



Staff, Volunteers and Students
Policy Booklet





Sticky Fingers Pre-Sch
Newlands
% Newlands Primary Sc
Windermere Avenue
Millbrook
SO16-9QX
023 80764499
SF.Newlands@
stickyfingersps.co.u

Sticky Fingers Pre-School
Redbridge
% Redbridge Primary school
Studland Road
Millbrook
SO16-9BB
02380 764717
07726772381
SF.Redbridge@
stickyfingersps.co.uk

Sticky Fingers Pre-school
Tanners Brook
% Regents Park Community
centre
Elmes Drive
Millbrook
SO15-4PF
02380 703571
07470015388
SF.Tannersbrook@
stickyfingersps.co.uk

Sticky Fingers Pre-school
Spring road
% 14th Itchen Scout hut
Spring road
Sholing
Southampton
SO19-2NZ
07586560936
SF.Springroad@
stickyfingersps.co.uk

Sticky Fingers Pre-scho
Portswood
Portswood Primary school
Somerset road,
Portswood,
Southampton
SO17-3AA
SF.Portswood@
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08. Staff, Volunteers and Students Policy

(Alongside associated policies and procedures 08.01-08.03)

Aim

Staff are deployed to meet the care and learning needs of children and ensure their safety and well-being. There are effective systems in place to ensure that adults looking after children are suitable to do so.

Objectives

- All staff and volunteers who work more than occasionally with the children have enhanced DBS disclosure checks.
- All staff and volunteers working with children have appropriate training, skills, and knowledge.
- All staff, students and volunteers are deployed in accordance with the procedures.
- There is a complaints procedure (**10.02**) and staff, and volunteers know how to complain and who they complain to.
- Ofsted are notified of staff changes or changes to the setting's name or address.
- Parents are involved with their children's learning and their views are considered.

Legal references

Protection of Children Act 1999

Safeguarding Vulnerable Groups Act 2006

Childcare Act 2006

Further guidance

[Recruiting Early Years Staff](#) (Alliance 2016)

[People Management in the Early Years](#) (Alliance 2016)



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08 Staff, volunteers and students procedures

08.01 Staff deployment

Members of staff are deployed to meet the care and learning needs of children and to ensure their safety and well-being at all times.

- Two members of staff are on the premises before children are admitted in the morning and the end of the day; one of which should be the manager or deputy.
- Only those staff aged 17 or over are included in ratios. Staff working as apprentices (aged 16 or over) may be included in the ratios if the setting's Lead Practitioner is satisfied that they are competent and responsible.
- At least one Paediatric First Aider must be on site at all times when children are present. All of our staff are Paediatric First Aid trained in order to be counted in ratios.
- The setting's management deploys staff to give adequate supervision of indoor and outdoor areas, ensuring that children are usually within sight and hearing of staff and always within sight or hearing of staff at all times.
- All staff are deployed according to the needs of the setting and the children attending.
- In open plan provision, staff are positioned in areas of the room and outdoors to supervise children and to support their learning.
- Staff are responsible for ensuring that equipment in their area is used appropriately and that the area is tidy at the end of the session.
- Staff inform colleagues if they have to leave the room for any reason.
- There are generally two members of staff outside in the garden when it is being used, one of whom supervises climbing equipment that has been put out.
- The setting's management may direct other members of staff to join those outside, if the numbers of children warrant additional staff.
- Staff focus their attention on the children at all times whilst having a wider awareness of what is happening around them.
- Staff do not spend working time in social conversation with colleagues.
- Staff allow time for colleagues to engage in 'sustained shared interaction' with children and do not interrupt activities led by colleagues.



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- Sufficient staff are available at storytimes/large group times to engage children.
- Key persons spend time with key groups every session; these times are focussed on the prime areas of the curriculum whilst promoting shared times and friendship.

Staff children

- Where members of staff have their own children with them at the setting, the age of the child must fall within the stipulated ages of the setting's Ofsted registration.
- Where members of staff are likely to be working directly with their own children, this is subject to discussion before commencement with the lead practitioner and pre-school manager.
- Where it is agreed that a member of staff's child attends the setting, it is subject to the following:
 - the child is treated by the parent and all staff as any other child would be
 - the child will not be in the parent's key group of children
 - the key person and parent will work towards helping the child to make a comfortable separation from the parent to allow the parent to fully undertake their role as a staff member of the setting
 - the key person will take responsibility for the child's needs throughout the day, unless the child is sick or severely distressed
 - time and space are made for the parent to breastfeed during the day, if that is their chosen method of feeding
 - the situation is reviewed as required, to ensure that the needs of the child are being met, and that the parent is able to fulfil his/her role as a member of staff

If it is the setting's lead practitioner's child, then the manager ensures the criteria above is met.



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08 Staff, volunteers and students procedures

08.02 Deployment of volunteers and parent helpers

Volunteers and parent helpers are always under the supervision of a permanent member of staff. They are not included in staff ratios, or as the two members of staff needed on the premises before children are admitted in the morning or at the end of the day.

