



7.02

Policies and Procedures for Staff Conduct

General

Staff are expected to review the policies and procedures on a regular basis to ensure they are keeping up-to-date and spot checks will be carried out from time to time.

As part of the induction process all new employees will be directed to an electronic copy of all policies and procedures. These must be read and adhered to at all time. New employees will be asked to sign to confirm that they have read all statutory policies and procedures at their one-month review.

Probation periods

Most new employees, except those on short-term contracts, are placed on probation for a period of six months. During this time goals and targets will be set which will be monitored by the line-manager.

The objectives of this probation period are to:

- set and assess performance with standards and targets;
- discuss future objectives, priorities and targets;
- determine training needs;
- discuss personal development;
- assess ability and willingness to fulfil the requirements of the job.

During the probation period and throughout any extension of the probationary period, employment may be terminated by either the employer or the employee giving one week's notice in writing. Thereafter, termination will be governed by the notice-period detailed in the employee's statement of terms and conditions of employment.

Probation periods can be extended. Regular performance reviews should continue during the extended period.

If an employee's contract of employment has been terminated as a result of the probationary process, then the employee will have a right of appeal.

Appraisal/Staff Review

The appraisal/staff review meeting is a process of looking back to analyse past job performance, and looking forward with a view to improving future performance. The overall objective of the appraisal/

staff review process is to help employees maximise their job performance for the joint benefit of the members of staff and Silverhill School & Day Nursery.

Regular meetings will take place throughout the year to review the objectives set and progress made against them.

Equality and diversity

Silverhill School & Day Nursery is committed to recognising, valuing and respecting the diversity of its employees, service users, volunteers and job applicants. The School recognises that everyone has a contribution to make and it aims to ensure that all individuals with whom it has contact will be treated in a fair and consistent manner.

Silverhill School & Day Nursery recognises that certain people may face discrimination based on factors such as their race, ethnic or national origins, religious and political beliefs, gender, disability, sexuality, age, marital status and linguistic ability. With this in mind, the setting will work within the current legislative framework and within the sphere of best practice in order to promote equality and value diversity, and work to address unfair treatment, discrimination and prejudice where found within the workplace.

It is expected that the principles of diversity and equality will underpin all work within the School.

Managing sickness absence

It is the School's practice to support employees who are genuinely sick and unable to come to work and to act reasonably at all times in its dealings with employees.

The School manages attendance by encouraging all its employees to attend work regularly. To achieve this the School will:

- review the sickness record to assess what action to take;
- consult with the employee;
- obtain up-to-date medical advice;
- advise when employment is at risk;
- meet to discuss the options and continuing employment;
- review whether there are any other jobs that are suitable prior to taking any decision on whether to dismiss;
- allow a right of appeal against any decision to dismiss on grounds of long-term ill health; if an appeal is requested, then to hold an appeal meeting.

Compassionate Leave

Silverhill School & Day Nursery will review each request for compassionate leave on an individual basis.

- The School is not obliged to pay for compassionate leave, and payment is at the discretion of the Headmistress.
- In most cases the school will pay up to three working days.
- Staff seeking time off for compassionate leave should agree this, in advance, with the Headmistress

Responsibility for attendance at work during severe weather conditions

Whilst Silverhill School & Day Nursery is committed to protecting the health and safety of all its employees we must ensure that any disruption caused to the School remains minimal. All staff are expected to use every effort to report for work at their recognised start time. However it is not the School's intention that staff members put themselves at unnecessary risk when trying to attend work.

Those who travel significant distances in the course of their work should consider whether their trip is safe and vital when conditions are particularly hazardous.

If you expect to be late or cannot safely reach your workplace or experience related problems on public transport due the adverse weather conditions you must notify your Line Manager as soon as possible.

You should notify your Line Manager on each day that you are unable to attend work.

Failure to notify your Line Manager that you are unable to attend work will count as unauthorised absence.

If you are unable to reach your workplace you will be required to either:

- Take annual leave
- Take unpaid leave
- At your Line Managers discretion, to make up the time within a reasonable and agreed timescale. If you are late for work your Line Manager at their discretion may ask you to make up the time within a reasonable and agreed timescale.

