



Staffing, Employment & Capability Policy

All adults working for Bottesford Bunnies Limited are committed to providing high quality care and education for the children.

Our primary concern is the safety and welfare of the children, and every member of staff is suitable for his or her role and responsibilities.

Educators have relevant qualifications to care for young children and at Bottesford Bunnies there is an on- going programme of training, Continual Professional Development (CPD), mentoring and assessments through peer observations to ensure that a high standard of care and education is maintained at all times.

The Early Years Foundation Stage (EYFS) Statutory Framework states,

“Providers must ensure that people looking after children are suitable, they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. Providers must take appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced. Providers must also ensure that any person who may have regular contact with children (for example someone living or working on the same premises the early years provision is provided) is suitable” (DfE 2025: 3.13)

IMPLEMENTATION OF THE POLICY IN BOTTESFORD BUNNIES

The Director/Manager, Clare must ensure that:

- Parents are aware of the policy for recruiting suitable persons to work for Bottesford Bunnies Ltd
- All the adults who care for the children understand the Statutory Framework (DfE 2025)
- Any educator providing care and education have relevant up to date childcare qualifications and experience or are undergoing training relevant to their roles.
- Educators are offered support and coaching to further their qualifications and to develop their skills, knowledge and expertise in childcare, as part of their continual professional development. This will include implementing an on-going action plan to develop the skill base of the educators along with termly supervision meetings and mentoring meetings where appropriate
- The safety and welfare of the children is paramount in recruiting early years educators, and when students and volunteers are accepted to work for Bottesford Bunnies Ltd.

- All educators employed to work at Bottesford Bunnies are vetted for their suitability to work with children in accordance with the Protection of Children Act and the DfE requirements. This is also in line with the statutory guidance for the Early Years Foundation Stage (DfE 2025)
- Any adults who have not been DBS (Disclosure Barring Service) checked, will be accompanied by a member of staff at all times. This includes all visitors, suppliers and entertainers. Students and volunteers working at Bottesford Bunnies will be supervised at all times.
- All educators working at Bottesford Bunnies are physically and mentally fit to care for children (a health form is completed annually) although reasonable adjustments will be made, where possible in accordance with the Disability Discrimination Act in the event an existing educator notifies the Director/Manager Clare/Deputy Manager of a physical disability or condition, which may impact their care of the children - see Equality of Opportunities Policy.
- The care and education provided at Bottesford Bunnies is consistent, safe and meets the individual needs of the children.

The Director/Manager holds a relevant and up to date childcare qualification (DPP or NVQ level 3 minimum) or other relevant qualification, which enables him or her to carry out the role competently. Bottesford Bunnies has a Room lead who carries out this role.

- Has at least 2 years' experience in caring for children.
- Is responsible for the everyday leading of the team at Bottesford Bunnies and meets the requirements of Suitable Person as stipulated in the Early Years Foundation Stage Statutory Guidance (DfE 2025)
- Ensures that all educators, students and volunteers are aware of the code of conduct for Bottesford Bunnies and that this is adhered to at all times.
- 'The provider must ensure there is a named Deputy who in their judgement is capable and qualified to take charge in the Director/Manager's absence'. (DfE 2025: 3.44) Bunnies has a Deputy Manager.

RECRUITMENT

Bottesford Bunnies adheres to all current employment legislation throughout the recruitment process.

When recruiting suitable educators, we advertise both internally, using Facebook and if necessary, using Indeed, if no suitable candidates apply internally. We provide applicants with the job description along with the application form.

We welcome applications from all communities and applicants will be considered on the basis of their suitability for the post, regardless of their marital status, age, gender, culture, religious belief, ethnic origin or sexual orientation. Applicants will not be placed at a disadvantage by imposing conditions or requirements, which are not justified.

In line with the statutory EYFS framework, "Providers must ensure that staff have sufficient understanding and use of English to ensure the well-being of children in their care" (DfE 2025: 3.40)

We hold interviews for applicants who provide a satisfactory written application.

A minimum of 2 people, usually the Director/Manager, Clare and the Deputy Manager will be involved in the selection process.

The Director/Manager, Clare and Deputy Manager have undertaken Safer Recruitment training.

We ask applicants who are called to interview to provide the original certificate(s) of their relevant qualifications (not photocopies) and photographic identification.

We ask applicants to provide 2 referees who can confirm their recent experience of working with children. These referees will be contacted after any interview takes place.