The setting's management ensures that volunteers and parent helpers are deployed to assist permanent staff.

- Volunteers and parent helpers assist staff in ensuring that the equipment in their designated area is used appropriately and that it is left tidy at the end of the session.
- Volunteers and parent helpers give additional support for busy areas or to track or observe children.
- Volunteers and parent helpers inform colleagues where they are going if they leave the room at any time.
- Volunteers and parent helpers do not have unsupervised access to children; they do not take them into a separate room for an activity or toileting and do not take them off premises.
- Volunteers and parent helpers are deployed in addition to two members of staff in the garden/outdoor area when in use.
- The setting's management can direct volunteers and parent helpers to join those outside if the numbers of children warrant additional numbers of staff available.
- Volunteers and parent helpers focus their attention on children at all times.
- Volunteers and parent helpers do not spend time in social conversation with colleagues while they are with children.
- Volunteers and parent helpers allow time for colleagues to engage in 'sustained shared interaction' with children and do not interrupt activities led by colleagues.
- Sufficient volunteers and parent helpers are available to support staff at story times and group times.



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08.03 Student placement

Qualifications and training make an important contribution to the quality of care and education. As part of our commitment, we may offer placements to students undertaking relevant qualifications/training. We aim to provide students experiences that will contribute to the successful completion of their studies and provide examples of quality practice in early years care and education.

- The pre-school manager ensures that students meet the 'suitable person' requirements.
- The setting's Lead Practitioner discusses the aim of the placement with the student's tutor prior to the placement commencing. The expectations of both parties are agreed at this point.
- The good character of students under 17 years old is vouched for by the establishment that places them, the setting's lead practitioner must be satisfied that all relevant checks have been made.
- Students do not have unsupervised access to children.
- Students and apprentices who are undertaking L3 or above may be counted in ratios if the setting's Lead Practitioner is convinced that they are suitably experienced.
- Employed trainee staff over the age of 17 may be included in staffing ratios if deemed competent.
- Staff working as apprentices (aged 16 or over) may be included in staffing ratios if deemed competent.
- Public liability and employer's liability insurance is in place that covers students and voluntary helpers.
- Students are aware of confidentiality, they must read and sign the confidentiality agreement form which will be explained to them by the Lead Practitioner.
- Student induction includes how the setting and sessions are managed, and policies and procedures, in particular safeguarding, confidentiality and health and safety. This is explained by the Lead Practitioner to ensure understanding.
- Appropriate members of staff co-operate with students' tutors to assist them in fulfilling the requirements of their course of study.
- The setting communicates a positive message to students about the value of qualifications and training.



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- The needs of the children and their families remain paramount at all times and students are only admitted in numbers that do not hinder the work of the setting.
- The Preschool Manager ensures that students and trainees on placement are engaged in recognised early years training, which provides the necessary background understanding of children's development and activities.



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08.04 Recruitment

Sticky Fingers Pre-school is committed to offering a high quality service, encouraging a safe learning environment through play. Staff are the most important part of ensuring this happens, so we ensure that our staff are highly qualified and work together in complementary ways supporting each other's strengths and weaknesses. Safeguarding and equality are a major part in our recruitment processes. Recruitment will comply with statutory guidance, good practice and following of the Pre-schools policies and procedures.

Planning of recruitment

New staff may be needed when current staff leave, temporarily (eg maternity, long term illness) or permanently (eg: registration of more children or retirement,) to fill new posts may be full or part time.

1. Our schedule for appointment will be:

The manager and chair person should agree on a realistic timetable for recruitment. This should allow time for drawing up the specifications, for advertising the post, for the application process, for taking up references, for the interview and for pre-employment checks.

2. Job description and Person specification

The manager and chair person should discuss what new staff members would be expected to do and what terms they would be employed. A full job description and person specification should then be drawn up, specifying; the duties and responsibilities of the post (including management responsibilities) the person who the post holder reports to, together with the terms of employment (pay, hours, duration, length of probation period). The person specification should specify the qualification, ability and personal characteristics sought in the successful applicant.

Under the terms of the equality act 2010 applicants may not be discriminated against on the basis of protected characteristics: age, disability, race, religion/belief, gender, gender reassignment, sexual orientation, marriage/civil partnership or pregnancy/maternity. It is illegal to discriminate against candidates either directly or indirectly, on a basis of real or perceived characteristics, or even by association.

3. Application form

The application form should be checked to ensure it accords with any legislation in particular, that it doesn't ask discriminatory questions, and that (or the accompanying paperwork) demands all legally required information or declarations.

All applicants will be required to provide specific information relevant to safeguarding.



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All posts are exempt from provisions of the rehabilitation of offenders act 1974: applications should provide details of any convictions, cautions or bind-overs (including spent ones)

4. Selection panel

One member of the committee should oversee the recruitment process and chair a selection panel or delegate this to an appropriate qualified member of the team. The chairperson/manager should appoint a panel, shortlist and interview candidates and make appointments on its behalf. At least one person should be trained in safer recruitment. There should also be someone with a level 3 safeguarding to ensure any safeguarding issues are fully addressed. Members of the panel will also have received Safer Recruitment training.

