student/apprentice is competent and responsible.

## **Volunteers**

At Elswick House Nursery School we recognise the immense benefits that volunteers bring to the Nursery. In return we hope to give volunteers an opportunity to share their skills in a different environment and to undertake new experiences.

### **Status of volunteers**

A volunteer is not an employee and will not have a contract of employment with the Nursery. We will, however, insist that the volunteer follows all Nursery procedures in the same manner as a paid employee to ensure consistency, safety and quality of care and early learning for the children. Volunteers will be always supervised.

### **Enhanced Disclosure and Barring Service (DBS) check**

All volunteers will have suitability checks conducted in the same way as paid employees. This will include an enhanced DBS check. These checks will be conducted before any volunteer starts their time within the Nursery and will also include two written references.

### **Training**

Volunteers will be offered training and/or support as appropriate. We will provide any training and support required for the role, including child protection, paediatric first aid (where applicable) and health and safety training. The purpose of this is to enable the volunteer to be supported and enhance their development in their voluntary role within our team.

### **Policies and procedures**

Volunteers are expected to comply with all the Nursery's policies and procedures. The volunteer's induction process will include an explanation of this.

### **Confidentiality**

Volunteers should not disclose information about the Nursery, staff, children and families as stated in the confidentiality policy and should always follow the Nursery confidentiality procedure.

### **Volunteer's induction pack**

On commencing their volunteer work, the volunteer will be given a pack containing: -

- General information about the Nursery
- A copy of the volunteering policy
- A confidentiality statement which will require reading, signing and returning to the Nursery manager
- Details of access to all Nursery relevant policies and procedures.

### **Volunteer support**

The Nursery has a designated officer who will take the volunteer through their induction and support and advise them throughout their time in the Nursery. Our designated officer for volunteers is Kiera Clarke.

## **Disclosure & Barring Checks**

Your initial employment is conditional upon the provision of a satisfactory Disclosure and Barring Service (“DBS”) Certificate of a level appropriate to your post as detailed in your contract of employment.

You have an obligation to inform the Proprietor and/or Nursery Manager immediately of any change to the status of your DBS certificate, if you are arrested, charged or convicted of any offence, or if you receive a police caution, reprimand or warning. This also includes road traffic offences.

You are also required to inform the Nursery Manager if there is a formal child protection investigation of you, or any member of your household.

If your employment is subject to a satisfactory completion of a DBS check as detailed in your contract, failure to disclose a criminal conviction, or one gained during your employment, may result in the termination of your employment.

You are required to hold a DBS certificate. In the event that you don't hold a DBS, we would advise you to apply for one and then sign up to the DBS update service.

As part of your employment with us, you will be required to consent to and authorise Elswick House to carry out periodic checks of your DBS.

We keep a record of the date of issue of the disclosure, the name of the subject, the type of disclosure requested, the post for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment (or other relevant) decision taken.

## **Childcare Disqualification Requirements**

Elswick House complies with its Childcare Disqualification by Association responsibilities.

## **Suitability of Staff**

At Elswick House Nursery School we are committed to ensuring that all staff, including students and volunteers are suitable to work with, or be in regular contact with, children. We have systems in place to ensure that this includes deciding about suitability, as part of the recruitment process and monitoring continued suitability, as part of regular staff or student supervision. The Nursery manager is responsible for ensuring that all staff and students have an enhanced check with the Disclosure and Barring Service (DBS), and that the results of such a check are assessed as part of a decision on suitability. Where possible staff will have the checks completed prior to starting employment. However, if there are delays in checks coming through, as a last resort staff may work in the Nursery before these checks are completed if they are always supervised by staff, who already hold an enhanced check, and the check has been applied for. All Nursery staff will be informed of any staff awaiting enhanced DBS clearance.

Staff awaiting these checks will never: -

- Be left unsupervised whilst caring for children
- Take children for toilet visits unless supervised by staff holding an enhanced check
- Change nappies
- Be left alone in a room or outside with children
- Administer medication
- Administer first aid

- Take photographs of any children
- Be involved in looking at a child's learning and development log, but can contribute to it
- Have access to children's personal details and records.

While adhering to the above list, we recognise that it is vital that the staff member awaiting an enhanced disclosure is made to feel part of the team and we support them in participating fully in every other aspect of the Nursery day. We recognise that the enhanced DBS disclosure is only one part of a suitability decision and Nursery management will ensure every individual working with a child goes through a rigorous recruitment and induction procedure (as laid out in the safe recruitment policy). We will also ensure they receive continuous support, training and supervision from management in order to provide a safe, secure and healthy environment for all children in the Nursery. We act on any information that comes to our attention that suggests someone may no longer be suitable for their role.

All students will also receive an interview to ensure they are suitable for the Nursery and an induction process to ensure they fully understand and are able to implement the Nursery procedures, working practices and values. All students will be fully supervised to ensure they receive the appropriate support, training and information they may require.

## **Professional Development Policy**

At Elswick House Nursery School we value our staff highly. We believe that personal and professional development is essential for maintaining the delivery of high-quality care and learning for children in their early years. It underpins all aspects of positive interactions and activities planned for children. In the interests of the Nursery, the children, their families and the individual we give every staff member the opportunity to develop their skills to their maximum and to broaden their knowledge and skills in caring for children. A comprehensive and targeted programme of professional development ensures practitioners are constantly improving their understanding and practice. High-quality professional supervision is provided, based on individual performance related targets, consistent and sharply focused observation and evaluations of the impact of staff's practice.

We ensure that 75% of staff are qualified to Level 3 (or equivalent), or above, in childcare and education, or Early Years Educator. Other staff working at the Nursery will either be qualified to Level 2 or undertaking training. Where necessary staff will be supported to achieve a suitable level 2 qualification in Maths and English (as defined by the Department for Education on the Early Years Qualifications List) for the completion of the Early Years Educator. We strongly promote continuous professional development, and all staff have individual training records and training plans to enhance their skills and expertise, which are based on discussions at supervision meetings and appraisal meetings.

To facilitate the development of staff we: -

- Coach, mentor, lead and offer encouragement and support to achieve a high level of morale and motivation
- Promote teamwork through ongoing communication, involvement and a no blame culture to enhance Nursery practice
- Provide opportunities for delegation based on skills and expertise to offer recognition and empower staff

- Encourage staff to contribute ideas for change within the Nursery and hold regular staff meetings and team meetings to develop these ideas. Regular meetings are also held to discuss strategy, policy and activity planning
- Encourage staff to further their experience and knowledge by attending relevant external training courses
- Encourage staff to pass on their knowledge to those who are less experienced and share knowledge from external training with small groups of staff within the Nursery
- Provide regular in-house training relevant to the needs of the Nursery
- Carry out regular quarterly supervision meetings with all staff. These provide opportunities for staff to discuss any issues, particularly concerning children's development or well-being, including child protection concerns; also, to identify solutions to problems, to address issues as they arise, and receive coaching to improve their personal effectiveness. Staff appraisals are carried out annually where objectives and action plans for staff are set out, while also identifying training needs according to their individual needs
- Develop a training plan that sets out the aims and intended outcomes of any training, addressing both the qualification and continuous professional development needs of the Nursery and individual staff
- Carry out training need analyses for all individual staff, the team, and for the Nursery every six months
- Promote a positive learning culture within the Nursery
- Offer annual team building training
- Carry out full evaluations of all training events and use these to evaluate the training against the aims set to enable the development of future training programmes to improve effectiveness and staff learning.
- Provide inductions to welcome all new staff and assign a Mentor to coach, mentor and support new staff
- Offer ongoing support and guidance
- Offer varied information sources, including membership of local and national organisations, resources, publications and literature to all staff.

## **Reviews, Supervisions & Appraisals**

All members of staff have Job Descriptions, which set out their roles and responsibilities.

We have always aspired to be outstanding at Elswick House. Both the Proprietor and Nursery Manager at Elswick House are very 'hands on' and they set the standard. Being a small Nursery, they are always well aware of what is happening in the Nursery and ensure that standards are maintained from one day to the next.

An example of particularly good practice might be acknowledged with a few words of praise in passing; there might be suggestions as to how an idea might be developed further, or how a display might be improved; or something that is not quite right may be met with a quiet word, a suggestion or mild rebuke.

Beyond this very informal 'maintaining of standards', we have three levels of what may loosely be called 'performance management', each of which are seen as vehicles for recognition, encouragement, improvement and professional development.

