



Barnardos



Human Resource Management in Early Years Services



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HUMAN RESOURCE MANAGEMENT IN EARLY YEARS SERVICES

Mary Byrne and Angela Canavan

Human Resource Management in Early Years Services

Mary Byrne and Angela Canavan

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Further information is available from organisations such as the Small Firms Association, NERA and IBEC.

Barnardos supports children whose well-being is under threat, by working with them, their families and communities and by campaigning for the rights of children. Barnardos was established in Ireland in 1962 and is Ireland's leading independent children's charity.

Barnardos' vision is an Ireland where childhood is valued and all children and young people are cherished equally.

Barnardos' mission is to challenge and support families, communities, society and government to make Ireland the best place in the world to be a child, focusing specifically on children and young people whose well-being is under threat.

CONTENTS

INTRODUCTION	1
SECTION 1: CONTRACTS OF EMPLOYMENT AND POLICIES AND PROCEDURES	5
PRINCIPLES GOVERNING EMPLOYMENT	7
What Does the Law Say?	
THE CONTRACT OF EMPLOYMENT	7
Types of Contract of Employment	
TERMS AND CONDITIONS OF EMPLOYMENT	9
Express Terms	
Implied Terms	
Custom and Practice	
Incorporated Terms	
CHANGES TO A CONTRACT OF EMPLOYMENT	10
RECORD KEEPING	11
Legislative Record Keeping and Forms	
The Employee File	
PERSONNEL POLICIES AND PROCEDURES	13
Definitions	
Siolta – The National Quality Framework for Early Childhood	
Education in Ireland	
Putting Policies Together	
Policy Development: Step by Step	
THE ESSENTIAL POLICIES	15
Absence Management Policy	
Bullying and Harassment Prevention at Work Policy	
Disciplinary Policy and Procedure	
Grievance Policy and Procedure	
Health and Safety Policy	
Recruitment and Selection Policy	
GARDA VETTING	20
The Processing of Applications	
Disclosure of Convictions	
Risk Assessment	
BEST PRACTICE ADDITIONAL POLICIES	23
Equality Policy	
Data Protection Policy	
Redundancy Policy	
Sick Leave Policy	
Work Life Balance Policies	
OTHER PERSONNEL POLICIES	26
CHILDCARE POLICIES AND PROCEDURES	27

SECTION 2 EMPLOYMENT LAW	29
RECRUITMENT.....	30
Employment Equality Acts, 1998-2008	
Employment Permits Act, 2003 and 2006	
TERMS AND CONDITIONS OF EMPLOYMENT.....	31
Terms of Employment (Information) Acts, 1994 and 2006	
Organisation of Working Time Act, 1997 Section III (Holidays/Annual Leave and Public Holidays) and Organisation of Working Time Act, 1997 (Rest Periods)	
Organisation of Working Time Act, 1997 and Organisation of Working Time (Records) (Prescribed Form and Exemption) Regulations, 2001	
Payment of Wages Act, 1991	
National Minimum Wage Act, 2000	
Protection of Employees (Fixed Term Work) Act, 2003	
Protection of Employees (Part-Time Work) Act, 2001	
Pensions Act, 1990	
PRSAs (Personal Retirement Savings Account)	
TYPES OF LEAVE.....	39
Adoptive Leave Act, 1995 (as amended by the Adoptive Leave Act, 2005)	
Carers Act, 2001	
Juries Act, 1976	
Maternity Protection Acts, 1994-2004	
Parental Leave Act, 1998 and 2006	
Force Majeure Leave – Section 13 of the Parental Leave Act 1998 and Parental Leave (Notice of Force Majeure Leave) Regulations	
TERMINATION OF EMPLOYMENT.....	47
The Minimum Notice and Terms of Employment Act, 1973-2001 – Notice Periods	
Unfair Dismissals Acts, 1977-2007	
The Redundancy Payments Acts, 1967-2007	
HEALTH AND SAFETY.....	50
Safety Health & Welfare at Work Act 2005; Safety, Health & Welfare at Work (General Application) 2007	
Public Health (Tobacco) Act, 2002 (Section 47) Regulations 2003	
EMPLOYEE RECORDS.....	53
Data Protection Acts, 1998 and 2003 and Freedom of Information Act, 1997	
GOVERNANCE AND COMPLIANCE.....	53
The Charities Act, 2009	
THE NATIONAL EMPLOYMENT RIGHTS AUTHORITY.....	55
What Does NERA Do?	
Employment Compliance Bill, 2008	
SECTION 3 RECRUITMENT AND SELECTION	57
PREPARING FOR THE RECRUITMENT AND SELECTION PROCESS.....	59
JOB DESCRIPTION.....	60