Deterioration of weather whilst at work

You must discuss with your Line Manager if you wish to leave work early due to the deterioration in the weather, they will decide on a case by case basis whether it is appropriate for staff members to leave early.

When making this decision they will take in to account staff members circumstances;

- Distance from the staff members place of work to home
- Mode of transport
- Needs of the School.

If you leave your workplace early you must agree with your Line Manager whether you take the time as:

- Annual leave
- Unpaid leave
- At your Line Managers discretion, to make up the time within a reasonable and agreed timescale.
- At your Line Managers discretion, and if appropriate and feasible to your job role, you may agree a temporary alternative way of working, such as working from home.

Your child's school/nursery closure impacting on your ability to work

If your child's school or nursery has closed due to adverse weather conditions and this impacts on your ability to come to work you can agree with your Line Manager to:

- Take annual leave

- Take unpaid leave
- At your Line Managers discretion, to make up the time within a reasonable and agreed timescale.

If the closure is for an extended period Silverhill School & Day Nursery would anticipate that every effort would be made to make suitable alternative childcare arrangements to enable a return to work.

Possible disciplinary action

If it is suspected that a staff member is using the adverse weather conditions as an excuse not to report for work or if there is unauthorised absence, no payment will be made and disciplinary action may be considered under the School's disciplinary procedure. If a staff member reports in sick and their first day of sickness coincides with a period of adverse weather, the staff member may be required to provide a medical certificate.

Drugs and alcohol

Silverhill School & Day Nursery aims to promote the general well-being of all employees to avoid unnecessary illness, absences and accidents, to improve work performance and to provide a working environment which ensures, as far as possible, the health and safety of all employees.

If you suffer from an alcohol or drug addiction, then you are expected to notify the setting. It is a disciplinary offence to attend work where the use of either alcohol or drugs impairs the safe and efficient running of the school or the health of its employees and service users.

Overtime

- Early Years - From time to time you may be required by the School to be available to work overtime in excess of your normal working hours, although the School does not guarantee that overtime will be available to you.
- Main School – There is an option for staff to earn extra income by covering the Early and Late rooms during the school term

For details of the overtime rates, please contact your line manager.

Part-time employment

The school recognises the benefits that can be gained from part-time working. It is appropriate where the workload/duties of a job can be undertaken in less than full-time hours or when the workload or duties of a job allow job-sharing, and where initiatives are needed to attract and retain employees.

Part-time employees, irrespective of hours worked, will be entitled to the same contractual benefits on a pro-rata basis as full-time employees doing the same job unless there is an objective reason for offering a different level of benefits.

Claiming expenses

You are required to claim for expenses in line with the School's expense procedure:

- Expenses must be agreed in advance
- Claims for expenses should be made using the form available from the Bursar and a receipt for all expenses should be submitted with all claims within a month of expenditure.
- Expenses should only be incurred wholly and exclusively on business that relates to the school.

Failure to follow this procedure could result in your claim being declined and disciplinary action being taken against you.

If you are unclear about the expenses procedure or need further guidance, please contact your line manager.

Change of personal details

If you change your address, contact details, next of kin details or bank account you are required to inform the school immediately so that records are up-to-date.

If you change your name by marriage or deed poll, then the original, relevant, legal document must be presented to the setting for review e.g. marriage certificate.

Discipline

Disciplinary procedure

Silverhill School & Day Nursery's disciplinary procedure is designed to encourage all employees to achieve high standards of conduct, attendance and work performance. The procedure provides a fair, effective and consistent method of dealing with disciplinary matters.

You are expected to know the standard of conduct or work performance required of you. For minor or isolated infringements of rules or expected behaviour, the school may give you informal advice, coaching and guidance.

The purpose of this procedure is to ensure that all employees are consistently and fairly treated to ensure that the standards required by the school/setting are maintained. Employees who attend a disciplinary meeting will be given a full opportunity to state their case and may be accompanied by a fellow worker or official employed by a trade union. To exercise the right to be accompanied, the employee must make a reasonable request in this respect. The School will not allow a companion to accompany the employee if the School feels it may prejudice the hearing or, if it is someone who has to travel a long distance, if there is someone suitable, willing and available on site.