At interview, we check that applicants know and understand the requirements of the Early Years Foundation Stage, taking into account the roles and responsibilities of the post.

We check that applicants understand the needs of the children and that they have an understanding of safeguarding and equal opportunities issues.

Applicants will be invited to plan and carry out an adult led activity with a small group of children to observe how they interact with and engage the children, should the position warrant this (pandemic permitting)

All decisions in regard to shortlisting applicants will be recorded and stored securely on the setting premises, for a minimum of 6 months.

Bottesford Bunnies will undertake a full criminal record check, using the Disclosure Barring Service (DBS) prior to commencement of employment.

New educators will receive a full induction (to include organisational policies and procedures) within the first week of employment. Educators will be asked to sign and date a completed induction checklist, given an induction booklet and sign a confidentiality agreement, explaining data protection and a safeguarding induction will be carried out.

All educators will receive a contract of employment within the first month (with a review date) of employment and an employee handbook, along with a health and safety handbook. Mentoring will take place, as and when necessary.

STAFFING

Team meetings are held on a monthly basis and all educators are expected to attend. Absences from these meetings can only be authorised with prior discussion, with the Director/Manager Clare.

Educators are able to approach the Deputy Manager /Director/Manager, Clare with concerns at any time. They will also have the opportunity at Team meetings to discuss and contribute in a positive manner.

Educators are expected to conduct themselves in a professional, courteous, helpful, warm and consistent manner at all times. (This includes social media) – see safeguarding policy and procedures.

Educators are expected to display both knowledge and understanding of multi-cultural issues and commitment to treating all children as individuals with equal concern and respect (See Equality of Opportunities Policy)

Educators are responsible for maintaining the organisation's dress code and personal appearance for working with children.

Personal mobile phones MUST be kept in the office at all times, as per the Safeguarding Policy and procedures.

Emergency telephone calls only must be made and received in the office on own personal phone or through the Pre-School's main telephone number. Educators are entitled to breaks within their working hours and these are organised by the Director/Manager and or Deputy Manager. All educators are expected to adhere strictly to the organisation's policies and procedures at all times.

Smoking/vaping, drinking or use of drugs on the Pre-School premises is strictly forbidden. The EYFS Statutory Framework states, "Staff members must not be under the influence of alcohol or any other substance which may affect their ability to care for children. If a practitioner is taking medication, which may affect their ability to care for children, they should seek medical advice. Practitioners must only work directly with children if the medical advice received confirms that the medication is unlikely to impair that person's ability to look after children properly. All medication on the premises must be stored securely, and out of reach of children, at all times" (DfE 2025: 3.28) If staff take medication whilst on the premises working, this must be recorded. Medication is discussed as soon as possible and at termly supervision meetings, if necessary.

In the event of illness, educators are expected to telephone the Director/Manager, Clare after 7 am on the first morning of absence, using the mobile number given. They must then contact the Director, /Manager Clare each following day to inform them of their absence until their return to work. If Educators are due to work at breakfast time, they must contact the Director/Manager Clare as soon as possible to advise of sickness. Educators should take holidays during school holidays, however, should a holiday i.e., 1 or 2 days be requested in term time, a holiday form must be completed and passed to the Director/Manager, Clare to consider. (A minimum of 2 weeks' notice must be given) If agreed, the educator must arrange their own cover, including breakfast and after 3.30pm if applicable and notify the Director, /Manager Clare. Longer holidays will only be agreed for exceptional circumstances. For 1- or 2-days holidays, the beginning and end of day rotas must be checked, and cover arranged, where necessary.

PREGNANT EDUCATORS

Educators are under obligation to notify the Director/Manager, Clare of their pregnancy, as soon as possible. The Director/Manager, Clare must undertake an initial risk assessment as soon as the educator has notified them of their pregnancy. The risk assessment should be reviewed regularly to take account of any changes in circumstances. Following risk assessments, educators should be informed of the potential hazards and preventative measures sought to reduce the risk. Where it is not possible to reduce the risk, alternative work must be found for the educator. The risk assessments must continue following the educators return to work, if they are, a nursing mother.

STUDENTS & VOLUNTEERS & APPRENTICES

At Bottesford Bunnies, we believe that placement for students and volunteers are a valuable opportunity to build experience whilst working within a childcare setting. However, the needs of the children are paramount and therefore the number of students and volunteers may be restricted on occasions.