## **Reviews**

A review is a one-to-one meeting between the Proprietor and/or Nursery Manager and the member of staff on a slightly more formal level than the day-to-day 'chats' in the garden, or over lunch, about how things are going. It is an opportunity for a member of staff to talk about how they feel about their job, to talk through any difficulties they may be having, or concerns they may have. It is especially a time for the Proprietor and/or Nursery Manager to recognise and applaud the positives and to offer assistance or advice if it is needed.

## **Supervision**

At Elswick House Nursery School we implement a system of supervision for all of our staff following their induction and probation period. Supervision is part of the Nursery's overall performance management system and promotes a culture of mutual support, teamwork and continuous improvement. It encourages the confidential discussion of sensitive issues including the opportunity for staff and their managers to:

- Discuss any issues – particularly concerning children's development or well-being, including child protection concerns
- Identify solutions to address issues as they arise
- Receive coaching to improve their personal effectiveness
- Develop their own skills in order to progress in their role
- Discuss any concerns relating to changes in personal circumstances that might affect an individual's ability/suitability to work with children.

The frequency of supervision meetings is quarterly according to individual needs. A template agenda is used in all meetings to ensure consistency across the Nursery. This clearly sets out who does what and the timeframe, i.e., what the manager is responsible for and what the practitioner needs to do. There should always be something that a member of staff can discuss, e.g., a particular child's development, strengths or concerns. However, if there are times where staff may be struggling to identify areas to discuss in a supervision, we will ask them to identify three things they have enjoyed about their job/done well since the last supervision and one thing they have least enjoyed/requires further improvement. They will be asked to complete this prior to supervision (as set out in their responsibilities).

There may be times when supervision frequency may be increased for members of the team as and when needed, i.e., if they have concerns about a child, or if they are going through personal circumstances at home, for new starters, staff returning after long-term illness, on request from staff. It is the responsibility of the manager to plan time to ensure that all staff have supervisions. At Elswick House Nursery School supervision is carried out by the manager/deputy. If for any reason a supervision is cancelled a new date will be rearranged within 14 days. All members of staff responsible for carrying out supervisions are trained and supported prior to carrying these out. Supervision meetings also offer regular opportunities for members of staff to raise any changes in their personal circumstances that may affect their suitability to work with children. This should include any incidents resulting in a reprimand, caution or prosecution by the police, any court orders, changes to their health, or changes to or incidents affecting members of their household that may disqualify that person from working with children (a staff member is disqualified from working with children, if they live in the same household as a disqualified person). These changes are recorded as a declaration on the individual member of staff's supervision form and appropriate action is taken, where applicable, in line with the safeguarding/child protection and disciplinary procedure. Staff have a responsibility to ensure that they are available for supervision meetings and that the necessary paperwork is complete. Information shared in supervision sessions is confidential. The supervision process will be

evaluated once/twice a year through staff feedback and is used as part of the overall performance monitoring system at the Nursery.

### **Appraisal**

Appraisal is an annual meeting between the Proprietor and/or Nursery Manager and the member of staff to look back over the past year and to assess how they have performed and then to consider the year ahead and their future professional development. The specific aims are to: -

- Identify what has gone well, and what has not gone so well, over the last year.
- Identify/Recognise professional strengths and weaknesses.
- Review the outcomes of supervisions during the past year, if applicable.
- Identify areas for improvement and set broad targets for the coming year.
- Identify how training needs will be met over the next 12 months.

Members of staff are given a self-evaluation sheet a few days prior to the appraisal, so that they can give some thought to the issues that may be raised.

A record of the Supervisions/Appraisals meeting should be kept on the appropriate Record Sheet. These will be confidential documents, which should be accessible to the Proprietor/Nursery Manager and the member of staff at any time.

## **Absence from work**

## **Holidays**

Elswick House's holiday year runs from January to December. All full-time employees are entitled to 5.6 weeks paid holiday per annum which includes Statutory Bank and Public Holidays. Part time employees are entitled to a pro rata equivalent as are employees with flexible hours. If you work flexible hours, your holiday pay will be pro-rated based on your last 52 weeks worked.

We also normally shut down between Christmas and New Year, and this two-week period tends to start when the schools close. We review this each year dependent on school closure dates and demands for our services. One week of the 4-week holiday entitlement must be taken within this period of shut down. Any additional days of closure within this period (and additional to the Bank Holidays) will be granted as additional days' holiday, at the discretion of the Proprietor.

To book a holiday you must gain approval in advance from your Nursery Manager. For a holiday of more than two days, at least four weeks' notice must be given. No more than two members of staff should be away on holiday at any one time to minimise disruption to work schedules. Irrespective of this, the Nursery Manager may refuse to authorise your request if it causes severe disruption to Nursery work schedules, if other employees are absent for different reasons, or if other important considerations come into play. *This is why no bookings should be made before approval is received.* Your manager will explain any refusal.

To summarise, the 5.6 weeks paid holiday entitlement is made up as follows: -

- Holidays to be taken during the year (subject to Manager's approval) 3 weeks
- Holidays to be taken during the Christmas / New Year shut down 1 week
- 8 Bank Holidays during the year 1.6 weeks

Elswick House expects employees to take all their holiday entitlement within the year it is accrued. Any holiday not taken during this time will be lost.

Should you be incapacitated for work during any period of pre-booked holiday (whether in whole or in part) Elswick House will, subject to the correct notification and certification, pay statutory sick pay. You must follow the absence reporting procedure and provide Elswick House with a relevant medical certificate covering the period of incapacity.

### **Holiday Pay on Termination**

On termination of employment, employees shall be entitled to receive a payment representing holiday accrued but as yet untaken. If you have taken more than your holiday entitlement when you leave, a sum representing the amount of additional holiday will be deducted from your final salary.

### **Bank and Public Holidays**

Employees are not normally required to work Bank Holidays and will be paid their normal salary as part of their holiday entitlement.

## **Sickness & Absence Rules**

As a Nursery we need to measure and record sickness absence, and to know when and why we need to do something about it. This is why we record and keep all records relating to absence. As an employee, you need to know that you work for someone who cares about your health and

welfare. The following absence policy has been drawn up to meet these needs and must be followed at all times.

### **Disability**

Where any employee has, or develops, a condition that would be classified as a disability, they have a duty to inform Elswick House. Any information will be treated in the strictest confidence but will allow Elswick House to support and make any reasonable adjustments necessary.

### **Exclusion periods for contagious illnesses**

Working with children means that you are in contact with illnesses which can be highly contagious. We take the health of children and staff very seriously; therefore, if you have any contagious illness you must adhere to the same exclusion periods as children. This will ensure that you are able to recover appropriately, and that this illness is not passed on to other staff, children or parents. The manager will advise you of any exclusion times required (see the sickness and illness and infection control policies).

### **Medical Assessment**

If we have concern for an employee's or applicant's health, we may require that a medical examination, by a Doctor or Occupational Health Professional appointed by the Nursery, be undertaken. This will not be done until an offer of employment has been made.

We will advise the applicant or employee on the medical advice received and will consider what, if any, appropriate action is to be taken. No applicant or employee with a disability will be unlawfully discriminated against.

### **Reporting**

- All unauthorised absence must be reported to your manager by 7.15am on the first day of absence. Contact should be made directly by you, not text message, and only in exceptional circumstances should partners, parents or friends ring on your behalf.
- You will be asked to give the reason for your absence and an indication of when you may return.
- If your absence continues for more than 1 day you must keep us informed.
- If the absence is due to sickness and continues for 7 days or less (Saturday and Sunday included), you must complete a self-certification form and give it to the Nursery Manager.
- If absence continues for more than 7 days (Saturday and Sunday included), a medical certificate signed by your doctor must be sent immediately to the Nursery Manager and thereafter at weekly intervals for as long as the absence continues.
- During all periods of absence, you must maintain contact with the Nursery Manager.
- If you are absent for more than 4 weeks you may be considered long-term sick. Elswick House may at any time require you to have a medical examination at our expense.
- During periods of absence, holiday will accrue in line with the statutory allowance.

### **Medical Certification**

Medical certificates are now referred to as "Fit Notes". Where a medical certificate indicates that you may be partially fit for work, the doctor may have suggested ways of helping you get back to work. These could include: -

- A phased return to work.
- Altered hours.
- Amended duties.
- Workplace adaptations.

The Nursery Manager will discuss the advice on the doctor's certificate with you, and will consider any comments made by the doctor, any of the return-to-work tick boxes, and any other action that could help you return to work despite your illness. If you return to reduced hours your pay would reflect this. If Elswick House is not able to make any adaptations or adjustments to help you return to work, the Nursery Manager will explain the reasons to you and will set a date for review. You may then use the doctor's certificate as if the doctor had advised 'not fit for work'.

### **Statutory Sick Pay (SSP)**

SSP will be paid in accordance with legislation in force at the time of absence. SSP is currently paid after three days absence and for a maximum of 28 weeks.