Advertising

All applicants will be sent an application form, job description, *06 Safeguarding children, young people and vulnerable adults policy* and *08.4 Recruitment policy*.

1. Shortlisting

Once all application forms have been received, the panel will meet to discuss all applications and to complete a short list for interview. This includes the use of online-searches, google and social media such as Facebook, Instagram and other social media.

2. Invitation to interview

Those applicants selected for the short list should be invited to an interview. This should confirm the date, time and setting where the interview will take place. It should also inform them that their references will be taken up.

3. References

References will be taken up for all candidates that are asked to come for an interview. If for any reason one of the references for a preferred candidate is unavailable any offer of employment is conditional until references are provided satisfactory.

We use the Early Years employment reference template on our own paperwork to ensure that we comply with the EYFS 2025. This confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns or allegations that meet the harm threshold.

When requesting references we will:

- Not accept open references e.g. to whom it may concern,
- Not rely on applicants to obtain their own references,



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- Ensure that any references are from the applicants current employer, training provider or education setting and have been completed by a senior person with appropriate authority
- Not accept references from a family member
- Obtain verification of the individuals most recent relevant period of employment where the applicant is not currently employed
- Secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children.) If the applicant has never worked with children, then we ensure that a reference is from their current employer, training provider or education setting
- Ensure electronic references originate from a legitimate source
- Contact referees to clarify content where information is vague or insufficient information is provided
- Compare the information on the application form with that in the reference and take up any discrepancies with the applicant
- Establish the reason for leaving their current or most recent post, and ensure that any concerns are resolved satisfactorily before appointment is confirmed.
- Use the EYFS reference template and add suitable people from NDNA

4. Interview

At the interview the applicant will be asked a set of core questions, interviewers may follow up responses and on points of interest or concern in a candidate's application or references.

Any concern related to safeguarding (e.g. unexplained gaps in employment) and behaviour management will be pursued as a matter of priority.

Any disciplinary action or allegation declared by the applicant/professional referee, should be explored in detail and a determination made in terms of a risk assessment.

No questions should be posed which potentially discriminate against candidates unless they directly relate to something intrinsic to the position.

Any declared criminal convictions etc should only be raised if they relate to issues needing to be explored because of relevance to the post.

Time should be allowed for candidates to ask their own questions to help them determine for themselves their suitability for the position.

5. Interactions

All candidates should take part in an observation by the staff and children on interactions in the main Pre-school room while being closely observed by staff members. Observations of any such



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interaction should inform the decision-making process. Candidates should have been informed beforehand when they are invited to the interview.

6. Decision making

The interviewers may choose their own criteria for judgement as to the suitability of each candidate, provided these are based on the job description and the person specification issued to them beforehand.

The interviewers may choose their own way of making decisions but should give sufficient weight to the views of who will work more closely with the successful candidate.

In the absence of a clear front runner, the interviewers may choose to invite any or all candidates for further interviews, or a more demanding exercise, or more intensive observation-whatever it deems likely to give it an objective basis on which to reach a decision. However, all candidates still under consideration should be treated with parity: offered the same opportunities and subjected to the same basis of judgement.

7. The successful candidate

All successful candidates are informed. If further discussion is needed, the manager or chairperson will answer any questions.

Conditions of employment

1. Statutory checks

Appointees must by law undergo safeguarding checks prior to employment, designed to minimise the risk of putting children into harm's way.

DBS disclosure, posts working with children are exempt from the provision of the rehabilitation of offenders act 1974. All appointments are conditional on enhanced DBS disclosure (with barred list checked) proving adequate. The manager/deputy will initiate this, and perform all requisite checks. If the disclosure reveals any convictions, cautions, reprimands, warnings or police information, it is the responsibility of the management committee, as an employer, to decide whether these are sufficiently serious, recent and relevant for the job offer to be revoked. The management committee should seek advice from Ofsted, and minute all discussions. If it decides to revoke an offer, it should justify this in writing to the applicant without delay. Prior convictions, cautions or bind-overs ('Spent' or Not) should only give cause to revoke an offer if they are persistent, and relevant to working directly with children. However an offer should be automatically revoked if the applicant failed to disclose these on the application form. This does not apply to police information, where the committee should use its discretion. (See CRB code of practice:

www.homeoffice.gov.uk)



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stickyfingersps.co.uk

Sticky Fingers Pre-school
Tanners Brook
% Regents Park Community
centre
Elmes Drive
Millbrook
SO15-4PF
02380 703571
07470015388
SF.Tannersbrook@
stickyfingersps.co.uk

Sticky Fingers Pre-school
Spring road
% 14th Itchen Scout hut
Spring road
Sholing
Southampton
SO19-2NZ
07586560936
SF.Springroad@
stickyfingersps.co.uk

Sticky Fingers Pre-scho
Portswood
Portswood Primary school
Somerset road,
Portswood,
Southampton
SO17-3AA
SF.Portswood@
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If the applicant has been barred from working with children on the lists administered by the Disclosure and barring service, the job will automatically be revoked and the application form handed to the police (It is a crime for someone barred from working with children to work or volunteer with groups that work directly with children, or try to do so.)