Allocation of student and volunteer places are on a strictly 'first come, first served' basis and are at the discretion of the Director /Manager Clare/Deputy Manager. We support local secondary schools and allow children in Year 10 and Year 11 to attend the setting for up to 2 weeks on work experience. The pupils will never be left unattended and a visit or letter from the school will hold details of any pupils attending and their needs. Safety procedures will be shared with these pupils to ensure the safety of the children and staff in the setting and also of the work experience children.

All long-term students and volunteers must undergo a DBS (Disclosure Barring Service) check before beginning their placement.

Students and volunteers will be expected to adhere to the organisation's policies and procedures, adopt a professional manner and keep the code of confidentiality and as such, undergo an induction.

Students and volunteers must not be left alone with children at any time (including toileting)

Students and volunteers are not counted in the Pre-School staffing ratio, if they attend the Pre-School for a short period of time. Students, who are placed for longer periods, may be counted in our staffing ratios, provided they are 17 years old or over and we consider them to be competent.

We take out employers' liability insurance and public liability, which covers both students and volunteers.

Students and volunteers are expected to discuss their learning needs and course requirements with the Deputy Manager, who will liaise with the students' tutors to fulfil their requirements.

We communicate a positive message to students about the value of qualifications and training.

CONTINUAL PROFESSIONAL DEVELOPMENT (CPD)

We offer an on-going planned programme of training and coaching to enable educators to improve their skills and abilities and keep up to date with current initiatives/changes to legislation. Evidence of additional training and qualifications are held in staff records/training file.

We use regular supervision meeting so that educators have regular opportunities to discuss their individual training needs and CPD.

The EYFS statutory framework states,

“Providers must put appropriate arrangements in place for the supervision of staff who have contact with children and families. Effective supervision provides support, coaching and training for the practitioner and promotes the interests of children. Supervision should foster a culture of mutual support, teamwork and continuous improvement, which encourages the confidential discussion of sensitive issues” (DfE 2025: 3.34)

DOCUMENTATION

In accordance with the EYFS Statutory Framework, adults providing day care, looking after children or having unsupervised access to them are suitable to do so.

CHILDRENS ACT (2004) REGULATIONS RELATING TO OUR POLICY

Ofsted must be informed of any changes to the person in charge or to adults who live or work on the premises. OFSTED must also be informed of any factors that might affect their suitability to work with children.

Details of the names, addresses and telephone numbers of all staff and other persons who are regularly in unsupervised contact with children are kept on the premises.

All educators are required annually to complete a suitability declaration, to demonstrate that they are safe to work with children.

Mental health and wellbeing

Mental health and wellbeing is taken very seriously at Bottesford Bunnies and the full information can be found in the Mental Health & wellbeing policy.

CAPABILITY

This procedure covers the area where an educator's performance may be impaired or prevented through:

1. Incapability – because of sub-standard work, (determined by reference to, for example, the Job Description supervision/appraisal discussions)
2. Incapability – because of ill- health or disability.

This procedure does not apply where impaired performance relates to conduct rather than incapability. It is important to distinguish between an educator who is able but unwilling to improve, which is dealt with under our Disciplinary Procedure, and one who is willing but unable to improve, which is dealt with under this procedure.

This procedure applies to all staff employed by Bottesford Bunnies with the exception of probationary staff.

Key Principles

Dealing with Probationary Staff (Educators)

- Educators are subject to a probationary period of employment of 3 months.
- The Director /Manager should at the start of the employment, make it clear to the educator that continued employment after the 3 months probationary period is dependent on satisfactory performance and attendance. The capability procedure does not apply to probationary educators.
- The setting's Disciplinary Procedure details how probationary educators should be handled where unsatisfactory conduct or performance, including capability, applies.

Dealing with incapability due to sub-standard work

- Sub-standard work includes performance of duties, which fall below the required standard.
- The incidence of substandard work will be minimised through the effective recruitment, selection, induction and training of educators ongoing performance management is an essential feature in ensuring effective work performance. Regular, honest dialogue between Director/Manager, Deputy Manager and educators should help to resolve issues of sub-standard work without the need for formal procedures.
- The possibility of ill health or disability having an effect on performance should also be considered.
- An individual's circumstances must be considered when applying this procedure. Circumstances such as length of service, previous performance and changes in the workplace, must be taken into account.
- The standard against which performance is judged should be fully explained, be as objective as is possible and should relate to the job description for the role. Support and training should be provided to help rectify poor performance.
- No educator will be dismissed without prior warning that performance is substandard and the opportunity to improve, with appropriate support and training, made available. This will take place within agreed and reasonable timescales.
- If it is clear, following performance management reviews and appropriate training and support, that continuing in the current post will not result in the required improvements in performance the procedure outlined will be implemented.
- The educator will always be given the right to be accompanied at formal meetings by either a Trade Union representative or a workplace colleague.
- The decision to dismiss an educator can only be made by those with responsibility for recruitment and retention of staff.