### **Behaviour whilst Absent**

Employees are expected to attend work unless sickness, or injury, prevents them performing their duties.

Whilst an employee is absent, they must adhere to the policy and do nothing to aggravate or delay recovery, such as working for another employer or taking part in inappropriate social or sporting activities.

Should any employee wish to take holiday whilst absent, this must be approved by their G.P.

### **Returning to Work**

On occasions, you may feel ready to return to work but if you are on any form of medication that could affect your ability to carry out your normal duties you must inform the Nursery Manager.

To ensure Elswick House does all it can to understand the causes of absence, a return-to-work interview may be held.

### **Termination of Employment**

Whilst Elswick House will endeavour to support employees throughout periods of prolonged sickness, a heavy burden is thrown onto colleagues and Elswick House is unable to plan work effectively. In cases of persistent repetition of, or prolonged absence due to sickness or injury, Elswick House reserves the right to terminate your employment.

### **Medical/Dental Appointments**

Appointments should be made where possible outside working hours. Where this is not possible, they should be made at the start or end of the day. You must inform the Nursery Manager of any such appointments in advance and at the manager's discretion you may be asked to make the time up.

### **Compassionate Leave**

Paid leave of one day will be granted in cases of bereavement involving immediate family. The same for funerals, religious services etc. Any further time taken will be regarded as unpaid leave.

### **Statutory Parental Bereavement Leave and Pay**

If, sadly, you lose a child under the age of 18 and were the legal parents or had primary caring responsibilities, you are entitled to 2 weeks bereavement leave. This also applies if you are a parent who has suffered a still birth after 24 weeks.

- Leave must be taken in a block of two weeks, or two single weeks, and must be taken within 56 weeks from the date of the child's death.

- Notice in the first 7 weeks after the death can be given before you are due to start on the first day. From the 8th week up until 56 weeks, the notice required is 1 week.
- Leave can be cancelled, or changed, using the notice periods above.
- You will be entitled to Statutory Parental Bereavement Pay if you have been continuously employed for 26 weeks up until the week preceding the death, and meet the qualifying criteria for National Insurance limits.

### **Jury Service**

If you have to attend Court for jury service or as a witness, please let us know as soon as possible and provide a copy of the court summons to support your request for time off work. There will be no payment of salary during this period; it will be regarded as unpaid leave. You will be able to claim an amount for loss of earnings.

If you attend court and are told your services are not required that day, you must telephone us immediately and then return to work.

### **Time off for Dependent Emergencies**

We recognise the right of all employees to reasonable amounts of unpaid leave to deal with incidents involving a dependent. This is defined as any person who reasonably relies on you to make provision of care. The type of situations when this leave may be taken would be when a dependent: -

- Is ill, injured, gives birth, or is assaulted.
- When care arrangements unexpectedly break down.
- When a dependent dies.
- To deal with an unexpected incident involving a child at school.

Employees wishing to take leave to deal with any of the above must telephone the Nursery Manager personally prior to the start of their working day, giving the reason for the absence and the expected duration of the absence.

### **Falsifying Claims**

In the event of an employee taking time off fraudulently, under any of the above sickness and absence policies we will investigate, and disciplinary action may be taken.

## **Severe Weather and Disruptions to Travel**

Elswick House acknowledges that employees may occasionally have problems travelling to and from work due to either severe weather conditions, or major disruptions to public transport (for example accidents on the roads). Whilst we understand and are committed to protecting the health and safety of all our employees, we must also ensure that the business and our clients are not unduly disrupted by external factors.

### **Reporting for work**

We expect you to report for work regardless of the situation. You should therefore make every effort to attend work in all circumstances. When severe weather conditions occur, or where there are major disruptions to public transport, you should take steps to obtain advice on the position from the appropriate external agencies. You should allow extra time for your journey, making alternative travel arrangements where appropriate. You will still be expected to attend work on time.

Unjustified, or unacceptable absence, or lateness, may give rise to disciplinary action under Elswick House's disciplinary procedure.

### **Accepted absence or lateness**

If you are unable to attend work or are going to be delayed by the weather conditions, or public transport disruptions, you should contact the Nursery Manager as soon as possible to discuss the position. If the Nursery Manager is unavailable, you should speak to the Deputy Manager or the Proprietor.

Where Elswick House accepts that you have used your best endeavours to attend work, but you are unable to do so, or you are late because of the severe weather conditions, or the major disruptions to public transport, the Nursery Manager will discuss the various options potentially available. At Elswick House's discretion, you may be required or permitted to: -

- Make up the time at a later date.
- Take any absence from work as part of your annual leave entitlement.
- Take any absence from work as unpaid leave.

Elswick House will base its decision on your individual circumstances. For example: your distance from home to work, your mode of transport and the needs of Elswick House.

### **Leaving work early**

If severe weather conditions or major disruptions to public transport occur during the working day, which will cause problems for you in travelling home, the Nursery Manager will decide whether to allow you to leave work early (and to make up the time at a later date if necessary). Elswick House will again base its decision on your individual circumstances.

### **Health and safety**

Elswick House is committed to protecting the health and safety of all its employees. This includes during severe weather conditions and where there are major disruptions to public transport and therefore a reasonable approach will be taken to the situation. You also have a duty to take reasonable care of your own health and safety and that of other persons who may be affected by your acts or omissions. This includes taking extra care when travelling to and from work in severe weather conditions, and allowing more time for your journey, including making alternative travel arrangements where appropriate.

## **Family Friendly Policies**

## **Introduction**

Elswick House supports staff with families across the full range of statutory leaves including Maternity Leave, Adoption Leave, Paternity Leave, Parental Leave and Shared Parental Leave. Due to the constraints of space, only the most frequently used policies are detailed here. If you wish to explore any other forms of family friendly leave, please speak with the Nursery Manager.

## **Maternity Leave**

If you are pregnant, please do speak to us as early as possible so that we can discuss with you any particular health and safety risks that may affect you or your baby. By the 15<sup>th</sup> week before the baby is due you must tell us (if you haven't already) when you wish to start your Maternity Leave. This can be anytime from 11 weeks before the baby is due. We will then write to you to confirm all the details and state the date we will be expecting you to return to work. You can change your mind about the date, but you must give us 28 days' notice of the change.

All pregnant employees are entitled to 52 weeks Maternity Leave and this is made up of 26 weeks Ordinary Leave and 26 weeks additional leave. The first two weeks after the birth are compulsory.

Throughout the Maternity Leave you are entitled to all your non pay-related contractual benefits. If you are not planning to take all your Maternity leave you must let us know when you will return. You can change your mind but must give us 8 weeks' notice of a change.

If you decide not to return to work, you are required by law to give the correct notice if you are resigning but giving longer is helpful. You are still entitled to Statutory Maternity Pay, or Maternity Allowance, even if you are not returning to work.

## **IVF**

You will be entitled to paid time off for antenatal care, only after the fertilised embryo has been implanted. From that point onwards, all entitlements are the same as above.

## **Ante Natal Care**

All pregnant employees are entitled to paid time off to receive ante-natal care, provided such care is on the advice of a doctor, midwife, or health visitor. Where such appointments can be arranged to take place outside of working hours you should do so. Copies of all appointment times should be given to your line manager.

Prospective Fathers /partners are allowed unpaid time off to attend two ante natal appointments.

We need you to provide us with your MATB1 Maternity certificate which your midwife will give you when you are about 25 weeks pregnant.

## **Pay & Benefits during Maternity Leave**

To receive Statutory Maternity Pay (SMP) you must have been: -

- Earning before tax an average that is no less than the lower earnings limit which applies to National Insurance. This is the amount you have to earn to qualify for benefits. You have to earn more than this amount before you actually start paying NI.
- Employed by the same employer continuously for at least 26 weeks up to and into the 15th week before the week your baby is due.

The earliest date that SMP can start is from the 11th week before the week your baby is due and the latest from the day following the birth.

If you continue to work after the 11th week before the week your baby is due, you can choose when you want your SMP to start. SMP will start from any day you choose, once you have stopped work to have your baby. This means that your SMP should start from the first day of your maternity leave.

The start of your SMP will change if: -

- Your baby is born before the start of the 11th week or before the start of your SMP pay period. If this happens SMP will start from the day following the birth of your baby.
- You are off sick from work with a pregnancy-related illness at the start of or in the 4 weeks before your baby is due, SMP will start from the day following the first complete day you are off sick from work for that reason.

