

## First Steps (Bath)

### TERMS AND CONDITIONS OF EMPLOYMENT

November 2022

The following terms and conditions apply to all staff employed by First Steps

#### 1. Pay

- 1.1. The Bath and North East Somerset (BANES) pay scale is used for all permanent appointments.
- 1.2. The Trustee Board will decide an appropriate level of any cost-of-living increase to the pay scale, annually, for implementation normally with effect from 1st April of that year.
- 1.3. Staff will normally be appointed on the lowest point of the pay scale unless they are employed to take on designated additional responsibilities – e.g., Graduate Leader.
- 1.4. Following a full year's employment with First Steps, subject to a satisfactory annual appraisal, annual increments will be payable on the 1<sup>st</sup> April each year, until the maximum for the grade is reached
- 1.5. Salaries are paid (after deductions for tax, NI etc.) monthly from the 1<sup>st</sup> of the month to the end of the month on the last business day of each month, by credit transfer to the employee's nominated account.
- 1.6. First Steps will be entitled at any time during your employment and in any event when your employment ends to deduct from any other sums owed to you by First Steps (Bath) (or paid to you on the termination of your employment including but not limited to any payment in lieu of notice made to you) any monies from you including, but not limited to;
  - Outstanding loans
  - Advances
  - Overpayment of wages
  - Cost of repairing damage or loss to property caused by you
  - Repayment of First Steps childcare fees
  - Cost of any training & development courses provided to you by First Steps (Bath) in the last 6 months.

Term time only staff are paid for 39 weeks per year. This includes our 3 inset days and 2 additional days out of our published term time dates.

#### 2. Working hours

- 2.1. The standard/maximum working week is 37½ hours.
- 2.2. The standard working day is 7½ hours (excluding ½ hour lunch break – see 3.1)
- 2.3. The hours will normally be worked at agreed times between 7.45 a.m. and 6.15 p.m. Monday to Friday, but evening or weekend work may be required on occasions
- 2.4. Staff working part time will be paid pro-rata, as a proportion of the standard working week

- 2.5. Staff will be entitled to claim Time off in Lieu (TOIL) for additional hours worked, provided these have been agreed in advance by their line manager. However, TOIL should not be accumulated in large quantities – it should be taken or booked by the end of the following month
- 2.6. Payment for temporary additional hours can only be agreed by a member of the Senior Management Team, and will only be considered if the hours are essential to meet the needs of the service
- 2.7. Any request for a permanent change to working hours must be put in writing and will be considered by the Senior Management Team in the context of the needs of the service. All permanent changes must be agreed by the Chief Executive.

### 3 Meals and breaks

- 3.1 All staff working more than 6 hours **must** take an unpaid lunch break within their working period (i.e. not at the beginning or end of their working hours). Staff working six hours or less may take an unpaid lunch break if they wish to do so, with the agreement of their line manager.
- 3.2 The standard lunch break is 30 minutes. Staff who wish to have a longer (or exceptionally, shorter, subject to the statutory minimum of 20 minutes) unpaid lunch break may do so with the agreement of their line manager.
- 3.3 All staff working four hours or more may take a short (10 minutes) break within their working time, and staff working seven hours or more may take two short (10 minutes) breaks – one before lunch and one after lunch. As these breaks are in paid working time the following conditions apply:
  - The timing of the break is at the manager's discretion
  - A break must be taken within the half day to which it relates. It cannot be carried over, accumulated, or added to lunch time or any other breaks
  - Staff must remain on (or at the perimeter of) the premises, to enable them to be recalled to work in an emergency
  - Exceptionally (e.g. in extreme staff shortages) it may not be possible for breaks to be given
- 3.4 Staff can buy a cooked lunch at First Steps children's centres provided they have ordered it from the Meal Service the day before. Lunches ordered must be recorded and payment will be collected through payroll the following month.
- 3.5 Staff will not be charged for tea, coffee or squash purchased by First Steps and consumed at work.

### 4 Expenses and uniform

- 4.1 Necessary expenses incurred in the course of work, e.g., fares, mileage, parking etc. may be claimed on the appropriate form with receipts attached, at the rates currently in use by B&NES. Expenses must be approved by managers.
- 4.2 Staff wishing to claim mileage must have insurance cover for business use
- 4.3 The expenditure must be authorised by the line manager in advance and must be claimed by the end of the month after the expense was incurred. Reimbursement will be made monthly as an addition to pay.
- 4.4 The first **four** items of uniform (two for staff working 0.5 FTE or less) will be provided free to staff – additional items will be charged at cost. After a year's service one free replacement item of uniform will be provided to staff each April.