A full investigation of the facts of each case will be carried out before any disciplinary action is taken. Employees may be suspended from work on full pay if considered necessary. Any suspension does not infer that disciplinary action will be taken.

The following stages of the disciplinary procedure may be entered at any stage, dependent upon the seriousness of the allegations made or standard of performance:

1. Stage One

For any isolated act of minor misconduct or initial failure to meet performance standards, poor time-keeping, minor work errors, etc., an oral warning will be given. A note of the warning will be recorded in the employee's personal file but will be disregarded for disciplinary purposes after six months.

2. Stage Two

A more serious case of misconduct, for instance failure to show and maintain improvement, or of a repetition of an act of minor misconduct, will result in further disciplinary action being taken. If it is decided that disciplinary action should be taken, a first written warning will be given. The written warning will include:-

- i) The nature of the misconduct or poor performance
- ii) The change in behaviour or improvement in performance required and timescale
- iii) Any review period which may be agreed to; and the consequences of any failure to comply with the warning.

This warning will be recorded in the employee's personal file but will be disregarded for disciplinary purposes after one year.

3. Stage Three

Failure to comply with the warning or complete a satisfactory period of review will result in a further disciplinary meeting. At this stage and depending on the decision a final written warning may be issued which, if unheeded, may result in further disciplinary action being taken, resulting in dismissal. The second and final written warning will include:-

- i) The nature of the misconduct or poor performance
- ii) The change in behaviour or improvement in performance required and timescale
- iii) Any review period which may be agreed to; and the consequences of any failure to comply with the warning.

This warning will be recorded in the employee's personal file but will be disregarded for disciplinary purposes after one year.

4. Stage Four

Failure to comply with a final written warning or, if the misconduct is so serious, may result in a disciplinary meeting being held. Depending on the decision taken, the employee may be dismissed with the appropriate length of notice, depending on the nature of the offence, and having regard to all aspects of his employment records and length of service etc. Payment in lieu of notice may be paid if dismissal takes place.

Gross Misconduct

Following an investigation into the allegations and a disciplinary meeting, employment may be terminated summarily with notice or payment of salary in lieu of notice at any time for gross misconduct.

Generally, this includes any fundamental breach of duty, conduct which brings the School into disrepute or action that is inconsistent with the relationship of fidelity required between employer and employee.

In particular this includes:-

- Abuse of authority, insubordination or willful refusal to obey a reasonable instruction.
- Serious breach of safety rules likely to endanger other people or the staff or to cause damage to School property
- Theft, fraud, deliberate falsification of records or other criminal acts
- Being under the influence of drink or illegal or narcotic substances, other than those that would normally be taken or prescribed by a General Practitioner for the purpose of treating a medical condition during working hours.
- Deliberate failure to follow the School's policies and procedures.
- Breach of duty regarding disclosure of confidential information.
- Deliberate damage to the School's property or that of other employees or pupils of, or visitors to, or clients of the School.
- Disorderly or indecent conduct or assault on the School's premises or in circumstances that bring the School into disrepute.
- Sexual impropriety of a nature that would lead to undermine trust and confidence between the parties of this contract or conviction for a sexual offence in a court of law.
- Direct or indirect discrimination or inciting others to discriminate on the grounds of sex, race, colour, age, religion or ethnic origin.
- False claims as to qualifications, experience or previous employment.
- Committing Silverhill School & Day Nursery to any hire purchase, leasing arrangement or any other financial commitment without the express written permission of the Bursar.
- Gross neglect of duty or negligence which causes unacceptable loss, damage or injury.
- Misappropriation of social networking sites which includes the posting of derogatory or offensive comments on the Internet about the school or its employees, parents or children.

This list is not designed to be exhaustive or definitive.

NOTE 1

Where any Hire Purchase Agreement is found to constitute an act of Gross Misconduct (as detailed above), any subsequent dismissal will render the employee personally liable for the full future value of any such hire purchase, lease agreement or any other financial commitment entered into by him. Further, Silverhill School & Day Nursery will be indemnified by the employee personally against any other costs that may be incurred by the School in order to extricate themselves from any such agreement entered into in any circumstances that involve the employee misrepresenting his financial authority.