If you are entitled to SMP and you leave your employment with us: -

- After the start of the 15th week before your baby is due, but before the start of the 11th week – SMP will start from the beginning of the 11th week before the week your baby is due.
- At any time after the start of the 11th week before the week your baby is due and before the start of your maternity pay period, your SMP will start from the day after you left employment.

SMP is paid for a continuous period of up to 39 weeks.

First 6 weeks	90% of your average weekly earnings with no upper limit
Remaining 33 weeks	Standard rate or a rate equal to 90% of your average weekly earnings. You will get whichever rate is lower.

### **Maternity Allowance**

If you are not eligible for Statutory Maternity Pay you may be entitled to Maternity Allowance if:-

- You have worked (including self-employment) for 26 weeks during the 66 weeks before your baby is due.
- You can find 13 weeks in which you earned over £30 a week, or paid Class 2 (self-employed) National Insurance contributions, or held a certificate of small earnings exception.

To claim Maternity Allowance, ask your local Jobcentre Plus for Form MA1.

### **Keeping in Touch Days**

Whilst you are on Maternity, we will try to keep you up to date with all that is happening here. This may be to let you know about any changes; invite you to attend a particular event or to offer a training opportunity. You do have the right to refuse to attend.

If we offer, and you wish to accept, you can work up to 10 days during your leave without this affecting your Statutory Maternity Pay.

### **Returning to work**

If you plan to return to work before the end of your Additional Maternity Leave you must give us 8 weeks' notice. If you come back to work after the Ordinary Maternity Leave you may return to the same job with the same terms and conditions as you had before your leave. If you return after additional leave you are entitled to return to the same job on the same terms and conditions but if for a good reason, we cannot do this we will find a position which is at the same level and with terms and conditions at least as good as your previous role.

If you are planning to breast feed when you return to work, please let us know so that we can carry out a risk assessment and provide suitable rest facilities for you.

## **Flexible Working**

Employees who have more than 26 weeks continuous service have the right to make a formal flexible working request. Eligible employees can request: -

- A change in hours, i.e., working fewer than normal hours and or fewer days.
- A change to the times when they are required to work.
- A change to the place of work e.g., to work from home.
- A different pattern of work.
- Job sharing.

To make an application you must submit a written request setting out the change to the working conditions you want, when this change would be effective from, and how you believe it could work. An accepted application will mean a permanent change to your contract of employment. Your Manager will hold a meeting with you and complete the process including any appeal within three months of your request unless you both agree to extend this period. You are entitled to be accompanied at the meeting by a work colleague.

At this meeting, a practical business assessment of how the proposed arrangement can work will be undertaken. The changes you have proposed, the effect of the proposed changes and any possible alternative work patterns that might suit both parties will be discussed.

The Nursery will properly consider the request and will make a practical business assessment on whether, and if so how, the flexible working request could be accommodated.

Following the meeting and consideration, your Manager will write to you. You can either: -

- Accept the request, setting out any action on which agreement is dependent and establishing a start date.
- Reject the request and explaining the business reasons surrounding this and setting out the appeals procedure.

If your request is accepted, you will receive either a new contract of employment or a contract amendment detailing the new working pattern.

If the request is refused it will be for a business reason, for example: -

- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality and/or performance.
- Lack of work during the period when the employee proposes to work.
- Planned structural or workforce changes.

Following any refusal, you may appeal in writing against the decision setting out the reasons for the appeal. Your appeal letter should be sent within five working days.

Should you appeal, you will be invited to an appeal hearing. At the appeal meeting you will have the right to be accompanied by a work colleague.

Following the appeal meeting an outcome will be given in writing.

Each request for flexible working will be dealt with individually, taking into account the likely effects the changes will have on the Nursery, the work of the team in which the employee making the request is employed and the employee's colleagues. This means that if the Nursery agrees to one employee's request, this does not set a precedent, or create a right for another employee to be granted the same, or a similar, change to their work pattern.

## **Repeated Requests**

Further to submitting your request, regardless of whether your request was agreed or refused, you must wait 12 months before making a new request.

## **Paternity Leave**

In order to qualify for the right to take Paternity Leave, you must meet each of the following eligibility criteria: -

- You have, or expect to have, responsibility for the upbringing of the child.
- You are either the biological father of the child, or you are married to, the civil partner or the cohabiting partner of the child's mother, or you are married to, the civil partner or the cohabiting partner of the child's adopter, or you are one of a couple jointly adopting a child. A cohabiting partner is a person, whether of a different sex or the same sex, who lives with the mother or adopter and the child in an enduring family relationship, but is not an immediate relative of the mother or adopter.
- You are taking the leave to care for the child or to support the child's mother or adopter.
- You have worked continuously for the Nursery for 26 weeks, calculated as at the 15<sup>th</sup> week before the expected week of childbirth, or, in respect of an adopted child, calculated as at the week in which the child's adopter is notified of having been matched with the child.

If you wish to take Paternity Leave and are eligible you are entitled to two weeks on the birth or adoption of a child. You are entitled to take either one week or two consecutive weeks of Paternity leave. It cannot be taken as odd days.

You are required to inform the Nursery of your intention to take Paternity leave by the end of the 15<sup>th</sup> week before the expected week of childbirth or, in the case of an adopted child, no later than seven days after the date on which notification of the match with the child was given by the adoption agency, unless this is not reasonably practicable. You are required to provide the following information in writing to the Nursery: -

- The date the child is expected to be born or adopted.
- Whether you wish to take one, or two weeks' Paternity Leave.
- When you want your Paternity Leave to start.

In the case of an adopted child, your notice should also specify the date on which the adopter was notified of having been matched with the child.

Paternity Leave can start on any day of the week on or following the child's birth or placement for adoption, but it must be completed either within 56 days of the actual date of childbirth or adoption, or, if the child is born early, within the period from the actual date of childbirth up to 56 days after the first day of the expected week of childbirth.

In the case of multiple births from the same pregnancy, only one period of Paternity Leave is available.

On resuming work after Paternity Leave, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

## **Statutory Paternity Pay**

During the period of Paternity Leave you will receive Statutory Paternity Pay (SPP) if you are eligible to receive it, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary.

## **Resolving Problems**

## **Resolving Problems**

We believe that clear, open and fair procedures for the resolution of staff problems are necessary both for the success of Elswick House Nursery School and for the fair treatment of all our team.

### **General**

Any grievance or complaint can be discussed informally, or through the formal grievance procedure. Often raising issues promptly at the time in a sensible way helps to solve them and prevent further difficulties.

### **Investigations**

It is not always necessary to hold an investigatory meeting, but where it is, everyone is required to co-operate fully with the investigation relating to disciplinary or grievance procedure. The Proprietor and/or Nursery Manager will investigate any complaint.

### **Suspension**

Elswick House may suspend you on appropriate contractual pay. Suspension is not a disciplinary penalty and carries no implication of guilt. Whilst on suspension you must be available for work, or meetings, as required during normal working hours.

### **The right to be accompanied at hearings**

You can be accompanied at any disciplinary or grievance hearing by: -

- A work colleague.
- A full time official employed by a trade union.
- A lay official, so long as they have been certified in writing by their union, as having received training in acting as a workers' companion at disciplinary and grievance hearings.

Your representative has the right to explain, or sum up your case, and to respond to any views expressed at the hearing. The representative may not answer on your behalf. If the representative cannot attend on the date set for the interview, we will always postpone the interview for up to 5 days or, at our discretion, longer.

### Notes for colleagues

We are pleased for colleagues to support each other through these proceedings, but you are not obliged to do so. Having a colleague present helps to ensure that matters are dealt with fairly and we appreciate your assistance. However, you should be aware that this may lead to some conflict of loyalties for them. You are asked to respect the confidentiality of these proceedings.

## **Grievance Procedure**

### ***Stage 1***

Where there is an issue at work, we would ask that you raise it promptly and with the relevant person.

If this fails or you feel the matter is more serious, then you can go to the formal procedure.

### ***Stage 2***

To make a formal grievance, set out your complaint in writing, giving as full an account of the situation as possible. This should be given to the Proprietor and/or Nursery Manager together with any relevant documents. We will invite you to a meeting to discuss the grievance and ask how you think it can be resolved. It may be necessary for us to make further enquiries and hold a second meeting.

After the meeting we will write to you with the outcome of the grievance. The letter will remind you of your right to appeal if you are not satisfied with the outcome.

In serious cases or cases where the Manager is the cause of the grievance another Manager, or an independent consultant will be asked to investigate the complaint.

Whilst an employee has an outstanding grievance, or has been dismissed from Elswick House, it is policy that all passwords to sensitive Nursery equipment be changed and not re-issued to you until the grievance is resolved or the appeal process complete.