### 5 Annual leave

- 5.1 The annual leave entitlement is 24 standard days + 8 bank holidays (pro rata for part time staff – see section 12 for information on pro-rata calculations)
- 5.2 The leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. Staff starting mid-year will be given a pro-rata allowance of one twelfth of their annual entitlement for each **full** calendar month that they are in post. Staff who are still in their probationary period will not normally be entitled to take more leave than they have accrued up to that point.
- 5.3 Following three full years' employment with First Steps, the annual leave entitlement will rise to 25 days on the 1<sup>st</sup> April, and will increase by one day per year annually thereafter, until the maximum of 30 days is reached.
- 5.4 Requests for annual leave should ordinarily be agreed at least a week in advance by the line manager. At peak holiday times, longer notice periods may be required by Senior Managers, up to twice the length of the time being requested (e.g. 4 weeks notice for 2 weeks leave). They will need to consider staffing levels within the service before agreeing leave.
- 5.5 First Steps closes between Christmas and New Year. Staff will be required to use annual leave to cover the working days (not bank holidays) over the closure period.
- 5.6 Staff who do not use all their holiday entitlement during the year may carry over up to five days (pro-rata for part-time staff) into the subsequent year.
- 5.7 If staff fall sick while on annual leave, they must inform their line manager within the normal timescales; the time will be recorded as sick leave (on their contracted workdays) and the annual leave lost will be reimbursed to them on production of their doctor's note or self-certificate.
- 5.8 Term-time staff must take their paid holiday entitlement in weeks during nursery holidays. Additional unpaid (holiday) leave is also not normally permitted in term-time, unless otherwise agreed in writing by the CE. Holiday will be calculated as with all year-round staff this will have the effect of enhancing pay and shown as a separate element on pay slips. If you leave partway through a year any excess holiday taken and paid for the period will be adjusted in your final salary. If a bank holiday falls within a normal contracted working week, (1<sup>st</sup> bank holiday in May) staff will be required to work an alternative day as this will have already been paid. Term Time staff may be expected to undertake statutory, mandatory, or professional training during school holidays, if required for the effective performance of their duties, for which paid time off at a later date will be granted

## 6 Staff Lateness

- 6.1 Employees should report to their line Manager or most Senior staff member on site if they are going to be late, this should be done as soon as possible via telephone and then in person when they arrive on site.
- 6.2 Any employee who is late will be expected to make up the lost time such as reducing break time or coming in early on another day as requested by the Manager.
- 7 6.3 Staff lateness will be managed through the 'Staff Attendance Policy'

## 7 Sick leave

- 7.1 Staff who are ill must phone in to their line manager at least ½ an hour before the time they are due to start work (or by 9 a.m., which ever is the earlier), and on each subsequent day until or unless covered by a doctor's certificate. They must report

to their line manager on returning to work. (Please note that Environmental Health require that staff who have had sickness and/or diarrhoea are not permitted to work with children or handle food for 48 hours after their last episode.

- 7.2 Following three full working months' employment (six months for staff graded senior manager or above) and confirmation in post at the end of their probationary period, staff will become entitled to sick pay from First Steps as set out below.
- 7.3 Staff will be paid for the first 10 working days of self certificated illness in the year 1<sup>st</sup> April to 31<sup>st</sup> March (pro-rata for part-time), less any Statutory Sick Pay payable.
- 7.4 Staff who are ill for longer periods will be paid up to a maximum of 20 working days in the year, provided that at least 10 working days are covered by a doctor's certificate.
- 7.5 Staff will be entitled to Statutory Sick Pay in accordance with current regulations, for any periods not covered by First Steps sick pay.
- 7.6 Staff who have exhausted First Steps sick pay may elect to use annual leave rather than be on SSP only. The sickness must still be recorded and certified and SSP will form part of the payment. Their annual leave form also needs to be completed.
- 7.7 Staff on long term sick leave will be supported to claim any benefits they may be entitled to.
- 7.8 Staff who have not taken any sick leave during a quarter (as at quarter end date – 30<sup>th</sup> June 30<sup>th</sup> Sept, 31<sup>st</sup> Dec, 31<sup>st</sup> March) will be entitled to half a 'rest day' (3.75 hrs, pro-rata for part-time). This should be taken within the following quarter at a time agreed with the line manager and can be added to TOIL or annual leave. Term Time only staff who have not taken any sick leave during the term (Xmas, Easter, and Summer term) will be entitled to a half day rest day.
- 7.9 Staff are entitled to take paid time off work to attend doctor's or dentist's consultations; (this excludes treatment) however they should arrange these at the beginning or end of their working day wherever possible. Or on their nonworking day for part time staff.
- 7.10 Staff attendance will be managed through the 'Staff Attendance Policy and Procedure (Short- and Long-Term Absence)'. Staff are expected to comply with the requirements of the policy, including undergoing independent medical assessments when deemed necessary.
- 7.11 We reserve the right to amend or withdraw discretionary sick pay (pay in addition to statutory sick pay) where performance or conduct concerns have been raised, or where you are subject to capability or disciplinary procedures.