It is an offence for DBS disclosure data to be passed to anyone who does not need it in the course of their duties. Information should be stored securely, and destroyed after 6 months if no longer needed.

Ofsted requires that all DBS applicants join the DBS service and give consent for checks to be made by the manager/chairperson of the Pre-school.

The Pre-school will always do a new enhanced DBS check. The applicant will sign up to the update service, and ensure that this is kept live during their employment with Sticky Fingers Pre-school. If the update service payment fails and this is no longer active the employee will be expected to pay for another full DBS check to be completed and then join the update service again.

Verification of qualification

The appointee should provide certificates for all relevant qualifications (eg. NVQ's, food hygiene, first aid, health and safety, safeguarding). A photocopy will be kept on file. The pre-school has a duty to verify all qualifications essential to the job; seeing the original certificates is usually sufficient, but if in doubt the manager or chair should check their authenticity with the awarding bodies.

Verification of Eligibility

If the appointee is not a UK national, the Pre-school must verify their eligibility for employment in the UK (eg. as a citizen of a European Economic Area country) proof of their right to work is required in any and all cases.

Pre-school documentation

Appointees should complete a form for the manager/ Chair with all information relevant to their employment by the Pre-school.

Personal details

The appointee should complete a form for the Manager/Chair with their personal details, including proof of identification, emergency contact numbers, and other pertinent information.

Health declarations

The appointee should complete one or both of the following:

The Pre-school health declaration, giving details of appropriate health-related issues: eg. allergies, disabilities, known medical conditions (answers to these questions may not legally be used as a basis on which to revoke the offer of employment, unless they reveal a condition which



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Newlands
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% Redbridge Primary school
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occupational health professional advice would make it impossible for the appointee to do the job properly, even with all the 'reasonable adjustments' required by the Equality Act 2010).

Ofsted health declaration form HDB required for the manager of the day to day running of the childcare provision. This should be completed by the applicant.

Written Terms and conditions

The appointee should read and sign their employment written terms and conditions, which should be provided within the first 2 weeks of employment. Queries should be made to the Manager or chair.

HMRC

The appointee should provide the Manager with a P45 form from their last employer. They should also provide bank details so they can be added to the payroll system. We will also ask them to obtain a Proof of employment history HMRC should this be required.

Probation period

All appointments are subject to a probation period, details of which are found on the employees terms and conditions and will only be confirmed if management are confident the applicant is competent in their work and can be safely entrusted with children.

Inductions

All new staff should go through an induction program

Policies and procedures

All new staff members will receive a copy of the Pre-schools policies as part of their induction and they should sign to say they have read, understood and will abide by them. Each employee should be made aware that the settings policies and procedures form apart of their written terms and conditions and by accepting and signing their contract they are also signing to abide by them. The manager/ Chairperson should explain the Pre-schools administrative and financial procedures to the appointee. This should include pay and any leave of absence, They will also explain the fire drill and emergency evacuation procedures.

Safeguarding

The manager should explain the Pre-school Safeguarding procedures, and ensure that the appointee undertakes multiple online training courses. If the person is a setting Lead Practitioner or Deputy then they will undertake a Designated safeguarding Lead training course.



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EYFS delivery

If the appointee does not hold at least a full level 2 qualification in Early years, the manager should acquaint them with the principles of the Early years foundation stage. If the appointee is familiar with the EYFS, the manager will explain how it is delivered in the Pre-school and how a child's process is recorded on their learning journey.

Training audit

The appointee should discuss with their Manager/Lead practitioner any training they might need as a matter of priority, and agree with them a training schedule for continual development.

Retention

Staff are the most valuable resource of any Pre-school, and retaining experienced, professional staff is vital to the success of the setting. Frequent staff turnover, and continually recruiting and training new staff, affects the quality of care provided. The committee should support staff so as to guarantee a high level of moral and motivation, to ensure that all staff are encouraged and enabled to fulfil their potential, and to make Sticky Fingers Pre-school a rewarding and enjoyable place for both children and staff.

Volunteers and students

The Pre-school welcomes the involvement and assistance of volunteers of various types: parents on the volunteer rota, adults from the wider community (Eg. parents of former pre-school children), or students on placement. Volunteers enrich the environment for staff and students alike, and generally find the experience rewarding.

Regular volunteers

Anyone volunteering on a regular basis will be subject to basic safeguarding protocols. Regular is defined in accordance with the Safeguarding Vulnerable groups Act 2006 category of regulated activity: once a week or more.

Enhanced DBS Disclosure

Regular volunteers long-term placement students aged 16+ are only eligible for an enhanced DBS disclosure if they engage in unsupervised activities in the Pre-school. At Sticky Fingers Pre-school we do not allow any students to have unsupervised access to the children.

References and interview

All volunteers should complete an application form. This includes signing the statutory declarations and providing names of at least 2 referees (unrelated to them) able to give satisfactory references on their character and comment on their interactions with children. Where a volunteer is well known to staff, a staff member may act as a referee. All references will be taken up. Potential volunteers will be subject to an interview by the committee and/or manager.