Incapability due to Poor Performance – Procedure

In all cases where work or performance appears to be below the required standard, the Director /Manager should undertake all of the following steps:

- 1) Investigate fully the reasons for poor performance,
 - 2) Discuss with the educator his/her shortcomings and the standard required,
 - 3) Provide a reasonable time for improvement,
 - 4) Seek to agree the areas where improvement can be made and provide appropriate training, support and supervision.
 - 5) Monitor performance during at the end of the time set for improvement. Provide ongoing feedback to the educator.
 - 6) Where the required standard is still not reached at the end of the improvement period, other options must be considered before dismissal, for example, a further period in which to improve.
- In many cases improvement will not be instant and, depending on the nature of the job, and the effect the sub-standard performance has on the workplace, the counselling and training process should continue for a

reasonable period of time, beyond the monitoring period. This will also depend on the circumstances relating to the individual.

- A record of meetings held, the nature of poor performance, the standard required, and actions taken to resolve the problem must be kept and copied to the educator. The educator should be invited to comment on these.

Continuing problem of Poor Performance

If the counselling process described above does not bring about a rise in performance considered unsatisfactory, the Director /Manager should arrange a formal meeting. The educator will be entitled to be accompanied at this meeting by either a Trade Union representative or workplace colleague. The Director /Manager should chair the meeting and a representative of the management team should be present.

The purpose of the formal meeting is to establish as fully as possible:

- The nature of the sub-standard work and the effect this has on the operation of the service,
- The steps being taken to rectify the situation and their likely duration,
- Agreed written targets and objectives, including realistic dates for achievement, against which the educators' performance can be monitored and evaluated.
- Any other circumstances that may be affecting performance, for example personal or ill health/disability considerations.
- The steps to be taken following the meeting by both sides to bring performance to the required level.

Timescales for improvement

- Except in exceptional circumstances (e.g., in instances where the safeguarding of children is not met or when poor performance amounts to gross incompetence) no educator should be dismissed for sub-standard performance until all warning stages have been completed and a reasonable period should be allowed for raising performance to a satisfactory standard.
- The length of time allowed between formal hearings will depend on individual circumstances (see above) It is not necessary to wait until the expiry of each warning before progressing to the next level. The time between formal meetings will depend on a number of factors and the individual circumstances.
- Should performance continue to be sub-standard, consideration prior to dismissal should be given to

alternative employment

demotion

retraining

career counselling

Issuing Warnings

Following each formal hearing a warning should be given. If it is clear that the

required standard of performance has not been reached. The structure of warnings to be issued is as followed; -

1. First Level Warning – this warning will be held in file for a period of six months.
2. Second level Warning – this will be held on file for a period of 12 months.
3. Final Warning – this will be held on file for a period of 18 months.
4. Dismissal

Termination of Employment

- Ultimately, termination of employment may be the only effective way of dealing with incapability due to poor performance.
- If dismissal is inevitable, it shall be on the grounds of incapability, and following a formal hearing being given with the notice required under the educator's contract.
- The procedure to be followed for the final formal hearing is as outlined in our disciplinary procedure.
- The right to appeal against the decision to dismiss will be included in the letter to the educator.

Dealing with incapability due to ill-health or disability – Procedure

Incapability in this context describes an educator's inability to perform the duties of the job to the required standard on medical grounds.

The following procedure should be followed when dealing with educators suffering from long term sickness or disability, or educators who are incapable of performing their duties to the required standard due to frequent short-term sickness absence.