## 8 Carer's leave

- 8.1 Staff who are the **primary** carer for a child under 16 or a dependent (i.e., disabled or elderly/infirm) adult may claim up to five days carer's leave (pro rata for part time staff) in the year 1<sup>st</sup> April to 31<sup>st</sup> March in the following circumstances:
- The care is necessary in an emergency (an emergency being first day of illness to arrange alternative care (Annual leave or TOIL should be used for a child's routine doctor's visits, hospital or other appointments).
  - There is no-one else able to care for the dependent child/adult.
- 8.2 Staff who need to take carer's leave must phone in to their line manager 30 minutes or more before the time they are due to start work. They must report to their line manager on returning to work.
- 8.3 Wherever possible staff should have back up arrangements in place so that they do not need to request carer's leave in excess of the maximum amount. However, if in an emergency staff do need to take further carer's leave, the manager can authorise this as (unplanned) annual leave, **provided the conditions for carers**

**leave are met.** The carer's leave request form should still be completed. (At all other times, annual leave must be planned and authorised in advance).

- 8.4 Maternity, paternity, and adoptive parents' leave are given in accordance with current employment legislation.

## 9 Parental Bereavement Leave and Pay

- 9.1 This is a statutory leave which allows parents of children under the age of 18 and with 26 weeks continuous service an entitlement of 2 weeks paid leave (pay is subject to earnings being above the lower earnings limit). Staff have 56 weeks from the date of death to take the leave. Staff who have a still birth at 24 weeks or more are also entitled.

## 10 Special leave

- 10.1 Special leave may be authorised by the Chief Executive in exceptional circumstances. This could be paid or unpaid. Examples might include:
- Compassionate leave for a close family bereavement
  - Study leave for accredited qualifications
  - Attendance at court hearings as a witness or for jury service
  - Unpaid extension to annual leave to enable international travel

## 11 Team Meetings and Staff Training (Inset) days

- 11.1 Staff are required to attend regular team meetings and three First Steps staff training days per year.
- 11.2 If team meetings cannot take place at a time when all members are working, the day will be rotated to spread the inconvenience for staff that would not normally be at work.
- 11.3 Staff are entitled to claim TOIL for attendance at team meetings or staff training days outside their normal working hours. They may also claim childcare costs with a registered childcare provider, on production of a receipt.
- 11.4 Staff will also need to attend other training courses as required by the service and as part of their own professional development. These will be agreed with their line manager and as part of First Steps overall training and development plan.
- 11.5 Staff have an entitlement to relevant training in addition to the 3 First Steps training days.
- 11.6 Staff who attend 83% (10 out of 12) staff meetings held out of opening hours are entitled to half a day toil.

## 12 Staff childcare places

- 12.1 Staff who require childcare places to enable them to work will be given priority for a place by First Steps (Bath).
- 12.2 Staff children will be accepted from the age of 6 months, though staff are expected to work in a different setting or room than their child wherever possible.
- 12.3 Staff on maternity leave who agree to work 'Keeping in Touch' hours, will be offered childcare vouchers to cover the hours for use in First Steps provision.
- 12.4 To allow Managers to plan staffing around busy times staff children may on occasions be allowed to attend for paid sessions outside normal sessions. In these circumstances flexibility of provision will be offered to staff when occupancy permits,

– e.g., to increase their childcare place to work additional hours, or to have different session times when their child is settling in to school.

- 12.5 Staff childcare discount of 50% is available for child/ren up to a maximum of 37.5 childcare hours per week in total. Bank staff are required to work a minimum of 10 hours a month to qualify failure to work the 10 hours will result in the discount being removed for that month. If a staff member is off on long term sick of more than a 4-week period the discount will be removed from week 5, this does not form part of statutory rights. Staff who go on maternity leave will continue to receive this discount for the period of maternity leave. There is no qualifying period for this discount. The discount does not apply to meals or resources charge if applicable or any other charges. This discount is for a staff member who is the parent or legal guardian.
- 12.6 Payment for childcare will be through deductions from pay – this has the effect of an employer childcare voucher scheme – i.e., the fees are exempt from tax. The exception to this is if the deduction means the employee earnings reduce to below the National Living Wage or their weekly earnings after the deduction mean the earnings fall below the Lower Earnings Limit.
- 12.7 In the event of an emergency within the service and as a last resort staff may be asked to work in their non working time. If staff have no alternative childcare, childcare this will be free of charge, subject to availability in the service.
- 12.8 Staff will be supported to claim their full entitlement to benefits through [Childcare Choices website](#).
- 12.9 Staff may apply for free meals through the same application process as other parents.