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Probation

Regular volunteers are subject to a 6 weeks probation period. At the end of this time, they should meet with the manager to discuss any concerns each may have. They should also finalise a work agreement, specifying the reasonable expectations of all concerned.

Training

If appropriate, volunteers will be required to undertake some elements of training (e.g. paediatric first aid, safeguarding, health and hygiene).

Infrequent volunteers

Where people volunteer infrequently (less than once per week) Eg parents on a rota or those accompanying staff and children on an outing, or helping out at an event - such measures are unnecessary. Infrequent volunteers should be known by the staff (eg. Child's parent or carer/relative)

Students

Those on intensive short term placements (e.g. 2 weeks) should be vouched for in writing by their educational institution, but long-term placement students aged 16+ should also, if eligible, provide an enhanced DBS disclosure (with barred list check), and be instructed on Pre-school safeguarding procedures.

Limitations of duties

The pre-school is responsible for the actions of its regular volunteers even where it is unaware or disapproving of these actions. Volunteers should understand the conditions in which it operates, not least in terms of equality, behaviour management, the EYFS and safeguarding.

Data Protection

A record of each stage of the selection process, together with supporting documentation for each candidate must be kept for 6 months from the date of selection. Information disclosed by applicants must be handed sensitively and confidentially during the recruitment process, achieved separately in a secure cabinet and disposed of after 6 months in line with data protection act guidance and GDPR.

Recruitment complaints

Complaints surrounding recruitment should be delivered to the chair of the selection panel on the first instance. The chair of the selection panel will investigate and make a formal written response to the complaints within 10 working days of the complaint being received.



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08 Staff, volunteers and students procedures

08.05 Performance Management

Introduction

It is a statutory requirement within the Statutory Framework for the Early Years Foundation Stage 2025 that all members of staff who have contact with children and families receive regular, effective staff supervision. Supervision will always provide support, coaching and training for the practitioner and promotes the interests of the children.

This policy applies to all staff that have regular, direct contact with children in the setting and is an aspect of individual performance management. Supervision meetings take place at least once a term in a 1:1 meeting between the practitioner and the settings Lead Practitioner. However, it is recognised that staff will communicate with management and during other regular team meetings which will compliment individual supervision.

We recognise the importance of working together as a team for children and want to maintain a strong, motivated, qualified staff team through the implementation of this policy.

Aims of Supervision

Supervision meetings will help staff to:

- understand expectations
- track performance against previously agreed objectives
- identify opportunities for improvement
- highlight an individual's professional and personal development needs
- have the skills, knowledge, and behaviours to carry out their role
- celebrate achievements
- be supported in their role and managed effectively
- ensure the best outcomes for all children in our care.

Staff appraisals will continue to take place annually, between the practitioner and the Area manager/Deputy area manager as a part of the pre-school's performance management system.



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Functions of Supervision

The main functions are:

• Management.

- To manage staff performance; ensuring policies and procedures are understood and followed and that the supervisee understands their role and responsibilities
- To assess the quality of the supervisee's work and to develop and monitor action plans/targets

• Support (health and wellbeing).

- To provide support for the supervisee to carry out their role and reflect on the impact of their work upon them
- To monitor the health of the supervisee

• Learning and Development.

- To encourage reflective practice and development and encourage supervisees to access learning opportunities
- Receive coaching to improve their personal effectiveness

• Communication.

- To discuss each of the staff member's key children (in line with *06.11 Key person supervision*) focusing on the development and wellbeing of the child,
- To allow staff to raise any concerns and deal sensitively with these
- Identify solutions to address issues as they arise
- To brief staff on any changes and developments that may affect their work

• Safeguarding.

**Safeguarding concerns must always be reported to the Designated Safeguarding Lead immediately and not delayed until a scheduled supervision meeting.
(See 06 Safeguarding, children, young people and vulnerable adults policy)**

- To ensure staff are suitable to carry out their role and that they know how to follow *06.03 Whistleblowing* procedures
- To appreciate that children are vulnerable and may be at risk of harm
- To discuss any issues concerning children's development or wellbeing, including child protection concerns.
- To encourage parents to be involved with the planning of their child's care and to welcome them into the setting



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Successful Supervision should:

- Provide practitioners with a route through which to raise any professional queries
- To discuss career progression including CPD
- To clarify roles, responsibilities, and work tasks
- To build the practitioner's confidence in supporting children's development
- To fully support supervisees in their work, including monitoring of their health and helping them access occupational health if needed

It should also be an opportunity for practitioners to:

- Raise any concerns that they might have about children in their care, and to receive support to help them.
- Deal with difficult or challenging situations at work.
- Promote the interests of children.
- Foster a culture of mutual support and teamwork.
- Facilitate continuous improvement which encourages the confidential discussion of sensitive issues.

Supervision should provide opportunities for staff to:

- Discuss any issues – particularly concerning children's development or well-being.
- Identify solutions to address issues as they arise.
- Receive coaching to improve their personal effectiveness.