- An educator who has a medical condition or disability, as defined by the Equality Act 2010, will need to be treated in accordance with the requirements of the Act.
- The Equality Act defines as “A physical or mental impairment that has a ‘substantial’ and ‘long term’ negative effect on a person’s ability to do normal daily activities” The Act further defines ‘substantial’ as “is more than trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed” and ‘long-term’ as “12 months or more, e.g. a breathing condition that develops as a result of a lung infection”
- In addition, a person with a progressive condition (defined as “one that gets worse over time”) can be classed as disabled. A person automatically meets the disability definition of the Equality Act 2010 from the day they are diagnosed with HIV infection, cancer or multiple sclerosis.
- It is important to establish at an early stage whether or not an educator is ‘disabled’ as defined by the Equality Act 2010 in order to determine this we use Equality Act guidance issued by the HM Government Office for Disability Issues on “matters to be taken into account in determining questions relating to the definition of disability”

- If the Director/Manager is uncertain whether an educators' condition is a disability as defined by the Act, advice should be sought from the Local Authority.
- Under the terms of the Equality Act when a "disabled person (as defined by the Act) is put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled" an employer must "take such steps as it is reasonable to have to take to avoid the disadvantage". In practice this may mean reallocating an educator's duties. Altering working hours, providing specialist equipment etc.
- In many cases the likely duration of the illness and /or absence will be known and the educator's capacity to return to current employment will not be in doubt. In such cases it is still important for there to be regular dialogue between the Director/Manager Clare and the educator to check on progress.
- Wherever possible, the educator should be retained in employment and given the opportunity to recover and return to their full duties.
- Individual circumstances should be taken into consideration. However, the basic steps to be followed are:
 - 1) Discuss with the individual the problem preventing them from attending work or undertaking their duties to the required standard.
 - 2) Medical advice received from the relevant health professionals shall be discussed with the educator, and their views sought on the advice and the implications for their future employment.
 - 3) Consideration should be given to providing a period of easing back to work. This may take the form of providing amended duties or hours for a limited period, with the intention of returning the educator to the full requirements of the role at the end of this period.
 - 4) If it is established that the current employment is unsuitable on medical grounds notice will be given terminating employment.
 - 5) Where the duration of the illness or absence is uncertain, it is particularly important for the Director /Manager to maintain regular contact with the educator.
 - 6) The educator shall always be offered the right to be accompanied at formal hearings by either a Trade Union representative or workplace colleague.
 - 7) A series of formal hearings should be held, at which warnings will be issued if it is clear and educator's attendance remains unsatisfactory. The structure of warnings is detailed, earlier in this policy, Prior to each hearing the educator will receive in writing details of the concerns about their absence and any other relevant information.
 - 8) Following review hearings with educators, it is important that the manager writes to confirm the meeting, what was said and what has been agreed. It should be made clear to the educator that continued absence could result in the termination of employment.
 - 9) If it appears that all possible option short of dismissal have been exhausted, for example, return to work, reduced hours, early retirement on the grounds of ill health, a formal hearing should be set up. The procedure to be followed for this hearing is detailed in our Disciplinary Procedure.

References to other relevant policies:

- Communication & Working in Partnership Policy
- Confidentiality & Use of Records Policy
- Equality of Opportunity Policy
- General Data Protection Regulation Policy
- Health, Safety, Welfare & Hygiene Policy
- Mental Health & Wellbeing Policy
- Safeguarding Policy and Procedures
- Supporting Children at Pre-school with Medical Conditions Policy
- Employee Handbook

Policy Review

This policy is in line with the EYFS (DfE 2025)

This policy has been adopted by Bottesford Bunnies

Signed on behalf of the setting by:

.....Owner

Reviewed: June 2012

Reviewed by: Staff and Owners at meeting

Amended: 03.10.12

Next Review Due Date: June 2013

Updated January 2013 Updated April 2013

Reviewed and updated at staff meeting 11th September 2013

Reviewed and updated October 2014

Reviewed and updated November 2015 by Owner and Practitioners at Staff Meeting

Reviewed and updated at staff meeting July 2016

Next review July 2017

Reviewed and updated at staff meeting June 2017

Next review June 2018

Reviewed and updated by Owner, Manager and Staff – April 2018

Next Review Date – April 2019

Updated February 2019 by Clare Williams Owner

Reviewed and updated at staff meeting June 7th, 2019

Next review date June 2020

Reviewed and updated at staff meeting January 11th, 2021

Next review January 2022

Reviewed and updated at staff meeting January 11th, 2022

Next review January 2023

Reviewed and updated at staff meeting January 17th 2023, by Director, Manager, Deputies and Educators

Next review January 2024

Reviewed and updated at staff meeting February 29th, 2024, by Director, Manager, Deputies and Educators.

Next review February 2025

Reviewed and updated at staff meeting May 14th, 2025, by Director, Room Lead, Deputy Room Lead and Educators.

Nex review May 2026

Reviewed and updated at staff meeting June 17th by Director/Manager, Deputy
Manager and Educators
Next review June 2027