



Recruitment, Staffing & Employment Policy

This provision is committed to safeguarding and promoting the welfare of children and young people and expects all employees to share this commitment. We provide a high staffing ratio to ensure that children have sufficient individual attention and to guarantee care and education of a high quality. Our staff are appropriately qualified and are checked for criminal records through the Disclosure and Barring Service (DBS) by Capita Recruitment vetting service in accordance with Ofsted's requirements. Further guidance for DBS checks can be found from Ofsted at: -

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/651273/Disclosure and Barring Service DBS checks for childcare providers who register with Ofsted.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/651273/Disclosure_and_Barring_Service_DBs_checks_for_childcare_providers_who_register_with_Ofsted.pdf)

Current Guidance on 'Handling of DBS Certificate Information' from the Disclosure and Barring Service, updated 4th July 2018 can be found from Gov.Uk at:-

<https://www.gov.uk/government/publications/handling-of-dbs-certificate-information/handling-of-dbs-certificate-information>

The 'Handling of DBS Certificate Information' (July 2018) guidance should be read alongside the 'Revised Code of Practice for Disclosure and Barring Service Registered Persons'. Home Office November 2015. The Code of Practice is available at:-

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code of Practice for Disclosure and Barring Service Nov 15.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf)

Please see Dandelions DBS Procedure at the bottom of this Dandelions Recruitment, Staffing & Employment Policy.

Aims

To ensure that children and their parents are offered high quality care and education.

Methods

- To meet this aim, we use the following ratios of adult to child:
children aged one - 2 years of age: 1 adult: 3 children
children aged two - three years of age: 1 adult: 4 children
children aged three - five years of age: 1 adult: 6 children
children aged five - eleven years of age: 1 adult: 8 children

- A minimum of two staff/adults are on duty at any one time.
- We use a key person system to ensure that each child and family has a particular member of staff for discussion and consultation.
- We hold regular staff meetings to discuss children's progress, their achievements and any difficulties which may arise from time to time.
- We work towards offering equality of opportunity by using non-discriminatory procedures for staff recruitment and selection.
- All staff have job descriptions and person specifications which set out their roles and responsibilities.
- We welcome applications from all sections of the community. Applicants will be considered on the basis of their suitability for the post, regardless of marital status, age, gender, culture, religious belief, ethnic origin or sexual orientation. Applicants will not be placed at a disadvantage by us imposing conditions or requirements which are not justifiable.
- The Dandelions Manager holds an NVQ 3 in Early Years Care and Education or an equivalent qualification and a minimum of half of our staff hold the NVQ level 3 in Early Years Care and Education or an equivalent qualification.
- We only appoint unqualified staff if they agree to undertake a level 2 qualification within twelve months of joining Dandelions.
- We provide regular in-service training to all staff - whether paid staff or volunteers.
- Dandelions budget allocates resources to training.
- We provide staff induction training in the first week of employment or volunteering. The induction pack includes our Code of Conduct which staff and volunteers sign. Health and Safety Policy and Procedures, Child Protection Policy and Procedures and further policies and procedures are signed for after being read on the website.
- Parents will be informed of any changes to staff in the setting via the newsletter.
- We support the work of our staff by holding regular supervision meetings and appraisals.
- We are committed to recruiting, appointing and employing staff in accordance with all relevant legislation and best practice.
- We use Ofsted and Disclosure and Barring Service guidance on obtaining references and criminal record checks through the DBS via Capita Recruitment Service for staff and volunteers who will have access to children.

Recruitment

- To ensure equal opportunities, we place adverts for vacancies in places where all members of the local community will be able to see them (e.g. job centre, local paper).
- Our adverts make it clear that we welcome applications from all sections of the community.
- A person specification, job description and application form, with closing date, will be sent to everyone who asks for one.
- All documents will be asked to be returned by a given date.
- Applicants will be acknowledged and a short list drawn up for interviews, against the criteria laid out in the person specification.

- Successful candidates will be informed in writing of the date, time and place of interview. The interview will include a demonstration of an activity with a small group of children to take place at a mutually agreed time in the setting on a mutually agreed date prior to interview.
- The interview panel will consist of a panel of three people consisting of one of the Head Teachers, Manager and one of the Committee Members.
- The panel meet before the interview to agree their assessment criteria in accordance with the person specification. The panel identify any issues they wish to explore with each candidate based on the information provided in their application form and in their references.
- Interviews will be conducted following an agreed framework of questions by the panel, to ensure they are fair to all candidates.
- Responses will be judged on their suitability for the post. The interview will assess the merits of each candidate against the job description and person specification, and explore their suitability to work with children/young people.
- All candidates should bring with them documentary evidence of their right to work in the UK and their identity.
- Candidates should bring documents confirming any educational and professional qualification(s).
- A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for the personnel file.
- Candidates will be given the opportunity to ask questions at the end of the interview.
- All candidates will be notified by telephone at the end of the day if possible.
- Two written references may be taken up before or after interview, depending on circumstances (confirmed by telephone). Where a reference has not been obtained on the preferred candidate before the interview, once received it will be scrutinised and any concerns resolved satisfactorily before the person's appointment is confirmed. One reference should be from the current or most recent employer/line manager or HR (not from a colleague within the organisation).
- All new employees will complete an Induction prior to starting work in the setting.
- A three-month trial period will be agreed for all new members of staff.
- Contracts will be agreed and signed pending return of the DBS clearance.
- Staff DBS certificates are checked for suitability. The DBS numbers are recorded on the Managers computer which is password protected. Staff then hold their DBS Certificates.
- For posts requiring the post holder to work with highly vulnerable children, e.g. children with disabilities, consideration should be given to the need for an additional safeguarding (Warner) interview (as recommended in The Report of the Committee of Inquiry into Selection, Development and Management of Staff in Children's Homes (Warner, 1992)). The aim is to address areas that are more difficult to assess in the formal interview setting.