Key responsibilities for Supervisors

- Meetings should be organised in advance and arrangements will be changed only in exceptional circumstances.
- Meetings should be well-structured, allowing both the supervisor and the supervisee to contribute to the meeting.
- Select an appropriate place for the meeting that is free from interruptions - this will usually be in the settings office.
- Cover all the areas included within the supervision template
- Record the meeting accurately and provide a copy for the supervisee
- Check any changes in the supervisee's suitability to work with Children or any health implications that will affect the staff member position in the setting to work safely with children.
- A written record will be made of this information as a declaration on the individual member of staff's Supervision Meeting form



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Key messages for Supervisees

For everyone to gain the maximum benefit from supervision, it is essential supervisees:

- Prepare for each meeting by reviewing any notes, completing any required documentation and thinking about any issues to discuss
- Are ready to share their thoughts and ideas in the meeting
- Talk openly about what has gone well and what has been challenging
- Are prepared to plan and undertake training and other development activities as agreed with their supervision

Completing the written record of the supervisory meeting

Every supervisory meeting will result in an agreed written record of what has been discussed and what actions should be taken next. This will include clear timescales and identified responsibilities.

The meeting will be typed up by the lead practitioner as it happens and printed, or handwritten as the meeting is conducted. It will then be signed by both parties as an agreement on the content as an accurate record of the meeting.

These will then be photocopied giving one copy to the staff member, and one copy added to the staff members file. This will also be scanned and added to the individual staff members file on CPOMS and google drive (*See 07 Record Keeping and Information Sharing Policy.*)

Be aware the supervision is a private but not confidential process, information may be shared with the Senior Leadership Team, HR Department, or Inspectors.

Managing poor performance

- Identifying and handling weaknesses in performance is helped by good management, with clear expectations and appropriate support systems in place.
- If at any time in the cycle a member of staff's performance falls below what is expected, an additional action plan is agreed between the management (reviewer) and staff member (reviewee).
- This sets out specifics for improved performance and any actions to support that improvement. If performance continues to be lower than expected then the school/setting will need to consider what further action is to be taken.



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08 Staff, volunteers and students procedures

08.06 Disciplinary procedure (Including Capability procedure)

Introduction

- Sticky Fingers Pre-school seeks to provide each employee with the direction, development and support necessary to assure a productive and rewarding career.
- Before employees can be expected to reach appropriate standards of job performance, Sticky Fingers Pre-School accepts that employees should be provided with appropriate training, guidance and support.
- Employees have a contractual responsibility to perform at a satisfactory level and are therefore expected to be committed to achieving such levels of performance.
- This policy aims to help protect the Pre-School, its employees and children/parents/carers, from the consequences of poor work performance.

Key principles

These principles and procedures form an important part of the terms and conditions of employment, staff must ensure these are read carefully and understood:

- Capability is defined as:
‘Where a member of staff is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner, either due to a lack of ability, inadequate training or lack of experience. Such failings will be identified by use of the following procedures and steps taken to improve performance. Where such steps prove unsuccessful the member of staff may have *their employment terminated on the grounds of incapacity.*’
- Initial identification of an employee’s failure to meet the required levels of performance, often arises through normal performance management meetings such as one to one supervisions or appraisals.
- It is expected that the majority of performance related issues will be resolved promptly at this level, except where there is evidence that such an approach has proved ineffective already.
- If this is the case, the manager will invite the employee to a meeting where they will agree performance standards with the member of staff and a time period over which improvements will be expected. These will be recorded on a performance action plan. They will also agree how the individual’s performance will be monitored.
- If the individual’s performance improves adequately over the timescale, then the process will terminate at the stage and all documentation will be destroyed. If the performance remains unsatisfactory then disciplinary procedures will take place.
- Apart from an informal verbal warning, you have the following rights in relation to disciplinary action:



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- to be informed of the allegations of misconduct or poor performance to be addressed at any disciplinary hearing
- to be accompanied by a work colleague or by an accredited trade union official. Other external representatives may not accompany an employee
- to appeal against any disciplinary action.

Conduct at work

The Pre-School expects all employees to behave in a normal and reasonable manner. The following list provides examples of the type of conduct that the Pre-School would expect:

- To be punctual for the start of work and to keep within the break times.
- To give regular attendance at work and to minimise all absenteeism.
- To be courteous, helpful and polite to all those with whom you have contact.
- To devote all your time and attention, whilst at work, to the Pre-School and ensure that all its property including confidential information, records, equipment, information technology, etc is kept safe and used correctly.
- To comply with all the Pre-School's rules and regulations set out in policies and procedures and to observe and perform all the terms of your employment as set out or referred to in your Contract of Employment.
- Not to be involved with any company, client or agent who is in direct competition with this Pre-School.
- You are expected to devote all your loyalty to this Pre-School.