Appeal

An employee may appeal in writing within five working days against any formal disciplinary decision taken by sending details of the appeal to the Headmistress who will arrange for the appeal to be dealt with impartially and by a person not previously involved in the case. You will be informed in writing of the results of the appeal hearing as soon as practicably possible.

The employee may be accompanied by a fellow worker or trade union representative or an official employed by a trade union. To exercise the right to be accompanied the employee must make a reasonable request in this respect. The School will not allow a companion to accompany the employee if

the School feels it may prejudice the hearing or if it is someone who has to travel a long distance, if there is someone suitable, willing and available on site.

The decision of the appeal panel will be final.

Termination

- By the Employee

Early Years: - You are required to give one month's notice of resignation.

Main School: - You are required to give one term's notice of resignation. This notice must be given before the start of the term at the end of which the effective date of termination of employment occurs.

- By the School

Early Years: - Following your probationary period you are entitled to receive one month's notice.

Main School: - Following your probationary period you are entitled to receive one term's notice. This notice will be given before the start of the term at the end of which the effective date of termination of employment occurs.

Any accrued but untaken statutory holiday entitlement will be paid together with your final salary upon termination of employment.

Grievances

If you have a complaint about your individual circumstances at work, then you are entitled to raise a grievance. The key steps for resolving a grievance are:

- Discuss ordinary day-to-day issues informally with your line manager through supervision meetings or if necessary request a separate meeting. Where this is not possible you should raise your concerns verbally with the next level of management, prior to raising a formal grievance.
- If after seeking to resolve your concerns informally you are not satisfied, then write to the school, explaining your grievance.
- The school will invite you to a meeting to discuss the grievance. You will have the right to be accompanied at the meeting by a work colleague or trade union representative. The outcome of the meeting will be confirmed to you in writing.

You will have the right of appeal. Following an appeal the final decision will be confirmed to you by the school in writing.

Dignity at work

Silverhill School & Day Nursery is committed to ensuring that you are treated with dignity and respect at work. Bullying and harassment of any kind will not be tolerated in the work place.

The School's procedures provides a fair, effective and consistent method of dealing with matters relating to bullying and harassment. Examples of what the School deems to be unacceptable behaviour include:

- unwanted physical contact;
- spreading offensive or malicious rumours, or insulting someone (particularly on gender/race/disability grounds);
- ridiculing or demeaning someone, setting them up to fail;
- insulting behaviour or gestures;
- deliberate exclusion from conversations or social activities;
- unfair treatment;
- misuse of power or position;
- unwelcome sexual advances e.g. touching, display of offensive materials or jokes;
- offensive or suggestive literature or remarks;
- embarrassing, threatening, humiliating, patronising or intimidating remarks;
- deliberately undermining a competent worker;
- preventing individuals progressing by intentionally blocking promotion or training opportunities;
- physical or verbal assault;
- damage to property

If you feel you have been treated in a way you find unacceptable, please speak to your line manager in the first instance.

Data protection

The General Data Protection Regulations (GDPR) & Data Protection Act 2018 is intended to protect people's privacy by controlling the use of personal information held on computer and filing systems.

Silverhill School & Day Nursery holds and processes the data it collects about employees during their employment only for the following purposes:

- Administration and management of employees
- Our business
- Compliance with relevant procedures and laws

All data is treated with absolute confidentiality and security measures are taken at all times.

If an employee is dealing with data relating to Silverhill School & Day Nursery or its users, adequate precautions must be taken to ensure confidentiality and to protect the School and its employees from any liabilities.

We expect all employees to observe current data protection legislation when collecting, processing and storing School related data. For further guidance please contact your line manager.

Computers and electronic communications

E-mail and internet use

Employees are directed to read the 'Email Best Practice Guidelines for Staff'.

Silverhill School & Day Nursery encourages its employees to use e-mail and the internet at work where this can save time and expense. However, it requires that employees ensure that their communication is well-structured and professional, just as if a letter was being sent.

If it is not clear whether a proposed action would breach this e-mail and internet guidance, then advice should be sought from the line manager.