Further guidance on safe recruitment can be found from the Local Children Safeguarding Board (LCSB) at: -

http://pandorsetscb.proceduresonline.com/chapters/p_safe_rec.html

Disciplinary & Grievance Procedures

At Dandelions we have an open policy and it is to be hoped that any disagreements that do occur will be able to be dealt with informally by discussion.

However, where there is a more serious situation and the dispute cannot be resolved or where the Manager is dissatisfied with the conduct or activities of a member of staff, the following procedure will be followed: -

At every stage, the employee will be given at least five days' notice that a disciplinary hearing is due to take place with the time and venue and they will be informed that they can be accompanied by a colleague or union representative if they want. The panel will normally consist of the Dandelions Manager and Committee members.

1. Oral warning

- I. The employee will be interviewed by the panel who will explain the complaint.
- II. The employee will be given full opportunity to state his/her case.
- III. After careful consideration, if the warning is considered to be appropriate, the employee will be told: -

What action should be taken to correct the conduct.

The time given to rectify matters.

What training needs have been identified.

Any mitigating circumstances that may need to be taken into account.

What will happen if there is none or insufficient improvement.

A written record of the warning will be kept.

They may appeal against the decision within five days.

2. Formal written warning

If the employee fails to correct their conduct and further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning.

- I. The employee will be interviewed by the panel that will explain the complaint and be given the opportunity to state his/her case.
- II. If a formal warning is considered to be appropriate this will be explained and a letter confirming this decision will be sent to the employee.
- III. This letter will: -
 - a) Contain a clear reprimand with reasons.
 - b) Explain what corrective action is required and the time scale.
 - c) State what training needs have been identified.
 - d) Make clear any mitigating circumstances that have been taken into account.

- e) Warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice.
- f) Explain that s/he has a right to appeal against the decision.

3. Final written warning

If the employee fails to correct their conduct and further action is necessary, or if the original offence is considered too serious to warrant any initial warnings.

- I. The employee will be interviewed by the panel who will explain the complaint and be given the opportunity to state his/her case.
- II. If a formal warning is considered to be appropriate this will be explained and a letter confirming this decision will be sent to the employee.
- III. This letter will: -
 - a) Contain a clear reprimand with reasons.
 - b) Explain what corrective action is required and the time scale.
 - c) State what training needs have been identified.
 - d) Make clear any mitigating circumstances that have been taken into account.
 - e) Warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice.
 - f) Explain that s/he has a right to appeal against the decision.

4. Dismissal

If the employee still fails to correct his/her conduct, then: -

- I. The employee will be interviewed as before.
- II. If the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons and giving details of the right to appeal.

If the progress is satisfactory within the time given to rectify matters, the record of warnings in the individuals file will be destroyed.

Suspension

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are being made. These will consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. The investigations will be carried out as quickly as possible.

If there has been gross misconduct, then there may be instant dismissal. This could be because of:

- a) Theft or fraud.
- b) Ill treatment of children.
- c) Assault.
- d) Malicious damage.
- e) Gross carelessness which threatens the health or safety of others.
- f) Being unfit through the use of drugs or alcohol.

Appeals

At each stage of the disciplinary procedure the employee will be told that he/she has the right to appeal against any disciplinary action and that this appeal must be made in writing to the Committee within five days of the interview. If possible, the appeal hearing will be heard within ten days of receipt of the appeal. If possible a managerial staff member other than that on the original panel will be on the appeal panel. The panel will make every effort to hear the appeal as impartially as possible. The employee may take a colleague or union official to speak for her/him.

- a) The employee will explain why/s/he is dissatisfied and may ask questions.
- b) The Owner or Manager will put his/her point of view and may be asked questions.
- c) Witnesses may be heard and may be questioned.
- d) The Panel will consider the matter and make known its decision.

A written record of the meeting will be kept.

Grievance Procedure

If an employee is dissatisfied s/he will have the opportunity for prompt discussion with his/her immediate supervisor. If the grievance persists, a Management panel will be set up for the purpose of further discussion. The employee may be accompanied by a colleague if s/he wishes.

The employee has the right to appeal to the Committee. The employee may be accompanied by a colleague or union official.

The ACAS Disciplinary and Grievance Procedures will be followed by Dandelions. Further information can be found at: -
<https://www.gov.uk/disciplinary-procedures-and-action-at-work/how-disciplinary-procedures-work>

Dandelions DBS Procedure

The code of practice states that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information.

It also obliges registered bodies to make sure that a body or individual, on whose behalf they are countersigning applications, has a written policy.

Dandelions follows DBS guidance in regards to the secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information.

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Dandelions complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

DBS Storage

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

DBS Certificate information numbers are kept securely, on a password protected computer (after the certificates are checked for suitability) with access strictly controlled and limited to Management who are entitled to see it as part of their duties.

DBS Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

To note: those registered care homes which are inspected by the Care Quality Commission (CQC), those organisations which are inspected by Ofsted and those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW) may be legally entitled to retain the certificate for the purposes of inspection.

In addition, organisations that require retention of certificates in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits may be legally entitled to retain the certificate. This practice will need to be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR), and incorporated within the individual organisation's policy on the correct handling and safekeeping of DBS certificate information.

DBS Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

DBS Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

DBS Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

References

ACAS., 2017. *Disciplinary procedures and action against you at work* [online]. London: Crown Copyright. Available from: <https://www.gov.uk/disciplinary-procedures-and-action-at-work/how-disciplinary-procedures-work> [Accessed 14th November 2017].

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