## **Disciplinary Procedure**

The disciplinary process has been designed to help and encourage you to achieve and maintain good standards of conduct, attendance and job performance. On occasions people may fall short of the expected standards of behaviour or performance. In these circumstances disciplinary action may be taken.

### **At all stages of the formal disciplinary procedure, you will: -**

- Be given a right of reply to all and any allegations made against you BEFORE any decision or disciplinary action is taken.
- Be advised of the nature of any disciplinary action taken against you and the consequences of such action.
- Be advised of any improvement in conduct or performance required and over what time frame.
- Have the opportunity to be accompanied by a work colleague, or Trade Union representative, to any disciplinary hearing as described above.

Disciplinary hearings will usually be conducted by the Proprietor and/or Nursery Manager.

You must take all reasonable steps to attend the meeting. Where you are unable to attend more than one meeting the Nursery may, in certain circumstances, hold the meeting in your absence and make their decision based on the evidence available to them at the time.

At the meeting you will be given the opportunity to respond and to put forward any defence or arguments you want. You may ask questions, present evidence and call witnesses.

Depending on the severity of the offence and taking into account all the circumstances the disciplinary action may take any one of the following forms:

### ***Stage 1***

Informal counselling to give you an opportunity to rectify the situation.

### ***Stage 2***

A verbal warning will be issued if improvement does not result following informal counselling, or for more serious breaches. You will be told of steps you must take to improve your conduct and if appropriate the time limit for improvement. This will be confirmed in writing and recorded on your file for a period of time, normally 6 months.

### ***Stage 3***

For more serious matters or where you have failed to meet the required standards after having been given a verbal warning, you may be given a written warning.

This will state the nature of the complaint, the required standards that must be met and where appropriate a time limit for improvement. It will also state that further disciplinary action will be followed if the required standards are not met. One copy will be retained by you, and one placed on your file normally for a maximum of 12 months.

### **Stage 4**

For serious matters, or where you have failed to reach the required standards after being warned, you may be given a final written warning. This will state the nature of the complaint, the required standards to be met and where appropriate a time limit for improvement. It will also state that you will be dismissed if the standards are not met or if there is further misconduct. One copy will be retained by you, and one placed on your file normally for a maximum of 12 months.

### **Stage 5**

Where there has been Gross Misconduct (in which case the first 4 stages may be omitted), or where you have failed to meet the required standards after due warnings have been given to you, you may be dismissed. In extenuating circumstances, we may apply another sanction such as disciplinary transfer, disciplinary suspension without pay, or where you are in a supervisory, or management, role demotion to a lower grade. This will be confirmed in writing. In case of gross misconduct, the dismissal will normally be without notice (or pay in lieu of notice).

### **Appeals**

You have the right of appeal against any disciplinary decision taken against you. Your appeal should be in writing and sent to the nominated individual within five working days of the decision, and state the reasons for your appeal. You will receive a reply within a further five working days setting a date for an appeal hearing. The decision from the appeal hearing will be final.

The following are examples of Misconduct and Gross Misconduct. These are examples only and not an exhaustive list.

### **Misconduct**

- Poor time keeping.
- Unauthorised and unreasonable absence from work.
- Failure to meet the adequate standard of job performance.
- Failure to comply with policies and procedures.
- Failure to answer a question during a properly constituted investigation.
- Minor violation of safety practices.
- Minor breaches of Nursery regulations.
- Improper use of business funds or property.
- Inappropriate standards of dress.
- Contravention of minor safety regulations.
- Disruptive behaviour.

### **Gross Misconduct**

The following acts are examples of gross misconduct and as such are considered so serious that the employee may be liable to instant dismissal.

- Theft, wilful damage of, or negligence which leads to loss of, property or goods belonging to Elswick House, its customers or suppliers, or other employees.
- Unreasonably refusing to Elswick House searching your bags or vehicle.
- Unauthorised disclosure or use of confidential information from Elswick House, or about any of its customers.
- Conduct likely to damage the reputation of Elswick House.
- Drunkenness, or being under the influence of legal or illegal drugs.

- Discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation, or harassment, or bullying of colleagues or customers.
- Accepting bribes or offering bribes.
- Fraud, dishonesty or any other offence which would be a breach of the law of the land.
- Indecent, violent or offensive behaviour, assault or attempted assault of other employees, customers, associates or members of the public.
- Failure to carry out a reasonable order given by a manager during working hours or serious disregard of duties.
- Serious insubordination, including rudeness and/or unacceptable behaviour towards a senior member of staff.
- Serious breaches of the IT Security policy.
- Slanderous or defamatory statements made regarding Elswick House, its employees, clients or associates either verbally, in writing (electronically or hard copy) or posted on social networking sites.
- Serious breaches of the Health and Safety policy.

We retain discretion to take account of the length of service and to vary the procedures accordingly. If you have short amount of service, you may not be in receipt of any warnings before dismissal, but you will retain the right to a hearing and you will have the right of appeal.

## **Bullying and Harassment at Work**

Elswick House encourages an environment in which everyone is entitled to work without harassment, victimisation and bullying.

Harassment may be described broadly as "unwanted conduct affecting the dignity of men and women". Where a particular form of conduct has the effect of making a person feel humiliated, threatened, or that their privacy is being invaded, then that conduct will constitute harassment and should cease immediately.

We will not condone harassment and the procedure for dealing with complaints is set out below. The policy applies to employee's conduct in, or out of work. All employees have a responsibility for complying with this policy and treating all colleagues with dignity and respect. If you believe that you have been subject to, or witnessed harassment, victimisation or bullying, you must inform the Nursery Manager and/or Proprietor so that we can keep our workplace free from unacceptable behaviour.

### **The procedure for dealing with cases of harassment is set out below:**

If you believe you are being subjected to any harassment then, in the first instance you should ask the offender to stop, or make it clear that such attention is unwelcome. If necessary, ask a friend or colleague to help you do this. Such an informal approach may be all that is needed, but you should make a note of the details and keep them.

If your request is ignored and the harassment continues, or you feel unable to make the informal approach, please contact the Nursery Manager and/or Proprietor immediately. Details will be taken and should be confirmed in writing by the victim, this constitutes a formal complaint.

The Nursery Manager and/or Proprietor will investigate the complaint. Allegations will be dealt with seriously and confidentially and there will be no victimisation of any employee making or being involved in a complaint.

In cases of serious alleged harassment, any employee directly involved may be suspended on full pay pending investigation.

If the harassment has taken place, then the accused will be dealt with in accordance with the Disciplinary and Grievance procedures.

It is hoped that the implementation of this policy will ensure that all our employees work in an atmosphere of mutual trust, dignity and respect.

## **Dealing with Poor Performance**

The success of the Nursery depends on all employees working together to achieve the best possible standards of performance. We aim to provide support and training to enable all employees to fulfil their potential and deal with any changes that the Nursery may require.

However sometimes people perform below the standard that the job requires, although they are not doing anything deliberately wrong. In these cases, we believe that it is best to deal with these problems openly and fairly and to provide clarity and practical support to improve performance.

### **Monitoring performance**

We monitor performance formally and informally through regular discussions that the Nursery Manager and/or Proprietor will have with you about your job, at review meetings, supervisions and through the appraisal process.

### **Dealing with poor performance**

Initially the Nursery Manager will discuss any concerns about your performance informally with you. Often raising issues promptly helps to solve them by identifying acceptable standards and any support that may be needed.

If your performance continues to fall short of that required, the Nursery Manager will arrange a formal meeting to discuss this with you. You will have the right to be accompanied by a work colleague or a Trade Union representative.

At this meeting your Manager will explain specific areas of your performance that aren't acceptable, and you will have the chance to give reasons for this. You and the Nursery Manager will agree a plan, covering ways in which you can be supported to achieve acceptable standards, a date for review and a clear indication of what will happen if there is no improvement e.g., transfers, dismissal.

The time-scale for improvement, with formal reviews, will vary depending on the nature of the problem and the role that the employee has within the Nursery.

At the final review overall performance will be assessed and, in most cases, this will be the end of the matter, as performance will have improved as agreed.

If sufficient improvements have not been made, consideration should be given to whether you should be transferred to another role better suited to your skills set, or as a last resort, dismissed.

### **Appeal Procedure**

If you are given a formal sanction or dismissed because you are not capable of performing your job to an acceptable standard, you have the right of appeal against this decision. Your appeal should be in writing and sent to the Nursery Manager and/or Proprietor within five working days of the decision and state the reasons for your appeal. The decision from the appeal hearing will be final.

We retain discretion to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal, but you will retain the right to a hearing, and you will have the right of appeal.