Conduct outside working hours

- Normally the Pre-School has no jurisdiction over employee activity outside working hours. Behaviour outside working hours will only become an issue if the activities adversely affect the Pre-School.
- Adverse publicity, bringing the Pre-School name into disrepute, or actions that result in loss of faith in the Pre-School, resulting in loss of business, or loss of faith in the integrity of the individual, will result in the disciplinary procedure being instigated.
- The detriment suffered by the Pre-School will determine the level of misconduct and it will also determine which disciplinary stage is most appropriate to suit the circumstances.
- If the actions cause extreme embarrassment or serious damage to the Pre-School's reputation or image, a decision may be taken to terminate the employment.
- The Pre-School's procedures covering disciplinary hearings and appeals still apply.

Procedure

- At the earliest opportunity, the manager must inform the employee that an allegation/incident has occurred and that an investigation is to take place.



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SF.Newlands@
stickyfingersps.co.u

Sticky Fingers Pre-School
Redbridge
% Redbridge Primary school
Studland Road
Millbrook
SO16-9BB
02380 764717
07726772381
SF.Redbridge@
stickyfingersps.co.uk

Sticky Fingers Pre-school
Tanners Brook
% Regents Park Community
centre
Elmes Drive
Millbrook
SO15-4PF
02380 703571
07470015388
SF.Tannersbrook@
stickyfingersps.co.uk

Sticky Fingers Pre-school
Spring road
% 14th Itchen Scout hut
Spring road
Sholing
Southampton
SO19-2NZ
07586560936
SF.Springroad@
stickyfingersps.co.uk

Sticky Fingers Pre-scho
Portswood
Portswood Primary school
Somerset road,
Portswood,
Southampton
SO17-3AA
SF.Portswood@
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- Following an appropriate investigation, the manager must prepare a written statement of the employee's alleged conduct or characteristics, or of the circumstances which have led to the contemplation of taking disciplinary action.
- The manager or supervisor must send the statement and any witness statements to the employee including any evidence that will be relied upon at the meeting and invite her/him to attend a disciplinary meeting to discuss the matter. The employee should also be informed of their right to be accompanied at the meeting. Employees should be given an appropriate amount of notice of the meeting in order to prepare their response and to contact any witnesses that he/she wishes to call to the meeting to give evidence.
- The manager will consider all the responses made by the employee. As a result of the discussion several options can be followed:
- If underlying medical issues are suspected or reported, the process should be suspended until medical advice can be gained.
- Reasonable adjustments and recommendations can be put into place to support the employee following medical advice. If the employee is deemed to be medically unfit to undertake their roles, then Sticky Fingers Pre-School will determine the way to proceed.
- N.B Where an employee declines to seek medical assistance, decisions will be made using the information available and the matter will continue to be managed under this policy and procedure.
- Employees may be offered a different role within Sticky Fingers Pre-school, if appropriate and viable.
- Consideration will be given to any extenuating circumstances and these will be dealt with on a case by case basis.
- A disciplinary meeting must take place before any disciplinary action is taken, (except where the action in question consists of suspension pending a disciplinary meeting).
- At the meeting, the manager or supervisor should ensure that the circumstances of the complaint against the employee are fully discussed and that the employee is provided with an opportunity to respond to the management case. The manager will then decide whether to issue a disciplinary penalty.
- The outcome of the disciplinary meeting must be confirmed in writing within [10] working days, to include the right of appeal and to whom to address any appeal letter.

Gross misconduct

- Gross misconduct will result in summary dismissal, which means you lose your right to notice or pay in lieu of notice.
- Here is a list of offences that are normally regarded as "gross misconduct". It is not exhaustive, but it describes the kind of offence that can result in summary dismissal.
- Deliberate failure to comply with the published rules of the Pre-School, including those covering security, health and safety, equal opportunities, the Internet, etc.
- Deliberate falsification of records.



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Newlands
% Newlands Primary Sc
Windermere Avenue
Millbrook
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SF.Newlands@
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- The committing of offences against current discrimination legislation whilst acting on behalf of the Pre-School.
- Fighting or assaulting another person.
- Using threatening or offensive language towards customers or other employees.
- Making yourself unfit to work by solvent abuse, drinking alcohol, taking of illegal substances or failing to follow medical instructions on prescribed drugs.
- Being in unauthorised possession of the Pre-School's property.
- Being in possession of illegal drugs and substances or alcohol whilst on Pre-School premises.
- Obscene behaviour.
- Behaviour likely to bring the Pre-School into disrepute.
- Wilful and deliberate damage to or misuse of Pre-School property.
- Refusal to carry out reasonable duties or instructions.
- Conviction on a criminal charge that is relevant to your employment with the Pre-School.
- The misuse including use for personal gain, of confidential information in the course of working for the Pre-School.
- Undertaking private work on the premises without permission.