Personal blogs

Personal weblogs or 'blogs' can be set up on the internet, provided that they do not breach the law or disclose any of the School's confidential information, breach copyright, defame the School/setting or its suppliers, customers or employees; bring the organisation into disrepute, or disclose personal data or information about any individual that could breach GDPR & Data Protection Act 2018.

Social networking websites

Silverhill School & Day Nursery respects employees' right to a private life. However, the School must also ensure that confidentiality and its reputation are protected. It therefore requires any user of social networking websites to:

- refrain from identifying the user as working for Silverhill School & Day Nursery;
- ensure that no action is taken in a way that is detrimental to the School;
- take care not to allow interaction on these websites to damage working relationships between members of employees and service users of the setting.

Cyber bullying

Silverhill School & Day Nursery is committed to ensuring that all of its employees are treated with dignity and respect at work. Bullying and harassment of any kind will not be tolerated in the work place. The School can provide clear guidance on how bullying and harassment can be recognised. Cyber-bullying methods could include using text messages, mobile phone calls, instant messenger services, by circulating photos or video clips or by posting comments on web sites, blogs or in chat rooms. Personal blogs that refer to colleagues without their consent is unacceptable.

Employees who cyber-bully a colleague could also face criminal prosecution under various laws, including the Malicious Communications Act 1988.

Telephone use

Silverhill School provides its employees with access to the telephone for work-related purposes.

Personal mobiles may be used in the staff room where internet access is available.

If there is an urgent personal call that needs to be made, then use can be made of the School phone provided that this does not interfere with work, nor take up an unreasonable amount of time.

Please refer to ITC agreement which every member of staff is required to sign and abide to.

Monitoring

Silverhill School & Day Nursery reserves the right, but not the duty to monitor any and all aspects of its electronic resources. This includes: data, email and voice mail boxes, and other employer provided electronic storage systems. The School also reserves the right for business and security purposes to audit and monitor the information on all systems, electronic mail, telephone and information stored on computer systems or media, without advance notice. Silverhill School & Day Nursery also reserves the right to retrieve the contents of any employee's communication in these systems.

This process is in place to maintain the integrity of the School's electronic systems, the rights of the other users, and to ensure compliance with the School's policies and obligations.

Copyright

Under the provision of the Copyright, Designs and Patents Act (1988), the copyright of any material (whether written, graphic or in any other medium) which is created by an employee in the course of their employment with Silverhill School & Day Nursery is the property of the school.

Redundancies

It is the aim of Silverhill School & Day Nursery is to manage its business in such a way that redundancies are unlikely to become necessary. However, in the unlikely event that the School's circumstances change and the result is that fewer employees are needed, then some redundancies may become necessary. In this case, the Silverhill School & Day Nursery will take appropriate steps to keep the number of redundancies to a minimum, whilst taking into account the needs of the business.

Where it becomes necessary for the School to consider redundancies, a genuine and thorough consultation process will take place. The objectives of consultation will be to:

- reach agreement with employees or their representatives on the above issues;
- avoid the need for redundancies wherever possible;
- reduce the number of employees who are to be made redundant to a minimum;
- determine the criteria to be used to select employees for redundancy;
- lessen the consequences of any dismissals.

An employee who is made redundant will be eligible for a statutory redundancy payment provided that he or she has at least two years' continuous service.

The amount of any statutory redundancy payment is based on three factors: an employee's age, salary and length of service. An employee is entitled to receive:

- half a week's pay for each year of employment in which the employee was aged 21 or under;
- one week's pay for each year of employment in which the employee was aged between 22 and 40; and
- one and a half week's pay for each year of employment in which the employee was aged 41 or over.

The maximum number of years of employment that can be taken into account is 20. There is also a cap on a week's pay which is used to calculate a week's pay.

Resignations

When resigning, it is important that resignation is given in writing to avoid confusion about the resignation date. The required notice-period is set out in the statement of terms and conditions of employment. As part of this process, the School will ask an employee for feedback on their decision to resign in order to improve its retention practices, where appropriate.

This policy was adopted by	Silverhill School & Day Nursery
Date	January 2019
Review date	January 2020
Name of signatory	Mrs Jenifer Capper
Role of signatory	Headmistress