## **Whistle Blowing Policy**

We encourage an open culture in all our dealings with employees, managers and all the people with whom we come into contact. Effective and honest communication is essential if malpractice is to be effectively dealt with. The procedure below provides guidelines to all our employees, casual, temporary agency staff, freelancers, trainees, home workers and contractors, who feel they need to raise certain issues, in confidence.

The *Public Interest Disclosure Act 1998* (commonly known as the 'Whistle Blowing Act') protects workers who raise legitimate concerns about specified matters from being dismissed by Elswick House, or being subjected to detrimental treatment, or victimised by either Elswick House or colleagues as a result, provided certain criteria are met. Certain kinds of disclosures qualify for protection and these are set out below. These are disclosures of information, which a worker reasonably believes are made in the public interest. They tend to show one or more of the following relevant failures is either happening now, took place in the past, or is likely to happen in the future: -

- A criminal offence has been committed including offences such as theft, fraud or acts of bribery.
- A person has failed, is failing, or is likely to fail to comply with a legal obligation which they are subject to.
- A miscarriage of justice.
- A danger to health and safety of any individual.
- Damage to the environment.
- Deliberate covering up of information tending to show any of the above five matters.

The procedure is not a substitute for the Disciplinary and Grievance Policy and is not a channel for employees to raise matters in relation to their terms and conditions of employment. The procedure allows individuals to have their concerns treated in confidence.

### **Your protection**

If you raise a genuine concern, you will not be at risk of damaging your position as a result. Provided you are acting in the public interest it does not matter whether, or not, your concern proves to be well founded. You must however make your complaint to the right person and in the right way as detailed in this policy. Elswick House does not, of course, extend this assurance to someone who acts from an improper motive and raises a matter they know to be untrue.

### **Your confidence**

Elswick House will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for such conduct will be subject to disciplinary action. You may decide that you want to raise a concern in confidence. Therefore, if you ask for your identity to be protected, it will not be disclosed without your consent. If a situation arises where it is not possible to deal with the concern without revealing your identity (for instance because your evidence is needed in court or a disciplinary hearing), there will be a discussion as to whether and how we can proceed. This policy does not cover the situation where information about malpractice is received anonymously; however, discretion will be used in the investigation of such information.

### **How to raise your concern**

#### ***Stage 1: Internal Line Management***

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager. This should be done in writing. It will help if you state the facts of the matter clearly. You can outline how you would like it to be investigated. If you have a direct or personal interest in the matter, you should also tell us at this stage.

**Stage 2: Alternative Contacts**

If you feel unable to raise the matter with someone in your line management, for whatever reason, please speak to the Nursery Manager / Proprietor.

If you want to raise the matter in confidence, we will not disclose your identity without your consent, unless we are required to do so by law.

Once you have reported your concern, Elswick House will look into it to assess, initially, what action should be taken. If your concern falls more appropriately within other policies, we will tell you. The Nursery Manager and/or Proprietor will carry out the investigation.

The disclosure will be treated seriously and promptly investigated and, as part of the process, the worker will be interviewed and asked to provide a written statement.

Once Elswick House has finalised the investigation, any necessary action will be taken.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take, where this would infringe a duty of confidentiality owed by us to someone else.

**If you are dissatisfied**

If you are unhappy with Elswick House's response, the worker may then go to the proper authority. However, we do ask that matters are reported to Elswick House in the first instance. While we cannot guarantee that we will respond to all matters in the way that you might wish, the matter will be handled fairly and properly. By using this policy, you will help us to achieve this.

## **Confidentiality, IT Security and Data Protection**

## **Confidentiality Policy**

### **Parents, children and families.**

*It is the intention of all members of staff at Elswick House to respect the privacy of children and their parents and families, while ensuring that they access high quality early years care and education. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. We have record keeping systems in place that meet legal requirements; the means that we use to store and share that information takes place within the framework of the General Data Protection Regulations (2018) and the Human Rights Act (1998).*

- Most of the information we hold about families is confidential.
- Members of staff may discuss children's general progress and wellbeing together in meetings, and personal information, given by parents, may be referred to when planning for the child's needs. More sensitive information is restricted to the Nursery Manager and/or Proprietor and the child's key carer, and is shared with other staff on a need to know basis.
- In exceptional circumstances information is shared with other professionals, or possibly Social Services, or the police. Information shared with other agencies is done in line with our Information Sharing Policy and is set out in our Privacy Notice to parents. Parental permission is sought if information about a child is to be passed on to other agencies. Also, where information is to be passed on to other settings.
- In the event of a child protection matter, which should be reported to the local Safeguarding Children's Board (SCB), the SCB and Ofsted must be informed even where confidentiality with a third person might be compromised. The best interests of the child are always paramount. (See also Safeguarding Children Policy)
- We ensure that staff from other agencies do not have unsupervised access to the child they are visiting in the setting, and do not have access to any other child(ren) during their visit.
- Parents have access to the records of their own children, but do not have access to information about any other child.
- Personal information about children and families is kept in a secure place, whilst remaining as accessible as possible.

### **Members of staff**

*Members of staff at Elswick House can share their information in the confidence that it will only be used for specified, explicit and legitimate purposes within the Nursery. We have record keeping systems in place that meet legal requirements; the means that we use to store and share that information takes place within the framework of the General Data Protection Regulations (2018) and the Human Rights Act (1998).*

- Personal information is provided voluntarily by members of staff to enable the smooth running of the Nursery. Under the Data Protection Act members of staff can request to access, amend, correct or have deleted the personal data we hold about them.
- Personal information about members of staff is kept in a secure place, whilst remaining as accessible as possible. Most of the information is confidential.
- Some personal data of employees is posted in the Nursery to introduce them as new members of staff to parents when their employment at Elswick House commences. Similar information is put on the Nursery's website.
- Personal data of staff may be required by OFSTED during an inspection.

- Issues to do with employment of staff remain confidential to the people directly involved with making employment decisions. Personal information might be shared with prospective employers should references be requested for staff, who have left or are in the process of leaving.
- Staff pay is a private matter and should not be discussed with anyone else in the Nursery other than the Proprietor. It is confidential to the people directly involved with paying staff wages. Financial data is stored, processed and shared with HMRC to permit the payment of staff wages.
- Members of staff are representatives of the Nursery at all times, including when they are outside of work and also when they are using Social Networking sites. They must never disclose on such sites the name of the Nursery, nor provide any information relating to the Nursery, or the children or parents connected with it. In addition to this, the Employee should not make any disparaging comments or references to the Nursery or the people that they work with. Due to the nature of their work, the Nursery discourages employees from being “friends” with parents of Nursery Children on these sites.

## **IT Security Policy**

*At EHNS, we recognise that the interconnected digital world of everyday life presents a multitude of concerns and threats to our personal data. We employ the services of an external IT consultancy to assess the risks to our computing and technical equipment and to advise about how to defend against them. We are committed to taking every reasonable step to protect the information that our staff, parents, and children provide to us, and welcome suggestions for further improvements. Our systems and devices are security audited annually.*

Elswick House’s IT hardware comprises a PC and laptop located in the Office, a tablet belonging to the owner and five staff tablets, based in the Nursery. These devices may be referred to as ‘facilities’ in the text below.

- The PC is used by one of the owners, primarily for administrative purposes, eg fees and wages, for managing photographs of children’s activities and the Nursery website and for other clerical tasks.
- The laptop is used for administrative purposes too, and also for the implementation and operation of the 2Simple Learning Journal programme.
- The owner’s tablet is used for purchasing equipment and checking e-mails.
- The five staff tablets are used by the staff for gathering and recording observations of the children for the 2Simple Learning Journal programme.

## **Regulations for the use of computer facilities offered**

The following regulations apply to the use of all onsite facilities provided by Elswick House. Please note that breaches of this policy will be considered as a disciplinary issue resulting in sanctions up to and including dismissal for Gross Misconduct.

The facilities may be used only in connection with employees’ work for Elswick House. They must not be used for work of undeclared financial benefit to employees, or the transmission of unsolicited commercial material without the express permission, in writing, of the Proprietor.

You must not interfere with the work of others or the system itself. The facilities must be used in a responsible manner – in particular, you must not: -

- Attempt to access the internet unless you are authorised to do so.
- Access, store or distribute material, which is designed, or likely, to cause annoyance, inconvenience, needless anxiety or offence.
- Access, store or distribute obscene or indecent material, pornography, etc.

- Access, store or distribute defamatory material.
- Access, store or distribute material such that the copyright of another person is infringed.
- Use computing equipment for playing games, other than children's games.
- Use computer equipment for gambling.
- Use computer equipment for any kind of personal gain (e.g., advertising goods or services).
- Gain deliberate unauthorised access to facilities, or services, accessible via local or national networks, or access, store or distribute programmes designed to facilitate such access.
- Engage in activities, which waste resources (your own or other people's time, networks or computers), or which are liable to cause a disruption or denial of service to other users. This includes the following: introduction of viruses into computer systems; use of Internet Relay Chat facilities; use of peer-to-peer networking products; use of internet TV, radio or similar streamed media services; use of social networks such as Facebook, YouTube, LinkedIn, Pinterest and Twitter etc.
- Engage in any lobbying or political activity.
- Engage in any activity that brings Elswick House into disrepute, breach confidentiality or is in any way discriminatory.
- Use Elswick House's IT systems to keep a personal "blog".
- Engage in activities which are illegal, or which might contribute to the commission of an illegal act.
- Engage in any transaction purporting to be representing Elswick House when not authorised.
- Enter into any contract, or subscription, on the internet on behalf Elswick House, without specific permission from the Proprietor.

No personal or private usage of the Internet including Social Media sites is allowed.

Elswick House's IT and communication resources are valuable and expensive business resources and must be treated with care and respect, you must not: -

- Modify or attempt to fix any of Elswick House's IT and communication resources. Any fault should be reported immediately to the Proprietor and/or Nursery Manager.
- Download or install any programme, software or screensaver onto Elswick House's IT equipment.
- Copy, modify, transfer or remove any of Elswick House's software, data or resources.

We are guardians of considerable amounts of sensitive data, and it is vital for our business integrity that care is taken to safeguard both the information and the database systems themselves.

### **Computer and Password Rules and Management**

You must not gain unauthorised access to, or violate the privacy of, other people's files, corrupt or destroy other people's data, or disrupt the work of other people.

The PC and the laptop are encrypted and are password protected. The five tablets are password protected. The Nursery Manager and the Deputy can log on to the Nursery's laptop. All other members of staff are only privy to the log on password for the tablets.

It is your responsibility to prevent inappropriate access to your files. Your password must be kept safe and not be disclosed to anyone.

## **Email Policy**

The e-mail software on the owner's PC and the Nursery Manager's laptop is used for Elswick House's business and domestic purposes. For that reason, e-mails should be viewed only by the Proprietor and the Nursery Manager. A number of e-mails are likely to be for the attention of the Nursery Manager; some may be confidential to the Proprietor and/or private. For that reason, the Nursery Manager will be trusted to use her discretion when viewing e-mails.

It is absolutely essential that e-mails or attachments from non-trusted sources are left unopened, to reduce the likelihood of viruses entering the network. If there is any doubt about the source or content of an email, do not open it.

## **Content and Style of Emails**

- Emails tend to be treated more informally than other written correspondence. However, emails form a permanent record of any correspondence and nothing should be put in an email which you would not be prepared to put on an internal memorandum or on Nursery headed notepaper. Review each email carefully before sending it.
- Emails must never contain anything unprofessional or that could damage Elswick House's reputation. You should not refer to anyone (either internally or externally) in an email in a way that you would not want them to read.
- You must not send electronic mail, which is irresponsible, or likely to cause offence, or use network messaging without authority. "Irresponsible" use includes unsolicited postings to large numbers of people or indiscriminate postings.

## **Internet Policy**

Any member of staff with access to the internet whilst on Elswick House premises is strictly prohibited from accessing, downloading or viewing any site which may: -

- Contain pornographic, obscene or offensive material.
- Contain discriminatory, religious or political material.
- Promote criminal or unlawful activities.
- Be threatening, abusive, libellous or defamatory.
- Encourages conduct that would constitute a criminal offence, give rise to civil liability, otherwise violate any local, national or international law.
- Infringe copyright and/or other intellectual property rights of people or companies, including, but not limited to software programs protected by copyright or material produced by someone else.

You must not download any software from the Internet without the authorisation of the Proprietor and/or Nurse Manager.

Never use the Internet to transmit confidential, personal or business sensitive information.

The organisation reserves the right to monitor employees' internet and IT usage, whenever you use Elswick House's resources and systems, you give Elswick House consent to monitor your activities.

## **Social Media**

Employees are reminded that the confidentiality clause contained in their contract of employment extends to the use of the internet, social networking sites, such as Facebook, YouTube, Twitter, and blogs. Should members of staff choose to use any of these, or similar, sites in their own time, they are also reminded of their responsibility to act appropriately and professionally at all times when visiting them. They must never disclose on such sites the name of the Nursery, nor provide any information relating to the Nursery, its owners, or the children and parents connected with it. They must not become involved online in any dialogue relating to the Nursery, the

Proprietor, the children, parents, families, employees, associates or freelancers. If an employee discovers that this code of online conduct has been breached, the matter must be reported immediately to the Proprietor and/or Nursery Manager.

Due to the nature of their work, the Nursery discourages employees from being “friends” with parents of Nursery children on these sites.

Due to the nature of their work, the employee is strongly advised NOT to say that he/she is a Nursery Nurse.

You are responsible for your online behaviour and for what you post. Failure to adhere to this policy may result in disciplinary action being taken, up to and including dismissal for Gross Misconduct.

## **Monitoring**

Elswick House reserves the right to examine the contents of email, or files belonging to computer users, to maintain the functionality of the system. Also where Elswick House has reason to suspect that these regulations are being breached. Users are therefore advised that such monitoring can and may occur. Please note email messages, even when they have been deleted from Elswick House’s email system, can be traced, and retrieved. The person or persons involved in creating or forwarding any offending email can be identified. Emails are admissible in a court of law.

Elswick House will hold individual employees personally liable if they or their customers suffer any loss or damage to reputation as a result of any breach of these conditions.

Elswick House may create an archive version of your email account and file server data, and may retain this after you have left Elswick House. Elswick House reserves the right to inspect the contents of your email account and also any files stored on the file server.

## **General**

Elswick House will hold individual employees personally liable if they or their associates, business partners or customers, suffer any loss or damage to reputation as a result of any breach of these conditions.

Failure to adhere to this policy may result in disciplinary action being taken against you, up to and including dismissal for Gross Misconduct.

## **Mobile Phone Policy**

We recognise that staff may need to have their mobile phones with them when they come to work. Also, that parents and other visitors to the Nursery are likely to be carrying their mobile phones with them. However, there have been a number of issues raised within the local authority and nationally regarding the use of mobile phones and other devices in educational settings.

We have considered the advice of OFSTED and the messages coming back to us from Staff Training courses; we have also heeded the comments on the subject of our QL Officer and have taken note of the policies adopted by some other nurseries. We also have to consider that, due to the physical limitations of the Nursery, there is no space for individual staff lockers.

As a result, this is our policy with regard to mobile phones: -

- Phones must be turned off prior to entering the Nursery premises and on no account should they be turned on while on the Nursery premises.
- If members of staff bring their mobile phones to Nursery, they must ensure there is no inappropriate or illegal content on the device and they must be put immediately into the red bowl in the kitchen, where they will be stored during the working day.

- Under no circumstances may members of staff use their mobile phones on Nursery premises.
- If members of staff wish to use their mobile phones at break times or lunch times, they must go off the premises to do so.
- If members of staff have a personal emergency, they are free to make or receive calls on the Nursery landline phone, which can be removed to a quiet corner if necessary, for privacy. No charge will be made for such calls provided they are in the UK.
- All visitors must be requested to switch off their phones before entering the Nursery and not to use them whilst on Nursery premises.

The best interests of the children, their parents and the Nursery are paramount here. If members of staff fail to follow this guidance, disciplinary action may be taken.

## **Data Protection Policy**

The security and privacy of your data is taken seriously by us, but we need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We are committed to complying with all our Data Protection legal obligations

This policy applies to current and former employees, workers, volunteers, apprentices and consultants. If you fall into one of these categories, then you are a 'data subject' for the purposes of this policy. You should read this policy alongside your contract of employment (or contract for services) and any other notice we issue to you from time to time in relation to your data.

The Nursery has separate policies and privacy notices in place in respect of job applicants, customers, suppliers and other categories of data subject. A copy of these can be obtained from the person responsible for Data in the Nursery.

The Nursery has taken steps to protect the security of your data in accordance with our Data Protection Policy and will train staff about their data protection responsibilities as part of the induction process. We will only hold data for as long as necessary for the purposes for which we collected it.

The Nursery is a '**data controller**' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.

This policy explains how the Nursery will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, the Nursery.

This policy does not form part of your contract of employment (or contract for services if relevant) and can be amended by the Nursery at any time.

## **Data Protection Principles**

Personal data must be processed in accordance with six '**Data Protection Principles.**' It must:-

- Be processed fairly, lawfully and transparently.
- Be collected and processed only for specified, explicit and legitimate purposes.
- Be adequate, relevant and limited to what is necessary for the purposes for which it is processed.
- Be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay.
- Not be kept for longer than is necessary for the purposes for which it is processed; and
- Be processed securely.

We are accountable for these principles and must be able to show that we are compliant.

## **How we define personal data**

'Personal data' means information which relates to a living person, who can be identified from that data (a 'data subject') on its own, or when taken together with other information, which is

likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data. This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

This personal data might be provided to us by you, or someone else (such as a former employer, your doctor, or a credit reference agency), or it could be created by us. It could be provided or created during the recruitment process or during the course of the contract of employment (or services) or after its termination. It could be created by your manager or other colleagues. The types of personal data we collect and use about you is included in the Privacy Notice that is issued with your contract of employment.

### **How we define special categories of personal data**

'Special categories of personal data' are types of personal data consisting of information as to:-

- Your racial or ethnic origin.
- Your political opinions.
- Your religious or philosophical beliefs.
- Your trade union membership.
- Your genetic or biometric data.
- Your health.
- Your sex life and sexual orientation; and
- Any criminal convictions and offences.

We may hold and use any of these special categories of your personal data, as detailed in the Privacy Notice, in accordance with the law.

### **How we define processing**

'Processing' means any operation which is performed on personal data such as: -

- Collection, recording, organisation, structuring or storage.
- Adaption or alteration.
- Retrieval, consultation or use.
- Disclosure by transmission, dissemination or otherwise making available.
- Alignment or combination; and
- Restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

### **How will we process your personal data?**

The Nursery will process your personal data (including special categories of personal data).

We will use your personal data for: -

- Performing the contract of employment (or services) between us.
- Complying with any legal obligation; or
- For our legitimate interests if it is necessary (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing.

We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Examples of when we might process your personal data can be found in the Privacy Notice. We will only process special categories of your personal data in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal data, then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the person for responsible for Data in the Nursery.

We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do: -

- Where it is necessary for carrying out rights and obligations under employment law.
- Where it is necessary to protect your vital interests, or those of another person, where you/they are physically, or legally, incapable of giving consent.
- Where you have made the data public.
- Where processing is necessary for the establishment, exercise or defence of legal claims; and
- Where processing is necessary for the purposes of occupational medicine, or for the assessment of your working capacity.

We might process special categories of your personal data for the purposes stated in the Privacy Notice, in particular, we may use information in relation to: -

- Your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities.
- Your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and
- Your trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members.

We do not take automated decisions about you using your personal data or use profiling in relation to you.

### **Sharing your personal data**

Sometimes we might share your personal data with group companies or our business partners, contractors and agents to carry out our obligations under our contract with you, or for our legitimate interests. We require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.

We use the following contractors to carry out our Nursery business: -

- Payroll /accountant to store and manage your personal data with regard to your pay.
- Pensions Provider.

We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

### **How should you process personal data for the Nursery?**

Everyone who works for, or on behalf of, the Nursery has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy and the Nursery's IT Security and Data Retention policies.

Management is responsible for reviewing this policy on the Nursery's data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy or data protection to this person and address any written requests to them.

You should only access personal data covered by this policy if you need it for the work you do for, or on behalf of the Nursery and only if you are authorised to do so. You should only use the data for the specified lawful purpose for which it was obtained.

- You should not share personal data informally.
- You should keep personal data secure and not share it with unauthorised people.
- You should regularly review and update personal data which you have to deal with for work. This includes telling us if your own contact details change.
- You should not make unnecessary copies of personal data and should keep and dispose of any copies securely.
- You should use strong passwords.
- You should lock your computer screens when not at your desk.
- Consider anonymising data or using separate keys/codes so that the data subject cannot be identified.
- Do not save personal data to your own personal computers or other devices.
- Personal data should never be transferred outside the European Economic Area except in compliance with the law and authorisation of the person for responsible for Data in your Nursery.
- You should lock drawers and filing cabinets. Do not leave paper with personal data lying about.
- You should not take personal data away from Nursery's premises without authorisation from your line manager or of the person for responsible for Data in your Nursery.
- Personal data should be shredded and disposed of securely when you have finished with it.
- You should ask for help from the person responsible for Data in your Nursery if you are unsure about data protection or if you notice any areas of data protection or security we can improve upon.
- Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against you in accordance with our disciplinary procedure.
- It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see below). This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in your dismissal.

### **How to deal with data breaches**

We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals, then we must also notify the Information Commissioner's Office within 72 hours.

If you are aware of a data breach you must contact the person responsible for Data immediately and keep any evidence, you have in relation to the breach.

### **Subject Access request**

Data subjects can make a '**subject access request**' ('SAR') to find out the information we hold about them. This request must be made in writing. If you receive such a request, you should forward it immediately the person for responsible for Data in your Nursery who will coordinate a response.

If you would like to make a SAR in relation to your own personal data, you should make this in writing to the person responsible for Data in the Nursery. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.

There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive, we may charge a reasonable administrative fee or refuse to respond to your request.

### **Your data subject rights**

- You have the right to information about what personal data we process, how and on what basis as set out in this policy.
- You have the right to access your own personal data by way of a subject access request (see above).
- You can correct any inaccuracies in your personal data. To do so you should contact the person responsible for Data in the Nursery.
- You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the person responsible for Data in the Nursery.
- While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact the person responsible for Data in the Nursery.
- You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.
- You have the right to object if we process your personal data for the purposes of direct marketing.
- You have the right to receive a copy of your personal data and to transfer your personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.
- With some exceptions, you have the right not to be subjected to automated decision-making.
- You have the right to be notified of a data security breach concerning your personal data.
- In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the person responsible for Data in the Nursery.
- You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)). This website has further information on your rights and our obligations.

## **Leaving the Nursery**

## **Notice period**

Sadly, you may choose to leave us, and if/when you do, it would be appreciated if you could give as much notice as possible in writing to your Line Manager. The least amount of notice you are required to give is detailed in your contract of employment. Please check your contract of employment to confirm your notice period, as this may be different for some positions.

On termination of your employment, you must return to the Nursery all property, documentation, records, client lists, client/prospect database information, memory sticks, magnetic discs, tapes or other software media belonging to the Nursery which may be in your possession. You shall not, without the express written consent of the proprietors, retain any copies.

## **References**

If you have left to join a new Nursery, the prospective employer will usually request a reference to confirm the accuracy of statements made in your application and to provide an opinion on your suitability for the new post. As a matter of courtesy, you should ask your referee if they are happy to provide a reference first.

Where Managers are asked to provide a reference in a personal capacity (e.g., as a friend) for past or present employees, they must make this clear and not under any circumstances use our headed paper. The reference should follow the guidelines in this Policy.

## **Providing the information requested**

The first thing the Manager dealing with the reference request should do is to confirm that the individual has given their consent for a reference to be provided and only continue if their consent has been given.

We are committed to providing information that is true, accurate, fair and non-discriminatory. Therefore, it must be based on facts which can be confirmed if challenged. The Manager providing the reference must not provide personal opinions about the individual's performance or conduct.

The reference should be marked "Private and Confidential" for the "Addressee only" and a disclaimer should be included in the reference making it clear that, while the information provided is, to the best of our knowledge, completely accurate, the Nursery cannot accept any liability for decisions based on it. All references must be in writing with a copy made for our files.

## **Requests to see the reference**

The Manager providing the reference may allow the employee to see the draft reference before it is provided to the prospective employer, but this is not obligatory.

## **Dealing with enquiries raised by the prospective employer**

The Nursery operates a strict Policy of only providing factual information relating to employment dates for current or former employees. Requests should go to the employee's Line Manager who will provide the information and explain this Policy.

## **Retirement**

For employees who have reached or are approaching retirement, we will support this major change in their life and will develop an individual plan to meet each person's needs. This may include a phased reduction in working hours, financial planning assistance and lifestyle guidance.

## **Redundancy**

The Nursery is committed to providing a stable working environment for employees consistent with the need to manage the business effectively and economically. When redundancies need

to be considered we will manage the process sympathetically and support employees during the consultation process.

We will comply with all Statutory obligations, as detailed by employment legislation at the time. We will explore alternatives to limit job losses and will listen to employees' suggestions during the consultation period.

We will ensure a fair, consistent and sympathetic process is applied in the selection of employees for redundancy. Employees who are selected for redundancy will have the right to appeal against the decision.

### **Final Salary P45**

Your final salary will be paid at the usual time and will take into account any adjustments in respect of over payment to you, monies owed by you, by us, or outstanding holiday pay. Your P45 will be prepared at the same time and forwarded to your home address.