### 13 Retirement and Pension arrangements

- 13.1 There is no longer a ‘normal retirement age’ for staff employed by First Steps (Bath) – staff will be asked about their future plans in the context of annual appraisals and setting objectives for the year ahead.
- 13.2 First Steps (Bath) has a defined contribution pension scheme with ‘The Pensions Trust’. If eligible (See auto-enrolment rules) staff are opted into the scheme from the start date of their employment. Staff not automatically enrolled can also opt in at any time.
- 13.3 Membership of the scheme is entirely voluntary, and staff can opt out at any time.
- 13.4 Staff joining the pension scheme will have 5% of their gross normal pay deducted through payroll as their contribution.
- 13.5 First Steps (Bath) will match this with a 5% employer’s contribution into the scheme.
- 13.6 Retirement benefits are payable if staff have joined our pension scheme – this provides for staff to select their own retirement age (for the purpose of receiving pension benefits) between the ages of 55 and 75.

### 14 Pro-rata calculations for bank holidays and part time staff

- 14.1 Pay, annual leave, bank holidays, training entitlement and maximum limits for sick leave and carers leave are all calculated pro-rata for part-time staff, i.e. as a proportion of the standard working week. *Example: a person working 15 hours a week works 40% of 37.5 hours; therefore, they are entitled to 40% of the pay/benefits/ maximum limits for sick pay and carer’s leave.*
- 14.2 First Steps choose to pay staff for bank holidays (this is not a statutory duty), to make the system fair to all staff we use a mechanism that divides the hours that account for a bank holiday across the working week. This means that in a week

containing a bank holiday, a part-time member of staff should work four fifths of their normal hours. Adjustments should be made through additions or deductions to working hours or to TOIL. A person whose working pattern does not include Mondays will have the same entitlement to someone who does. Example: someone works 20 hours per week Tues- Fri will have 4/5 of 20 which is 4 hours added to their holiday card. Someone who works 10 hours on a Monday and 10 hours on a Wednesday will have 6 hours taken off their holiday card for the Monday as their entitlement is 4 hours.

- 14.3 Leave and other entitlements will not be recalculated to take account of temporary additional hours worked. However, if there is a permanent change to hours worked, entitlements will be recalculated with effect from the 1<sup>st</sup> of the next month.

## 15 Policies and Procedures

- 15.1 Staff are required to familiarise themselves with and adhere to First Steps policies and procedures currently in force and contained within the staff handbook. These include:

### **Personnel policies**

- Staff Employment policy and procedure
- Code of conduct for staff
- Grievance procedure
- Disciplinary procedure

### **Operational policies**

- Safeguarding & Child Protection policy and procedure
- Equal opportunities and Anti-Discrimination policy and procedure
- Fire evacuation procedure
- Health and Safety policy and procedure
- Harassment & Bullying policy
- Confidentiality policy and procedure
- Complaint's procedure
- Environmental Sustainability policy
- Storage and disposal of records procedure
- Induction of students or volunteers, policy, and procedure

All policies and procedures will be reviewed by the Senior Management Team and Trustees at least once every year and will be updated when necessary.

## 16 Notice Periods

- 16.1 The notice required from staff leaving First Steps (Bath) is 1 calendar month. (2 calendar months for staff graded Senior Manager or above).

The notice that will be given to staff by First Steps (Bath) is:

- 1 week during the probationary period.
- 1 calendar month for staff who have less than five years continuous service.
- 2 calendar months for staff who have above five years continuous service or the statutory minimum (currently 1 week per year of service up to a maximum of 12) – which ever is the greater.

- 16.2 Notice must be given in writing and is effective from the date received by the employer or employee (or delivered to their address if not given in person).

## 17. Disclosure Barring Service

- 17.1 All staff are required to have a Disclosure Barring check
- A copy of their DBS number must be held on their HR file and database.
  - On receipt of a new DBS staff must sign up to the update service which will allow First Steps to complete checks annually during employment (Appendix 1DSB Consent Form), the cost of which can be reclaimed through expenses.

Approved by the Board of Trustees, 26<sup>th</sup> March 2007

Amendments approved by Board of Trustees 16<sup>th</sup> September 2014

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By: Roz Lambert, Chief Executive, First Steps (Bath)

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