General

- You will always be given as much information as possible regarding the allegations of misconduct, or any documentation detailing the shortfall in performance or capability that will form the basis of the disciplinary hearing. You will also be given fair and reasonable notice of the date and time of the hearing and whenever possible the disciplinary hearing will be held during your normal working hours.
- Any disciplinary action will only be taken after a full investigation of the facts, and if it is necessary to suspend you for this period of time, you will receive your normal rate of pay.
- The Pre-School reserves the right to vary the disciplinary procedure depending on either the seriousness of the allegations of misconduct or capability to be addressed, or if you only have a short amount of service.
- If you are a short service employee or are still within the probationary period, you may not be issued with any warnings before dismissal.
- NB: The Pre-School reserves the right to deduct from pay the cost of any damage or loss to property or goods, which after a disciplinary hearing was found to have been caused by your negligence or vandalism.

Suspension

- Suspension should be used sparingly in circumstances where the manager needs to investigate prior to a hearing where it is felt that the impact of not suspending the employee during the period would be likely to be more detrimental than suspending them.



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

Formal verbal warning

- In the case of conduct, attendance or performance not reaching the required standard, the problem will be discussed with you at a disciplinary hearing where you will be given the opportunity to offer a satisfactory explanation.
- If the explanation is unsatisfactory, you will be issued with a Letter of Concern or Formal Verbal Warning. The topics discussed at the meeting will be confirmed in writing to you and the verbal warning will remain on your file for six months.
- This warning should be confirmed in writing. If the warning relates to unsatisfactory performance, then it should set out:
 - the performance required
 - the improvement required
 - the timescale for improvement
 - any review date
 - any support that can be offered to assist the employee to improve their performance
- If the warning relates to conduct, then the nature of the misconduct and the change in behaviour required should be set out in the warning letter.
- All documentation relating to this warning will be stored in your staff file and on CPOMS. Once the 6 months date has arrived and the information is not required for further disciplinary action it will be destroyed.

Written warning

- A written warning will be issued following a disciplinary hearing where there is a current formal verbal warning on your file and sufficient improvement has not been made or where the misconduct or poor performance is serious enough to warrant the Pre-School bypassing the formal verbal warning stage.
- All documentation relating to this warning will be stored in your staff file and on CPOMS for 12 months from the finalisation date. Once the 12 months date has arrived and the information is not required for further disciplinary action it will be destroyed.



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Final written warning

- If there is still insufficient improvement in your conduct, or if your performance is still unsatisfactory, you will be asked to attend a further disciplinary hearing. If no satisfactory explanation is offered for the lack of improvement, you will be issued with a final written warning that will remain on file for 12 months.
- If the misconduct is sufficiently serious to warrant only one warning but is not sufficiently serious to justify dismissal, a final written warning will be issued. You will be informed in your final written warning that any further misconduct or failure to meet the required standard will result in your dismissal.
- All documentation relating to this warning will be stored in your staff file and on CPOMS for 12 months from the finalisation date. Once the 12 months date has arrived and the information is not required for further disciplinary action it will be destroyed.

Dismissal

- Dismissal will normally result if you still fail to achieve the standard of conduct or performance required by the Pre-School. You will be given every opportunity to offer an explanation for your failure to meet the required standards at a final disciplinary hearing.
- As with all previous stages of the disciplinary procedure you will be offered the right to be accompanied and the right to appeal against the decision.
- If you are dismissed, you will be provided, as soon as is reasonably practicable, with the reasons for dismissal, the date on which your employment will terminate and details of how you may appeal.
- All documentation relating to this warning will be stored in your staff file and on CPOMS for 6 years from your termination date. Once this date has arrived the information will be destroyed.

Timescales

- Employees are required to take all reasonable steps to attend the hearing. However, should, for a reasonably unforeseen reason, either the employee, the line manager or their companions be unable to attend the meeting, it must be rearranged.
- Should an employee's companion be unable to attend then the employee should make contact within [5] days of the date of the letter to arrange an alternative date that falls within [10] days of the original date provided.
- Time limits may be extended by agreement.

Disciplinary appeal procedure

- At each stage of the disciplinary procedure, you will be given the right of appeal. If you wish to exercise your right of appeal, you should put your reasons in writing to the immediate superior of the person who took the disciplinary action within five days of receiving written confirmation of the disciplinary decision taken against you. You will need



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to explain why you feel the decision is unfair, or inappropriate in relation to the matters addressed at the disciplinary hearing.

- If you have any new information or evidence to support your appeal, please give details in full and include the names of any witnesses you may wish to call to support you in your appeal. This is in order to ensure there will be sufficient time to investigate any additional information before the appeal hearing. You are entitled to be accompanied at the appeal hearing by a work colleague or by an accredited trade union official.
- Although the purpose of the appeal is to review any disciplinary penalty imposed, it cannot increase the disciplinary penalty.
- The decision of the person dealing with your appeal is final.

Suitable person & Disqualification.

- Staff members are required to disclose any current disciplinary action, convictions, cautions, court orders, reprimands and warnings that may affect their suitability to work with children.
- If the staff member leaves employment with a disciplinary on record, then the pre-school manager will alert new employers to this upon a reference request.
- It is Sticky Fingers Pre-School's duty to report to the disclosure and barring service where a staff member is dismissed (or would have been, had the person not left the setting first) because they have harmed a child or put a child at risk of harm.

Review date: September 2026

Last Edited: September 2025

Manager on behalf of Sticky Fingers: