

3.0 Behaviour Management policy

Introduction

This policy has been written to promote the good health of children in our care in line with the Early Years Foundation Stage Statutory Framework.

Little Troopers Day Nursery believes that children flourish best when their personal, social and emotional needs are met and where there are clear and developmentally appropriate expectations for their behaviour. We are committed to establishing a learning environment that promotes positive behaviour and relationships where children treat each other with care and respect.

We are an inclusive setting that supports all children as they take increasing responsibility for themselves and their actions and consider the welfare and wellbeing of others.

Policy Aim

We aim to teach children to behave in socially acceptable ways and to understand the needs and rights of others. The management of behaviour exists within the programme of supporting personal, social and emotional development.

Methods

The nursery:

- Will ensure an appropriate Behaviour Management policy is written, implemented and revised annually.
- Will assign a coordinator to oversee the responsibility for our programme for supporting personal, social and emotional development, including issues concerning behaviour.
- Ensure the coordinator, in conjunction with the Nursery Manager, keeps up with legislation, research and thinking on how to effectively promote positive behaviour.
- Ensure the nursery coordinator will offer positive behaviour management support to staff when additional support is required.
- Ensure all staff have received inhouse training on our behaviour management policy and procedure.
- Recognises that the codes for interacting with other people will vary between cultures and require our staff to be aware and respectful of those used by families at our nursery.
- Will require all staff, students, and volunteers to provide a positive model of behaviour by treating children, parents and one another with friendliness, care, courtesy, and respect.
- Requests that all new staff, students, and volunteers familiarise themselves with the nursery's behaviour management policy.
- Expects that everyone who attends our nursery; children, parents, staff, students, and volunteers to adhere to our policy always.
- Will work in partnership with the children's parents and they are regularly informed of their children's behaviour by their key person. We work with parents to address recurring inconsiderate behaviour, using objective observation records to understand the cause and to decide jointly how to respond appropriately.
- Will consider safeguarding when observing behaviour.

Our Practice

- We organise the learning environment so that it has a positive impact on behaviour in terms of space, access, and choice of activities.
- We take a positive and consistent approach to managing children's behaviour.
- We recognise that every child is unique and will consider issues of behaviour in ways appropriate to the child's age, stage of development and level of understanding.
- We encourage appropriate behaviour in all interactions with the children and staff and show that good behaviour is valued.
- We encourage children to be aware of nursery routines and procedures.
- We establish clear expectations and boundaries for behaviour that are appropriate for the children's level of understanding.
- We give simple and clear instructions to the children and explanations are always given as to why something should be done.

- We avoid negative language, but when behaviour is unacceptable it is made clear that it is the behaviour and not the child that we disapprove of.
- We record all significant incidents of behaviour.
- We identify and implement strategies that encourage positive behaviour.
- We deal with negative behaviour at the earliest opportunity.

Encouraging Positive Behaviour

- We use praise specifically related to the children's actions or behaviours.
- If appropriate we will divert the child's attention on to another activity.
- We focus on activities and routines to encourage
 - Sharing
 - Negotiation
 - Cooperation
- We encourage the children to care for others and the environment by helping tidy up, setting up activities and mealtimes, handing out snacks and sharing resources.
- We encourage positive behaviour through play and learning activities such as group time, sharing stories, role play, singing and puppets.
- We model appropriate behaviours in different situations.
- We consult with the children to draw up classroom rules for appropriate behaviour.
- We involve the parents in establishing rules for appropriate behaviour.
- We demonstrate that all children are valued and respected.
- We discuss with the children what is acceptable behaviour in all areas of learning and experiences.
- We encourage children to openly express their feelings, likes and dislikes and use emotive language to support this.
- We help children to understand the consequences and effects of their behaviour on others.
- We help to support the children to resolve conflicts with other children.
- We help to support the children's self-esteem by enabling them to be successful in play experiences and activities.
- We take the opportunity throughout the day to promote children's self-worth by giving them attention, praise, and respect.

Our strategy to support children who engage in inconsiderate behaviour

- We require all staff, students, and volunteers to use positive strategies to handle any inconsiderate behaviour by helping children to find solutions in ways which are appropriate for the children's age and stage of development. For example, by distraction, diversion, or discussion.
- We ensure that there are enough resources and sufficient activities so that children are suitably occupied without the need for unnecessary conflict over sharing and waiting for turns.
- We encourage considerate behaviour, such as kindness and willingness to share
- We support each child in developing self-esteem, confidence and feelings of competence
- We support each child in developing a sense of belonging in our key groups, so that they feel valued and welcomed.
- We avoid creating situations in which children receive adult attention only in return for inconsiderate behaviour
- When a child behaves in an inconsiderate way, we help them to understand the outcomes of their action and support them in learning how to cope more appropriately.
- We never use physical punishment, such as smacking or shaking, and children are never threatened with this.
- We do not use techniques intended to single out and humiliate children.
- We will only use physical intervention or restraint, such as holding if it is to avert immediate danger of personal injury to the child, other children or adults and/ or damage property or manage a child's behaviour and only if it is absolutely necessary.
- Details of an event including what happened, what action was taken and by whom and the names of any witnesses are recorded on an incident form and brought to a member of the management team. The child's parent/carer is informed on the same day and signs the incident form to indicate they have been informed.

- In cases of serious misbehaviour, such as racial or other abuse, we make it clear immediately that the behaviour is unacceptable by explaining and discussing rather than personal blame.

Procedure for dealing with unacceptable behaviour

The nursery considers the following behaviour to be unacceptable:

- Physical abuse - including biting, hitting, punching, pinching, scratching, kicking and pushing.
- Verbal abuse – including racist or sexist remarks, name calling and swearing.
- Bullying – defined as persistent name calling, minor harassment (such as taking things, toys etc away from someone) and more major incidents involving physical violence or a group of children picking on one child.
- Spitting.
- Damage to property or nursery equipment.
- Lack of respect for children, parents/ carers, staff, volunteers or students.

Any unacceptable behaviour by a child will be dealt with by nursery staff in the following way:

- An immediate verbal response to the action.
- A gentle explanation to the child as to why the behaviour was unacceptable and/or unsafe.
- If unacceptable behaviour persists the child will be withdrawn from the activity/ group for a short period with an adult support and guidance.
- If necessary, a child may be taken to another room to calm down.
- Parents/ carers will be informed if we feel that the child's behaviour is particularly worrying.
- Nursery staff and parents will work together to promote desired behaviour.
- The nursery and parents will work together to agree a strategy to be used at nursery and if possible at home to encourage consistency in behaviour. The nursery may suggest strategies such as reducing the current attendance at nursery to ensure a suitable home/ nursery balance until the behaviour improves.

It is important that all staff and parents are consistent in their approach to behaviour management both at nursery and at home, therefore the nursery will expect full cooperation from the child's parents in implementing strategies to improve behaviour.

The nursery must be able to suitably safeguard the children within its setting, therefore in the event a child's unacceptable behaviour shows no sign of improving and all nursery behaviour management strategies have been exhausted, the parents will be informed that the nursery will no longer be able to continue offering a place at nursery.

Parents will be requested to attend a meeting to confirm the termination of the place. In these circumstances the nursery will give a period of one weeks-notice and during this time the child will be supervised on a one to one basis.

Rough and tumble play and fantasy aggression


Young children often engage in play that has aggressive themes such as superhero or weapon play; some children may appear pre-occupied with these themes, but their behaviour is not necessarily a sign to hurtful behaviour or bullying, although it may be inconsiderate at times and may need addressing using the strategies above.

- We recognise that rough and tumble play is normal for young children and acceptable within limits. We regard these kinds of play as pro-social and not as problematic or aggressive.
- We recognise that fantasy play also contains many dramatic themes – blowing up, shooting etc. and that themes often refer to 'goodies and baddies' and as such offer the opportunity for us to explore the concepts of right and wrong.
- We are able to tune into the content of the play, perhaps to suggest alternative strategies for heroes and heroines, making the most of the 'teachable moments' to encourage empathy and lateral thinking and to explore alternative scenarios and strategies for conflict and resolution.

Hurtful behaviour

We take hurtful behaviour very seriously. Most children under the aged of five will at some stage hurt or say something hurtful to another child, especially if their emotions are high at the time. However, we do not feel that this behaviour should be labelled as 'bullying'. For children under five hurtful behaviour is momentary, spontaneous and often without consideration of the feelings of the person they have hurt.

- We recognise that some young children behave in hurtful ways towards others because they have not yet developed means to manage intense feelings that sometimes overwhelm them.
- We will help children to manage these feelings as they do not yet have the means to think things through for themselves.
- We understand that self-management of intense emotions such as anger and fear can be scary and will help children to process this by offering support, calming the child who is angry as well as the child who has been hurt by the behaviour. Therefore, enabling the child to manage their own feelings.
- We do not engage in retributive responses to a child's rage as this has the opposite effect.
- Children who are unable to communicate fully will be calmed through holding and cuddling to reassure. Children who are able to verbally communicate will also receive a response in the form of a cuddle to calm them. However, we will also discuss the incident with them at their level of understanding.
- We recognise that young children require help in understanding their feelings. We will help children to recognise their feelings by naming them and helping them to express them, making a connection verbally between the event and the feeling.
- We help children to empathise with others, understanding that they have feelings too and that their actions impact on others feelings.
- We help children to develop positive behaviour by helping them to resolve conflicts with other children during play.
- We are aware that the same problem may happen over and over before skills such as sharing and turn taking can develop. Our staff will create problem solving activities for the children to experience, which are supported by clear boundaries and patient and supportive nursery staff.
- We support social skills through modelling behaviour, activities, drama, and stories. We build self-esteem and confidence in children, recognising their emotional needs through close and supportive relationships
- We help children to understand the effect that their hurtful behaviour has had on another child. We will not force a child to say sorry, but we will encourage the child to make amends by talking about how we can make the child feel better. This may be by saying sorry or finding them their favourite toy.
- When hurtful behaviour becomes problematic, we work with parents to identify the cause and find a solution together. The main reasons for very young children to engage in excessive hurtful behaviour often are that:
 - They do not feel securely attached to someone who can interpret and meet their needs, this may be at home or at nursery
 - Their parent or key person in the nursery does not have the skills in responding appropriately and consequently negative patterns are developing where hurtful behaviour is the only response the child has to express feelings of anger or frustration.
 - The child is exposed to levels of aggressive behaviour at home or may be at risk emotionally.
 - The child has a developmental condition that affects how they behave
 - Where this does not work, to support the child and their family we will make a referral to the appropriate team within Oxfordshire County Council.

| Produced by: | Signed:  | Print: Rebecca Warner | Date: September 2020 |
|---|---|--|----------------------|
| Review due: | September 2021 | | |
| Nursery Designated Safeguarding Officers | | Position | |
| (Lead) Nicola Robertson (Deputies) Beverly Massingham (Deputies) Jacey Mayall | | Nursery Manager Deputy Manager Room Leader | |

3.1 Biting policy

Introduction

Biting is a common behaviour that some young children experience and it occurs more often with children under the age of five and in group situations such as school, nursery, playgroup or other social situations. The need or motivation for one child to bite another is just part of some children's development journey, and due to a limited vocabulary, they may not yet have the ability to express feelings such as anger, frustration or need.

Children bite for many reasons and we aim to handle any biting incident with respect and sensitivity for all involved. It is the nursery policy to deal with each biting incident on a case by case basis making sure that parents/carers involved are kept up to date with what is happening, but at the same time respecting the confidentiality of the children involved.

This ultimately means that we are not able to divulge the identity of any child involved in a biting incident.

Policy Aim

The aim of this policy is to help prepare staff and parents/carers for the possibility of experiencing a biting and guide through how to best support all involved.

Why Does Biting Happen?

Whilst biting is more common at nursery or in other group situations than at home, a biting incident is not a negative reflection on the biter, the staff or the nursery. We have very clear behavioural expectations at the nursery and children are expected and encouraged to share, wait their turn and be respectful.

However, very young children often do not have the coping mechanisms, nor the self-regulation skills which adults and older children have that help us to diffuse and express our emotions in socially acceptable ways. Young children may resort to hair pulling, hitting and biting which is upsetting for us, but at the same time, developmentally normal. The most common reasons for biting are:

- Teething – swelling gums can be painful and cause discomfort; this can be relieved by biting and chewing
- Physical Exploration – babies and young children explore the world around them using their senses and young children do not always know the differences between gnawing on a toy and biting someone
- Seeking Attention- if a child cannot yet communicate verbally they can bite for a reaction as a sign of frustration

What Is Our Procedure Following a Biting Incident?

First and foremost, the nursery will work with each parent/carer and child to explore why a child is biting and to comfort and reassure the child who has been bitten. This may have been an isolated incident, but we will always record the incident to examine what happened just before the incident or if there are any behavioural trends.

Once we have identified the possible trigger for the biting incident, we will then make changes to reduce or remove the cause. For example, we may buy duplicates of favourite toys to prevent disputes; or in exceptional circumstances and for a brief period a member of staff may be appointed to provide a few one to one care sessions for the child who is biting, to help with their behavioural needs, and to encourage them to find different ways to express themselves.

We may encourage a biting child to take part in activities which help release frustration such as outdoor play or other physical activities.

In brief, our procedure in the event of a biting incident is as follows:

- The child who has been bitten will be comforted and reassured and where needed, first aid will be administered.
- If the bite has broken or bruised the skin, parents/carers will then be contacted so that you are aware that your child has been bitten.
- The child that has bitten will also be examined to ensure their own health and safety
- We will talk to the child who has bitten, age appropriately, and try to help the child understand that there are other ways to express themselves and deal with the situation. We may help them to find something nice to do for the child that they have bitten.
- We will ensure that the biting child understands that such action (the behaviour and not the child) is unkind and makes staff and the child who has been bitten upset.

- Incident and accident forms are filled out for both children. The parent/carer of the child who received the bite will be informed.
- Incident and accident records will be reviewed by the Keyperson, Nursery SENCO and the Manager to determine if there is a pattern of consistent biting. When biting has become a pattern of behaviour, we will shadow and observe the individual child looking for 'triggers'.
- In certain cases, we may seek professional advice from local behavioural experts or regional special needs co-ordinators. This will always be initiated in partnership with the permission of parents and carers.

Summary

The key to addressing any challenging behaviour is a partnership approach. We encourage parents and carers to work with the nursery team and to support any behaviour management techniques and use them at home as well as at nursery.


Please remember that staff cannot give you any information about any other children in the nursery, and cannot disclose who has bitten your child or who your child has bitten.

Very young children do not bite maliciously, they bite because they don't know how else to react to an event. Whilst most parents/carers understand this, there are cases in which parents/carers of the bitten child are naturally very angry about the incident. Conversely, the parents/carers of a child who bites feel very upset and sometimes guilty about the situation. Revealing identities in these emotionally charged circumstances would be unfair and serve no real purpose.

We would like to emphasise that although biting and overly aggressive behaviour is quite common and normal amongst small children, we work very hard not only in dealing with bites when they happen, but also at finding methods of prevention such as, keeping children active, working in smaller groups, observing and shadowing a child and perhaps offering soothing activities designed to lessen aggressive and boisterous behaviour.

If a child's re-occurring behaviour, such as biting, is having a negative impact on their experience at nursery, we will work closely with all involved to attempt to resolve these issues.

The nursery team are well trained and resourced in the areas of behaviour management and special educational needs, and we can also draw upon external expertise to inform our options. Overall, it is important that all parties involved work closely together. Each case will be different, as will the resolution, parents are welcome to arrange time to talk with their child's Keyperson or the Nursery Manager should they have any questions.

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3.2 Staff Code of Conduct

Introduction

All employees of Little Troopers Day Nursery whether on a permanent, temporary or casual basis are required to follow this code of conduct, deliberate breaches of the code may be treated as a disciplinary offence. As with all nursery policies and procedures, we ask that staff use their common sense and act sensibly within the conditions provided in this document.

Policy Aim

Staff must always be mindful of the fact that they hold a position of trust and that their behaviour towards the children must be one above reproach.

The aim of this code of conduct is not intended to lessen the experience children gain from building positive relationships with staff. It is intended to help assist staff by offering suitable guidance regarding their conduct and enable staff to:

- Understand what is expected of an employee at our nursery.
- Enable staff to demonstrate high standards of conduct in order to encourage the nursery children to do the same.
- Identify the responsibilities you hold and the limitations within your position.
- Be clear regarding your boundaries and responsibilities.
- Agree communication and accountability.
- Ensure staff do not place themselves at risk of allegations of abuse or unprofessional conduct.
- Understand what behaviour is and is not acceptable.
- Encourage and support employees in their professional capacity.

Staff are requested to read the nursery's Code of Conduct policy in conjunction with their job description, contract of employment, staff handbook and all policies and procedures outlined by the nursery.

Policies and Procedures

Little Troopers Day Nursery has an extensive range of policies and procedures to support the nursery operations. All staff regardless of their position are required to read the documents as part of the terms and conditions of their contract. Individual copies of each policy are stored in the nursery entrance area and in the nursery office.

Disclosure and Barring Service (DBS)

All staff have a duty to notify the nursery of any circumstance which may affect their suitability to work with children. The Nursery Manager is responsible for ensuring all staff, including contractors, bank staff, students and volunteers, are suitable to work with children. Checks are carried out via enhanced Disclosure and Barring Service (DBS) clearance checks as well as other sources, such as employer references, identity checks and qualification checks, amongst others.

Where possible new staff will have the checks completed prior to starting employment. However, if there are delays in checks coming through, as a last resort, candidates may work in the nursery before these checks are completed as long as they are supervised by registered and DBS checked staff member at all times.

Staff awaiting these checks will never:

- Be left unsupervised whilst caring for children.
- Take children for toilet visits unless supervised by registered staff.
- Change nappies.
- Administer medication.
- Administer first aid.
- Take photographs of any children.
- Look at a child's learning and development online journal.
- Have access to children's personal details and records.

The nursery suggests that each member of staff subscribe to the government's DBS Update Service. However, this is not a legal requirement.

Declarations and Changes of Circumstances

All employees are expected to declare all convictions, cautions, court orders, reprimands and warnings that effect their suitability to work with children. All staff have a duty to notify the Nursery Manager of any changes of circumstance which may affect their suitability. In addition, the Nursery Manager will carry out a status check on all staff during their regular supervision meetings (every 8-10 weeks) and during the Annual Staff Review.

Continued Professional Development

The nursery is committed to supporting staff with the development of their professional practice within the childcare industry. The nursery appreciates that all staff entering employment with Little Troopers Day Nursery will come with differing sets of skills. The aim of the nursery is to identify areas where improvement can be made through training. It is expected that all staff will continually update their knowledge and skills while working at Little Troopers Day Nursery. The Nursery Manager will review individual staff training requirements during their regular staff supervision meetings.

It is important that all staff accept their limitations, and they should not undertake an activity in which they do not feel competent, or is outside their area of practice and knowledge.

Certain nursery training is classed as mandatory training, meaning that all staff are required to attend regardless of their employment type e.g. permanent, bank, full or part time. Where a staff member cannot attend a mandatory training session, arrangements will be made the member of staff to attend at another time. This type of training includes safeguarding, paediatric first aid and food hygiene.

Attendance (and timekeeping)

Staff are required to arrive at work promptly and be ready to start work at their contracted starting times. Staff are required to remain at work until their contracted finishing times. Little Troopers Day Nursery provides a signing in and out system for recording staff attendance at the Nursery.

If for any reason a member of staff wishes to start later or leave earlier than their contracted terms, they must discuss this with the Nursery Manager. Members of staff who are consistently late for work without prior authorisation from the Nursery Manager may face disciplinary action.

The nursery appreciates that it is sometimes difficult to make appointments such as with doctors or dentists at a time that is convenient for both the employee and the setting. We request that where possible these are scheduled for the beginning and end of the day.

Breaks

Staff are entitled to a one hour lunch break. Where possible lunch breaks are planned around the children in the nursery's care and the staff key person responsibilities. Therefore, the Nursery Manager and Room Leaders will consider these breaks carefully. Staff will be informed of their lunch break on a daily basis and may request a specific lunch break as long as suitable notice has been given.

Staff lunch breaks start at the point when staff leave their designated room and not when they reach the staff room. Staff must also ensure that they are back within the one hour allotted lunch break to relieve other staff members.

Dress Code and Appearance

The Nursery will provide appropriately branded polo shirts and hoodies as well as ID badges; nursery uniform is required to be worn at all times during working hours including visits outside of the nursery premises.

Staff should wear clothing which:

- Is comfortable, allows free movement and is appropriate to their role.
- Is not damaged (no holes in jeans) and may pose a risk to the safety of the staff member while carrying out their daily duties.
- Is suitable such as trousers, smart jeans (no tears), thick leggings, no skirts unless required by religion.
- Is not likely to be viewed as offensive, revealing or sexually provocative.
- Does not distract, cause embarrassment or give rise to misunderstanding.
- Is absent of any political or otherwise contentious slogans.
- Is not considered to be discriminatory and is culturally sensitive.

Staff are also requested to ensure:

- Their hands and nails are kept clean. If wearing nail varnish or false nails these must not be chipped and must be at a suitable length that will not impact on their ability to work or cause harm.
- Hair longer than shoulder length is tied back.
- Removing all unsecure jewellery (only small stud earrings to be worn).

- Flat clean indoor shoes (clean trainers are acceptable, however no flip flops). In summer, with authorization from the Nursery Manager, secure sandals can be worn.
- Look presentable at all times.

Health, Safety & Hygiene

The nursery will act positively to minimise the incidence of all workplace risks as required by the Health & Safety at Work Act 1974 and other associated legislation.

Through continuous improvement of standards, and comprehensive use of risk assessments we aim to systematically remove the causes of accidents/incidents and ill health.

“We are committed to safeguarding and promoting the welfare of children and young people and expect all staff, contractors and volunteers to share this commitment”. (Rebecca Warner, Company Director)

Staff will be provided with a Health and Safety induction when joining the nursery as well as on-going training. All activities should be carried out with the highest regard for the health and safety of all staff, children and visitors. Staff have a responsibility to carry out tasks in accordance with information, instruction, training & supervision received. Staff should be a role model to the children in terms of their own health and hygiene, leading by example is the best way to teach good behaviours to children.

For example:

- Have clean, neat and tidy appearance.
- Encourage children’s awareness of physical development (exercise, diet, rest, challenges and risks).
- Show the importance of hydration (encouraging the children to drink plenty of water).
- Show how keeping fit is important to development of mind and body.
- Show how to take risks safely.

Staff should refer to the Health & Safety policy and task risk assessments for further details.

Refreshment provision

The nursery actively encourages staff who are working with the children at lunchtime to eat the same food as the children and therefore we will provide additional portions for those staff. Staff are requested to refrain from eating any other food including personal food in the rooms.

Staff can have bottles of water or squash in their rooms. Under no circumstances can hot drinks, fizzy drinks or energy drinks be consumed anywhere within the nursery other than the staff room at lunch times

Alcohol, Drug Abuse, Smoking and E-Cigarettes

The consumption of alcohol on the premises is strictly forbidden unless it is part of an agreed event authorised by the nursery management. Any employee who is found consuming alcohol on the premises or is found to be intoxicated at work will face disciplinary action under the disciplinary procedure. Please be aware that even if you are not found to be intoxicated, coming into work suffering from the immediate aftereffects of alcohol may also impair your ability to perform your role to the required standards. A breach of this procedure is considered an act of gross misconduct.

The possession, use or distribution of drugs for non-medical purposes on the premises is strictly forbidden. Any member of staff who is found to be under the influence at work will face disciplinary action under the disciplinary procedure. A breach of this procedure is considered an act of gross misconduct.

Smoking is forbidden on the premises. Any member of staff who is found smoking on the premises will face disciplinary action under the disciplinary procedure.

Members of staff who wish to smoke before their shift commences or at break times, must ensure that they are not identifiable by their uniforms and are a reasonable distance from the nursery premises. Staff have a duty to ensure they do not smell of smoke at any time during working hours and they follow good hygiene practices before coming into contact with children. Cigarettes, matches and lighters must be kept securely away in the employee’s bag in the staff room.

Although Electronic Cigarettes are generally thought to be less harmful than smoking real cigarettes, electronic cigarettes still contain the addictive chemical nicotine as well as other toxic substances. Consequently, for the purposes of this code of conduct, the smoking of substitute cigarettes is deemed to be the same as smoking the real thing. Therefore, please observe our no smoking rules.

Medication

Staff must not be under the influence of any medication which may affect their ability to care for children. If a member of staff is prescribed medication by their doctor that may affect their ability to perform work, then this should be discussed with the Nursery Manager.

Medication should be handed to the Nursery Manager and kept in the nursery office and not left in bags or coats.

Confidentiality

Staff must guard against breaches of confidentiality by protecting information from improper disclosure at all times and follow all appropriate policies.

Staff must only disclose information outside the immediate team if:

- It can be justified as being in the public interest (usually where disclosure is essential to protect the child or someone else from risk or significant harm).
- They are required to do so by law or by order of the court.
- There is a safeguarding issue, and therefore they must then act at all times in accordance with statutory procedures.

Most staff are likely at some point to witness actions which need to be confidential. For example, where a child is bullied by another child (or even by a member of staff), this needs to be reported and dealt with in accordance with the appropriate nursery procedure.

Until approved by a Nursery Manager, an incident must not be discussed outside the nursery, including with the child's parent or carer, nor with other members of staff within the nursery or external colleagues. (Please refer to the Safeguarding Children & Child Protection Policy)

Staff who intend to share information about a child's care, learning and development with an outside agency must seek prior permission from the child's parent and the Nursery Manager.

Mobile Phones and Cameras

The nursery has a clear policy regarding the use of staff personal media devices within the nursery:

- Personal devices belonging to members of staff are not used on the premises during working hours.
- At the beginning of each individual's shift, personal media devices are to be signed in and locked in the devices box in the office. Members of staff are to sign their devices back out at the end of their working day.
- Staff may have access to check their personal media devices during their break in the staff room. Personal devices must be signed out and back in again before the end of the break period.
- In the event of an emergency, personal mobile phones may be used in the privacy of the office, with permission from a member of the management team.

Any breach of this policy may result in the staff member facing disciplinary action. Further details can be found in our Information Technology & Media policy.

Information & Technology – Email and Website communication

Staff must not use any ICT services for copying, storing, sending or retrieving unacceptable material.

"Unacceptable material" includes any documents, messages, information, graphics or other electronic data that:

- Breach UK legislation.
- Contravene the nursery's Equality Policy.
- Contain offensive, pornographic or obscene language or material.
- Plan, promote, incite or facilitate any illegal or terrorist activities.
- Contain defamatory or slanderous language or material.
- Denigrate, insult or ridicule another person.
- Intimidate, bully or harass another person.
- Adversely comment on integrity, personality, honesty, character, intelligence, methods or motives of another person unless it is factual response to a formal reference request.
- Provide or facilitate the use of computer hacking tools or virus toolkits.
- Staff must not use the Internet, external electronic mail, external telephone, fax or any other form of electronic communication to transmit sensitive, subversive information, including:
 - Opinions that do not reflect the policies of the nursery.
 - Information that could damage the nursery's reputation and standing in the community

Further details can be found in our Information Technology & Media policy.

Social Networking Sites

- Staff must ensure that social networking sites are set as private so that only authorised persons can have access to them.
- Staff must not accept or invite any children or their families to use their private sites.
- Staff must never contact any children or their families using their private social networking sites.

- Staff must never upload any photos, comments or information about the setting or any persons linked with it.

Social Contact

All staff are expected to uphold professional boundaries. Staff have a duty to approve any planned social contact with children and their families with their manager.

Confidentiality of employment must be adhered to and respected during social contact. In summary staff should:

- Ensure all contact with existing children or their parents is of a professional and nursery related nature.
- Consider the appropriateness of the social contact according to their role and nature of their work.
- Always approve any planned social contact with children or parents with senior colleagues.
- Understand that some communications may be called into question and need to be justified (parents becoming dependant)
- Staff must not engage in conduct outside work which could seriously damage the reputation and standing of the nursery or the employee's own reputation or the reputation of other members of the nursery.
- Criminal offences that involve violence or possession or use of illegal drugs or sexual misconduct are likely to be regarded as unacceptable.
- Be cautious when undertaking work outside nursery, either paid or voluntary, such that it does not conflict with the interests of the nursery nor be to a level which may contravene the working time regulations or affect an individual's work performance.

Accountability

Staff are accountable to the nursery for undertaking those activities that are associated with the job/role. (*Please refer to your job description*). A member of staff must inform their Room Leader if they do not feel competent to undertake any activities and must request reasonable/appropriate training. Staff have a duty to report any behaviour by colleagues that raises concern (please see the Whistleblowing policy).

A nursery practitioner has a duty to respect families by:

- Valuing their cultural diversity, opinions and choices.
- Being non-judgmental.
- Planning contacts and appointments with the parent.
- Seeking clarification and not assuming.
- By listening and responding appropriately.
- By acknowledging her/his own limitations.
- Maintaining appropriate behaviour and activities between the family and themselves.

Staff have a responsibility to challenge any discriminatory remarks or behaviour against other staff members, visitors, children and their families. Please refer to the Equalities and Diversity Policy.

Staff have a duty to notify the nursery of changes to personal details, change of address, telephone number, and relevant health issues.

Staff must not use inappropriate or offensive language. Disciplinary action will be taken in the event a member of staff uses language deemed inappropriate.

Team and Partnership Working

Staff are required to work co-operatively with all nursery staff team members and respect the skills, capability and contribution of their colleagues. They are expected to treat others fairly and without discrimination. Staff must communicate effectively, both verbally and in writing. As required, they must share their knowledge, skills and expertise with other team members in order to improve practice.

Staff must work with other members of the team to promote a caring and learning environment that is conducive to safe and ethical practice. If the care environment deteriorates, the staff must report this to their Room Leader or the Nursery Manager.

Gifts and Rewards

We appreciate that parents may wish from time to time to show their appreciation for the staff caring for their child e.g. a Christmas or birthday present. However, staff should not accept significant personal gifts from our customers (parents/carers), suppliers or other agencies with whom the nursery has contact. All gifts with a perceived value of over £20 must be declared to the Nursery Manager.

Babysitting

We understand that parents may wish to employ staff members to provide babysitting duties outside of the nursery's opening hours. If an employee offers a babysitting service then this is a private agreement between the parent and employee in which the nursery will not be held liable. Please be aware that if an offer of employment is made to you as a result of parent contact through the nursery, the parent will be liable for a signing on fee.

It is not acceptable for a member of staff to transport a child by car directly to and from the nursery Unless:

- it has been approved by the Nursery Manager
- the correct child seat is available
- the parent has given written permission to do so (email will suffice).

The member of staff transporting the child does so as a private arrangement and must ensure they have their own insurance. The nursery accepts no liability for the child once off the premises.

Outside Commitments

All employees should consult the Nursery Manager before taking on additional employment. Additional employment must not conflict with the nursery's interests or impair employee's ability to carry out their role at our nursery. Please bear in mind if you do have additional employment elsewhere, then you will need to declare which employer is the primary source of your income. This is necessary in order to avoid confusion over tax codes. You are only allowed one employer where your tax code can be used to take advantage of your personal tax free allowance.

Additional employers will have to adopt a secondary position and tax all of your earnings, usually on a BR (Base Rate) coding. Consequently, if we are not your main employer then we will need to tax you at the BR rate. Failure to declare a primary employer to the HMRC may result the levy of backdated tax and penalties.

Vulnerable Situations

As a Key Person, you are required to discuss intimate care routines with your key child's parents. The nursery's Intimate Care Policy must be followed at all times. When following intimate care routines staff need to be aware of the following:

- Encourage the child to undertake self-care tasks independently, where developmentally appropriate.
- Understand the extent and limitations of your role in applying basic care and hygiene tasks for minor abrasions and understand where an injury might require more experienced intervention.
- Be vigilant of neglect or abuse and to report any signs to the Nursery Manager.
- Not place yourself in situations which render them vulnerable. Where this is unavoidable, full and appropriate risk assessments are conducted and agreed for lone working situations.
- Be prepared to report any actions of another individual they deem inappropriate to the Nursery Manager.
- When one to one situations are unavoidable, employees must take precautions to reduce the vulnerability of both the child and the adult, for example, informing colleagues of the situation, leaving room doors open.

Working with your own children/ close relation

We understand the potential stresses of staff returning to work after having a baby or working in the same environment as your child or a close relation. We wish to support all employees in this position and request the member of staff meet with the Nursery Manager and Company Director, where appropriate, to discuss the needs of all parties.

We believe our staff should remain neutral and treat all children with the same regard. It is generally not appropriate for staff to care for their own children or those of a close relative whilst working in the nursery.

However, we recognise that this may not always be possible. We will also try to accommodate the wishes of any staff member with a child or close relative in the nursery and come to an agreement which suits us all.

This agreement is based on the following principles:

- Where staff work in the same room as their child or close relation, there is an agreed set of guidelines between the nursery and the member of staff setting out the expectations of working with their child/close relation. These include a clear statement that during their time at nursery the child is in the care of the nursery and it is the nursery that retains responsibility for the child and their care.
- Where this agreement is not working or is impacting on the care of the child or other children in the room, the Nursery Manager and member of staff will reassess the situation.

- Staff caring for another staff member's child will treat them as they would any other parent/child. No special treatment will be offered to any child or parent who has connections with the nursery.

Where the Nursery Manager assesses that the agreement is not working and/or there is an impact on the care of the children in the room because of the staff member's relationship with their child or close relation:

- The Nursery Manager will consider moving the staff member and not the child. This will enable the child to be in the appropriate age/stage group and to continue to forge consistent relationships with other children in this group.
- Where the staff member is in another room, there will be an agreement between the staff member, Nursery Manager and Room Leader about contact with the child during the nursery day. Although we do not want to restrict a parent seeing their child, we must consider the room routine and the upset a visit may cause the child when their parent leaves the room again.
- If there are staff shortages resulting in the movement of staff, the staff member will be placed in a different room to that of their child or close relation wherever possible.
- Where a staff member's baby requires breastfeeding, the nursery will adapt the above guidelines to suit both the baby's and mother's needs. Cover will be provided during this time.

Whistleblowing

Whilst we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective, there may be occasions where this may not be happening.

It is vital that all staff talk through any concerns they may have with their Room Leader at the earliest opportunity to enable any problems to be ironed out as soon as they arise.

Nursery practitioners are likely to be the first person to realise that there is something seriously wrong within the nursery but they may feel speaking up will mean they are being disloyal to their colleagues or the nursery. They may also fear harassment or victimisation and therefore will consider ignoring their concerns rather than reporting their suspicion of malpractice.

At Little Troopers Day Nursery, we are committed to openness, honesty and accountability. Along with this commitment we encourage our staff and others related to the nursery to come forward and raise any serious concerns they may have regarding the nursery and any aspect of the nursery's work. It is however recognised that in certain cases it will be required to proceed on a confidential basis.

If, in the course of your employment you become aware of information which you reasonably believe show one or more of the following, you must use the nursery's disclosure procedures:

- That a criminal offence has been committed or is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject to (e.g. EYFS, National Minimum Standards).
- That the health or safety of any individual has been, is being, or is likely to be endangered.
- That the environment has been, is being, or is likely to be damaged.
- That information tending to show any of the above, is being, or is likely to be deliberately concealed.
- That you challenge discriminatory behaviour and report any incidents.

Where you reasonably believe one or more of the above circumstances listed above has occurred you should promptly disclose this to your Room Leader so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to Room Leader (i.e. because it relates to them) you should speak to the Nursery Manager or Company Director.

Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance of the disclosure procedure, employees should speak in confidence to the Nursery Manager. Staff should also refer to the Whistleblowing Policy.

Parents and Carers

Staff are required to maintain a professional relationship with parents and carers at all times. Staff must recognise that parents and carers need feedback regarding their children and that this must be given in an open, honest and friendly manner.

The relationship with parents and carers must not become overly familiar such that it clouds the impartiality of your judgement and action. Whilst there is always the possibility of a member of staff having a close relationship with a parent or carer outside of the nursery, it is important that we must avoid any conflict of interest or undue favouring of a child. Where such a relationship arises the member of staff should immediately inform the Nursery Manager to discuss any action to be taken.

Where a member of staff finds that they have a prior close relationship to a child in the nursery through such means as a family relationship or close friendship then the Nursery Manager must be made aware of this immediately and may require the member of staff to change rooms to avoid any conflict of interest or risk of undue favouring of the child.

Ofsted

Ofsted is the Office for Standards in Education Children's Services and Skills. It reports directly to Parliament and is independent and impartial. Ofsted inspects and regulates services which care for children and young people, and those providing education and skills for learners of all ages. All nurseries have to be registered and approved by Ofsted before they can begin to look after children.

At the moment, Ofsted has four inspection ratings (1) outstanding (2) good (3) requires improvement (4) inadequate. Whilst the ratings have largely remained the same, the categories by which each setting is judged have changed along with successive amendments to the Early Years Foundation Stage.

Little Troopers Day Nursery received a 'OUTSTANDING' rating in our last inspection and we are committed to continue to develop and improve our standards of care.

It is expected that all staff members share the nursery's belief and aspiration to uphold the highest standards at all times, such that when we are inspected by Ofsted, we can demonstrate outstanding practice.

Consequently, staff are expected to understand and contribute towards our self-improvement plan.

The plan examines:

- What we are doing now?
- What we are aiming to do?
- How well are we doing by comparison to previous years?
- How well are we doing by comparison to other settings?
- What areas of quality practice need to be maintained?
- What areas of practice need to be improved?
- How do we plan to achieve our aims in the future?

Staff and parents can access the nursery's latest Ofsted report online at www.ofsted.gov.uk. Copies are also available from the Nursery Manager.

Monitoring Staff Behaviour

We take the safety and welfare of our children and staff seriously. Staff are required to behave in an appropriate manner, to act as a role model for and protect all children in their care. We will also ensure that any changes to staff behaviours or ways of working are closely monitored, discussed and supported to ensure all children are safeguarded throughout their time here.

Within our nursery, we expect our staff to:

- Put our children first, their safety, welfare and ongoing development is the most important part of their role.
- Behave as a positive role model for the children in their care by remaining professional at all times and demonstrating caring attitudes to all.
- Work as part of the wider team, cohesively and openly.
- Be aware of their requirements under the EYFS Statutory Framework and the nursery policies and procedures designed to keep children safe from harm whilst teaching children and supporting their early development.
- React appropriately to any safeguarding concerns quickly and concisely in accordance to the nursery / Local authority procedures and training received.
- Not share any confidential information relating to the children, nursery or families using the facility.
- Maintain the public image of the nursery and activity avoid doing anything that will pull the setting into disrepute.
- Ensure that parental relationships are professional and external social relationships are not forged. If a relationship exists prior to the child starting at the setting, discussions with management will be held to ensure the relationship remains professional. No staff should be linked to parents on social media during their time at nursery.

- Report to management immediately any changes in personal life that may impact on the ability to continue the role. These may include (but not limited to) changes in police record, medication, any social service involvement with their own children.

Monitoring staff behaviour, within the nursery we:

- Conduct regular peer observations using all staff and management, during which we will look at interactions with children and their peers

- Have regular supervisions with all staff in which ongoing suitability will be monitored and recorded.
- Use a whistleblowing policy that enables team members to discuss confidentially any concerns about their colleagues
- Operate staff suitability forms and clauses in staff contracts to ensure any changes to their suitability to work with children are reported immediately to management
- Ensure all new staff members are deemed suitable with the appropriate checks as detailed in the safeguarding policy.

Some behaviours that may cause concern and will be investigated further:

- Change in moods
- Sudden change in religious beliefs / cultural beliefs (may be a sign of radicalisation)
- Changes in the way of acting towards the children or the other members of the team (becoming more friendly and close, isolation, avoidance, agitation etc.)
- Sudden outbursts
- Becoming withdrawn
- Secretive behaviours
- Missing shifts, calling in sick more often, coming in late
- Standards in work slipping
- Extreme changes in appearance.

If we have a concern about changes in staff behaviour within the nursery, an immediate meeting will be called with the individual and a member of management to ascertain how the person is feeling. We will aim to support the staff wherever possible and will put support mechanisms in place where appropriate.

Ultimately, we are here to ensure all staff are able to continue to work with the children as long as they are suitable to do so, but if any behaviours cause concern about the safety or welfare of the children then the procedure on the safeguarding policy will be followed as in the case of allegations against a team member and the Local Authority Designated officer (LADO) will be called.

All conversations, observations and notes on the staff member will be logged and kept confidential.


Summary

It is important that all employees must:

- Understand and accept the nursery's policies and procedures.
- Be appropriately trained and work in partnership with others.
- Maintain confidentially, and act accordingly with communications.
- Have a duty of care to all parties associated with the nursery.
- Acknowledge failure to comply with this code of conduct may lead to disciplinary action.
- Agree to the staff code of conduct as soon as employment has been accepted.

Little Troopers Day Nursery will act with integrity, sensitivity and in a manner that will be deemed as reasonable in all its dealings with staff.

We thank you for your co-operation and welcome any feedback from staff that will help us improve this code of conduct.

| Produced by: | Signed:  Print: Rebecca Warner | Date: September 2020 |
|--|---|-----------------------------------|
| Review due: | September 2021 | |
| Nursery Designated Safeguarding Officers | | Position |
| (Lead) Nicola Robertson (Deputies) Beverly Massingham | | Nursery Manager Deputy Manager |

3.3 Parent Code of Conduct policy

Policy Aim

At Little Troopers Day Nursery, we believe that we have a strong partnership with our parents and an open-door policy to discuss any matters that may arise.

The aim of our nursery is to provide a friendly and respectful environment for all staff, children and their families. The nursery staff have a duty to respect the staff code of conduct and in turn we would like parents to take note of their responsibilities as a parent to ensure our culture continues.

We are committed to ensuring that all children are safeguarded whilst in our care, and so with this in mind you can help to us to maintain our responsibilities.

Parent Procedures

Parents are asked to please:

- Share information with staff on your child's development, health and well-being.
- Contact the nursery and let us know if someone else is collecting your child as per the collection policy.
- Collect your child on time - if you are going to be unavoidably late then please contact the nursery to let them know.
- Ensure you can safely transport your child to and from the nursery using age-appropriate car seat and restraints.
- Discuss any worries, concerns or complaints with your child's Key Person, Room Leader or the Nursery Manager.
- Respect decisions regarding exclusion of children due to illness.
- Adhere to nursery arrival and collection times, noting that the nursery must close by 5.30pm and therefore all parents and their children must have left the premises by this time.

Please refrain from:

- Shouting, smacking or physically punishing your child/ children or any other children whilst in the nursery.
- Using inappropriate language or displaying aggressive or intimidating behaviour (including physical) towards the staff, children or other parents/carers either in person, on the phone or in writing (this includes email).
- Collecting your child/ children from nursery if you have consumed alcohol, medication or other substances that have affected your judgement or responses.
- Discussing sensitive issues within earshot of your child or other children or other adults.
- Taking photos or videos of your child or any other child while on the premises even if you have permission of the other parent.
- Using your mobile phone whilst within the nursery premises and gardens (front and rear).
- Damaging or destroying nursery property or resources.
- The use of physical aggression towards another adult or child.
- Approaching someone else's child in order to discuss or chastise them because of the actions of this child towards their own child.
- Bring pets of any kind onto the nursery premises (this includes tying dogs to the nursery fence) without prior permission from the Nursery Manager.

Failure to adhere to any of the above may place your child's place at the nursery in jeopardy although this action will only be taken if all other avenues have been explored and the management feel it is the only possible course of action left open to them.

The nursery believes that if the above points are adhered to a safe, friendly and respectful environment will be created.

We have a zero tolerance on abusive calls, emails, social media contact and face to face confrontation.

Abusive Calls

The call taker receiving an abusive call will ask the caller to follow the complaints policy. If the abuse continues the call taker will end the call. Any abusive calls will be logged with an outline of the conversation.

Abusive Emails

The responder will ask the parents to come into the setting to speak in person, as per our complaints policy. If the emails persist the manager may seek legal action. All emails will be kept as evidence until the matter is resolved.


Social Media

If slanderous or abusive messages appear on any social media sites we will address these immediately with a request to follow our complaints procedure. We will endeavour to resolve any issue raised through our complaints procedure. If slanderous/abusive messages continue we will seek legal action against the complainant.

Nursery Procedures

In the event a parent starts to act in an aggressive or abusive way at our nursery, we will:

- Direct the parent away from the children and into a private area, such as the nursery office (where appropriate).
- Ensure that a second member of staff is in attendance where possible while continuing to ensure the safe supervision of the children.
- Act in a calm and professional way, ask the parent to calm down and make it clear that we do not tolerate aggressive or abusive language or behaviour.
- Contact the police if the behaviour escalates.
- Once the parent calms down, the member of staff will then listen to their concerns and respond appropriately.
- An incident form will be completed detailing the time, reason and action taken.
- Management will provide any support and reassurance that staff may need following the experience and seek further support where necessary.
- Management will also signpost parents to further support where applicable.
- Staff will protect the privacy of the children in our care and ensure that information regarding the incident is kept confidential.

| Produced by: | Signed:  Print: Rebecca Warner | Date: September 2020 |
|---|---|----------------------|
| Review due: | September 2021 | |
| Nursery Designated Safeguarding Officers | | Position |
| (Lead) Nicola Robertson (Deputies) Beverly Massingham (Deputies) Jacey Mayall | Nursery Manager Deputy Manager Room Leader | |

3.4 Disciplinary Policy & Procedures

Introduction

At Little Troopers Day Nursery, we follow our legal obligations as an employer at all times including dealing with any disciplinary matter in a fair and consistent manner. We have a policy and procedure that set out our process.

Legal obligations

Our legal obligations as an employer are detailed in the ACAS Code of Practice on disciplinary and grievance procedures. This code of practice was introduced in April 2009 and updated in 2015. A full copy of the ACAS Code of Practice and the accompanying guidance can be obtained from the ACAS website www.acas.org.uk

We note that a failure to follow the code does not, in itself, make an organisation liable to formal proceedings at an employment tribunal, but failure to follow the code may result in any compensation award payable to be increased by up to 25% or reduced by 25% if the employee does not comply.

Objectives and guiding principles

The objective of this procedure is to set out the standards of conduct expected of all staff and to provide a framework within which our Management Team can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

It is our policy to ensure that any disciplinary matter is dealt with fairly and consistently. We will take the necessary steps to establish the facts and to give employees the opportunity to respond before taking any formal action.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

The procedure applies to all employees regardless of length of service.

Minor conduct issues can often be resolved informally between the employee and the Nursery Manager. These discussions should be held in private and without undue delay whenever there is a cause for concern. Where appropriate a note of any such discussions may be held on the employee's personnel file, but will be ignored for the purpose of future disciplinary issues.

Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (due to the serious nature of the allegation against you).

The employee will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or the employee has not yet completed their probationary period.

Procedure

Our aim is to deal with disciplinary matters sensitively and fairly. All employees must treat all information in connection with the disciplinary procedure and its investigation as confidential.

Where there has been a serious allegation of misconduct or gross misconduct and/or there are serious concerns regarding the employee's capability, we aim to establish the facts quickly and no disciplinary action will be taken until the matter has been fully investigated.

The employee will be informed if a formal complaint is made against them, and if necessary they may be suspended on full pay pending the outcome of the investigation and disciplinary procedure.

Stage 1: Investigation

- We will investigate any allegations/concerns quickly and thoroughly to establish whether a disciplinary hearing should be held.
- The purpose of the investigation is to establish a balanced view of the facts relating to the allegations against the employee. The amount of investigation will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.
- Investigation interviews are solely for the purpose of fact finding and no decision on the disciplinary procedure will be taken until after the disciplinary hearing.
- The employee is not normally allowed to bring a companion to an investigatory interview. However, we may allow them to bring a work colleague or trade union representatives in exceptional circumstances and if the employee wishes to be accompanied they should contact the Nursery Manager (or Company Director) to discuss the reasons for their request.
- If the investigations lead us to reasonably believe there are grounds for disciplinary action, we will write to the employee outlining the allegations against them, the basis of the allegations and the potential consequences. The employee will be invited to a disciplinary hearing to discuss the matter. They will be

sent any copies of evidence which may be referred to in the hearing (e.g. witness statements, or a summary of the statements if the witness's identity is to remain confidential, and minutes of meetings).

Suspension

- If we believe that an employee may be guilty of misconduct, which we consider (at our absolute discretion) to be serious misconduct, where relationships have broken down, or where we have any grounds to consider that our property or responsibilities to other parties are at risk, or where we consider in our absolute discretion that the employees continued presence at the Company's premises would hinder an investigation, we will be entitled to suspend the employee on full pay.
- Any such suspension will normally last only as long as required to enable an investigation into the circumstances giving rise to such belief of serious misconduct to be carried out and any disciplinary hearing to be convened.
- Any such period of suspension is not a punishment, nor considered as disciplinary action against the employee, nor does it imply that any decision has been taken about the employee's case.

Stage 2: Invite to disciplinary hearing

- We will hold the disciplinary meeting to discuss the allegations. The employee will have the right to bring a companion to the meeting and a companion may be a work colleague or trade union representative. The employee must inform us prior to the meeting who their chosen companion is. If their companion is unreasonable, for example, there may be a conflict of interest, we may require the employee to choose someone else.
- If the employee or their companion is unable to attend the meeting the employee should inform us immediately and we will arrange an alternative time and date. The employee must make every effort to attend the meeting and failure to do so without good cause may be treated as misconduct in itself.

Disciplinary hearing

- During the meeting, we will go through the allegations against the employee and the evidence that has been collated. The employee will be able to state their case and call relevant witnesses (provided the employee gives advance notice and we agree to their attendance) to support the case.
- We may adjourn the disciplinary meeting if we need to carry out further investigations and the employee will be given reasonable opportunity to consider new information.
- The employee will be notified of the decision in writing, usually within seven working days of the hearing.
- If the employee persistently fails to reply to invitations, or persistently fails to attend the arranged hearing without good cause, it may be carried out in their absence and they will be notified of the decision in writing. The employee will retain the right to appeal.

Appeal

- The employee will be given the opportunity to appeal the decision. If they wish to appeal, the employee should state their full grounds in writing and the letter should be sent to the Company Director within five working days from the date the decision was communicated to them.
- The appeal meeting will be conducted impartially by the Company Director, where possible, who has not previously been involved in the case.
- The employee will be able to bring a companion to the meeting and the companion may be a work colleague or trade union representative (as stated above).
- We may adjourn the appeal hearing if further investigations need to be carried out and the employee will be given reasonable opportunity to consider any new information before the hearing is reconvened
- We will inform the employee in writing of our final decision as soon as possible, usually within seven working days of the appeal hearing.

There is no legal right to appeal beyond this stage.

Disciplinary penalties

In the first instance, where less serious offences are concerned, we are most likely to give the employee a verbal warning. This warning will be recorded and a copy maintained in the employee's personnel file with a time scale for improvement or to not re-offend.

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

The employee will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or the employee has not yet completed their probationary period.

First written warning

A first written warning may be authorised by the Nursery Manager (or Deputy Nursery Manager). It will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee disciplinary record.

Final written warning

A final written warning may be authorised by the Nursery Manager (or Deputy Nursery Manager). It will usually be appropriate for:

- a. misconduct where there is already an active written warning on the employee record.
- b. misconduct that we consider is sufficiently serious, to warrant a final written warning even though there are no active warnings on the employee record.

Dismissal

Dismissal may be authorised by the Nursery Manager (or Company Director). It will usually only be appropriate for:

- a) any misconduct during the employee probationary period;
- b) further misconduct where there is an active final written warning on the employee record; or
- c) any gross misconduct regardless of whether there are active warnings on the employee record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out below.

Levels of authority

The Nursery Manager (or Deputy Nursery Manager) has the authority to suspend an employee pending investigation. Only higher management (the Nursery Manager and Company Director) have the authority to dismiss an employee as set out above.

Gross misconduct

In the case of gross misconduct, the nursery reserves the right to dismiss an employee without notice (or payment in lieu of notice) if after investigation and a hearing the management are satisfied that there is sufficient justification for so doing.

Duration of warnings

Under normal circumstances warnings will be valid for the following time periods, although these may vary according to the nature of the occurrence and may therefore be determined by mutual agreement at the time of issue:

- Verbal warning - six months
- First written warning - six months
- Final written warning - 12 months.

On expiry, warnings will be disregarded for future disciplinary purposes.

Alternatives to dismissal

In some cases we may, at our discretion, consider alternatives to dismissal. These may be authorised by (the Nursery Manager) and will usually be accompanied by a final written warning. Examples include:

- Demotion
- A period of suspension without pay
- Loss of seniority
- Loss of overtime.

Examples of gross misconduct

Examples of what would constitute a gross misconduct offence include:

- Failure to inform the employer of a disqualification, either personally or a person living in the same household as the registered provider, or a person employed in that household.
- Theft or the unauthorised possession of property belonging to the nursery, its employees or customers.
- Assault on any employee or persons associated with the nursery.

- Breach of confidence i.e. the divulging of confidential information relating to the nursery, its employees or clients.
- Dishonesty, including the use of any funds, expenses or allowances for any other purpose than that for which they have been delegated by the nursery.
- Being under the influence of drugs or alcohol whilst on duty.
- Serious or persistent breaches of safety rules.
- Fraud including falsification of work records and expense claims.
- Signing in or out for another employee.
- Physical assault or abuse towards a child e.g. hitting a child in chastisement or harsh disciplinary actions.
- Discrimination/harassment in any way against a person.
- Persistent failure to follow nursery documentary systems and procedures.
- Unauthorised absence from work/unacceptable attendance levels.
- Obscene language or other offensive behaviour.
- Negligence in the performance of the employee duties.


Further behaviour that could constitute gross misconduct is not limited by the above list.

Examples of misconduct

Examples of what would constitute a misconduct offence include:

- Minor breaches of our policies including the Staff Code of Conduct Policy, Information Technology and Media Policy and Health and Safety Policy.
- Minor breaches of the employee contract.
- Damage to, or unauthorised use of, our property.
- Poor timekeeping.
- Time-wasting.
- Refusal to follow instructions.
- Excessive use of our telephones for personal calls.
- Excessive personal email or internet usage.
- Smoking in no smoking areas.

Please note that some of the misconduct offences above may, dependent on the circumstances and having followed a detailed investigation, also be classed as gross misconduct offences.

| Produced by: | Signed:  | Print: Rebecca Warner | Date: September 2020 |
|---|---|--|----------------------|
| Review due: | September 2021 | | |
| Nursery Designated Safeguarding Officers | | Position | |
| (Lead) Nicola Robertson (Deputies) Beverly Massingham (Deputies) Jacey Mayall | | Nursery Manager Deputy Manager Room Leader | |

3.5 Grievance Policy & Procedures

Introduction

At Little Troopers Day Nursery, we follow our legal obligations as an employer at all times including hearing and investigating grievances. We have a policy and procedures that set out our process.

Legal obligations

Our obligations as an employer are detailed in the ACAS Code of Practice on disciplinary and grievance procedures. This code of practice was introduced in April 2009 and updated in 2015. A full copy of the ACAS Code of Practice and the accompanying guidance can be obtained from the ACAS website www.acas.org.uk

We note that a failure to follow the code does not, in itself, make an organisation liable to formal proceedings at an employment tribunal, but failure to follow the code may result in any compensation award payable to be increased by up to 25%, or reduced by 25% if the employee does not comply.

Objectives and guiding principles

We recognise that an employee needs to feel that their grievance has been fully investigated and has received a fair hearing. The employee also needs to understand the reasons for the decision made by the Nursery Manager who heard their grievance. The employee should then be given the opportunity to appeal against the decision.

Their appeal should be submitted in writing and should be investigated and heard by someone more senior to the person who heard the initial grievance. The person allocated to hear the employee's appeal should be able to take a fresh and independent look at the issue. In our organisation the Nursery Manager deals with the grievance, before being passed on to the Company Director of the nursery.

ACAS advocates the use of mediation to resolve grievances, in an attempt to maintain a good working relationship and resolve issues within the workplace. We may decide to use such mediation where appropriate using ACAS support and guidance.

Our grievance procedure does not form part of any employees' contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.

This procedure applies to all employees regardless of length of service.

Our nursery believes that all employees should be treated fairly and with respect. We encourage all employees to try to resolve any grievance with the individual concerned on an informal basis, as most grievances can be resolved quickly through discussion. The Nursery Manager will assist you with this if you feel this is the best route for you.

If this does not resolve the problem you should initiate the formal process below.

Grievance process

Stage 1 Making your grievance

- You should put your grievance in writing and forward it to the Nursery Manager.
- This written statement will form the basis of any investigations and the subsequent hearing, so it is important that you set out clearly the nature of your grievance and any dates and names of individuals involved. You should also indicate the outcome that you are seeking. If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.
- If your complaint relates to an issue with the Nursery Manager, the grievance may be sent to the Company Director.
- Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you. If any evidence is gathered in the course of these investigations, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

Stage 2: The grievance hearing

The hearing will be held as soon as is reasonably possible following any investigations, and within five days working days of the receipt of the written complaint. It will be conducted by the Nursery Manager. You are entitled to bring a companion to the grievance meeting if you make a reasonable request to do so. This request must be in advance of the meeting and you should tell us the name of your chosen companion. The companion may either be a trade union representative or a work colleague.

You should ensure that you attend the meeting where possible. If you are unable to attend because of circumstances beyond your control, you should inform the Nursery Manager as soon as possible and a further meeting will be re-arranged as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

During the hearing, you will be given the opportunity to explain your complaint. Your explanations should focus on the complaint and not on irrelevant issues. The Nursery Manager conducting the hearing will inform you if they believe the key issues are not being focused on. They may also set a reasonable timeframe for the meeting; this will be determined by the nature and complexity of your complaint.

The hearing may be adjourned to allow further investigations to take place. Following the meeting, you will be informed in writing of the outcome within five working days, where reasonably practicable, and told of any action that the nursery proposes to take as a result of your complaint, if applicable. If it is anticipated that further investigation is required and therefore the outcome cannot be provided within this timeframe, we will inform you as to when you can expect to receive the outcome.

If you are dissatisfied with the outcome, you may make a formal appeal in writing to the Company Director stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

Stage 3: Appeal Meeting

We will hold an appeal meeting within 14 working days of receiving the appeal, where reasonably practicable. This will be dealt with impartially by a more senior manager, such as the Company Director who has not previously been involved in the case. You will have the right to bring a companion, as explained above.


We will confirm our final decision in writing, usually within seven working days of the appeal hearing, where reasonably practicable. There is no further right of appeal.

Grievances linked to disciplinary matters

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

Grievances raised while you are subject to disciplinary proceedings will usually be heard when the disciplinary process has been completed.

If a grievance has any bearing on the disciplinary proceedings, it will be dealt with as part of the disciplinary hearing or disciplinary appeal, as appropriate.

| Produced by: | Signed:  Print: Rebecca Warner | Date: September 2020 |
|---|---|--|
| Review due: | September 2021 | |
| Nursery Designated Safeguarding Officers | | Position |
| (Lead) Nicola Robertson (Deputies) Beverly Massingham (Deputies) Jacey Mayall | | Nursery Manager Deputy Manager Room Leader |