PERSON SPECIFICATION	61
QUALIFICATIONS	61
ADVERTISING THE JOB	63
PROCESSING APPLICATIONS	64
PLANNING THE INTERVIEW PROCESS	65
THE INTERVIEW PROCESS	67
THE INTERVIEW	68
REFERENCES	69
GARDA VETTING	70
MEDICAL CHECKS	70
VERIFICATION	70
APPOINTMENT – CONTRACT OF EMPLOYMENT	71
COMPANY HANDBOOK	71
INDUCTION	71
PERSONNEL FILES	74
SECTION 4 TEAMWORK AND COMMUNICATION	77
THE ROLE OF THE MANAGER	79
Setting Objectives	
Analysing the Situation	
Planning	
Organising	
Directing	
Motivating	
Controlling	
Developing	
Management Skills	
Management Requirements	
LEADERSHIP	83
The Autocrat	
The Laissez-faire Style	
The Democrat	
Directing	
Coaching	
Supporting	
Delegating	
MOTIVATION	84
Differences in Motivation	
TEAMS	86
Team Roles	
Characteristics of an Effective Team	
COMMUNICATION	88
Process	

Relationship		
Environment		
Emotion		
Body Language		
Interference		
Checking It Out		
Communication Process		
Communication Systems		
SUPPORT AND SUPERVISION	90	
Why is Supervision Important?		
The Role of the Manager in Supervision		
Supervision Structures		
Manager and Staff Agree Broad Guidelines		
Supervision Policy		
Requirements of a Manager		
PERFORMANCE APPRAISAL	93	
STAFF TRAINING AND DEVELOPMENT	94	
DEALING WITH CONFLICT	95	
Negotiation		
MOTIVATING YOURSELF	97	
FINAL WORDS	99	
BIBLIOGRAPHY	101	
APPENDICES	105	
Appendix 1	Siolta Standards	106
Appendix 2	Guidelines On Bullying and Harassment Prevention At Work Policy	108
	Development	
Appendix 3	Guidelines On Discipline Policy and Procedure Development	110
Appendix 4	Guidelines On Grievance Policy And Procedure Development	112
Appendix 5	Guidelines On Recruitment And Selection Policy Development	113
Appendix 6	Guidelines On Equality Procedure In Relation To Employment Policy	114
	Development	
Appendix 7(a)	Sample Job Description - Childcare Worker	115
Appendix 7(b)	Sample Job Description - Childcare Manager	118
Appendix 7(c)	Sample Job Description - Senior Childcare Worker	122
Appendix 8	Sample Person Specification	125
Appendix 9	Sample Application Form	126
Appendix 10	Sample Letter (Structured Interview)	129
Appendix 11	Sample Interview Rating Form	130
Appendix 12	Sample Reference Check Questionnaire	131
Appendix 13	Sample Health Check Questionnaire	133
Appendix 14	Sample Contract of Employment Headings	135
Appendix 15	Sample Appraisal Form	137
SOURCES OF USEFUL INFORMATION	143	



INTRODUCTION



This is the 3rd edition of the publication *Human Resource Management in Early Years Services*, previously titled *Personnel Practice in Early Years Services*. Since the last edition the sector has experienced many changes, some of which have a significant impact on the employment of staff. Unfortunately the downturn in the economy has put pressure on many early years services with a sharp increase in the number of redundancies and shorter working time and a reduction of wages and benefits.

The introduction of the Early Childhood Care and Education (ECCE) free pre-school year has had major implications on contracts of employment where many early years workers have changed to term-time work. Employers have had to re-negotiate contracts of employment and terms and conditions as a result of this initiative. This scheme also requires that early years practitioners hold a basic recognised qualification by 2012 (FETAC Level 5).

The National Employment Rights Authority was established in 2007 to ensure that all employees receive certain basic employment rights. These rights are governed by a range of detailed employment legislation. Early years services throughout the country continue to be inspected to ensure that these rights are upheld. There has also been a marked increase in the number of services being inspected by the Health and Safety Authority to ensure compliance with health and safety legislation and of course the HSE Pre-School Inspection team continue their regular inspections. The Child Care (Pre-School Services) (No. 2) Regulations 2006 and the Childcare (Pre-school Services (No 2) (Amendment) Regulations 2006 deal with a range of employment issues. The Pre-School Inspection Team now inspect some personnel records and policies such as qualifications, references, Garda vetting policies and absence management policies. In December 2010, the National Standards for Pre-school Services was published and Standard 5 covers Organisation and Management.

The publication of a Workforce Development Plan for the ECCE sector is an exciting development in the sector and a key element of the Government's commitment to early childhood care and education and will support the development of a suitably qualified workforce. It will also support the implementation of the free pre-school year.

All of these developments will continue to add to the growing range of responsibilities impacting on employers within the ECCE sector.

So, being an employer is not an easy task. Apart from managing and developing your service, you are responsible for the children in your care on a day-to-day basis, working with their parents and last, but not least, your staff.

Employers must continue to be compliant with legislative requirements as well as promoting good practice.

Services should always work to ensure quality standards and best practice in all areas of childcare provision. *Siolta* – The National Quality Framework for Early Childhood Education in Ireland contains 16 national standards covering all aspects of service delivery and should be used by managers in the early years sector as a practical tool to help translate the vision of quality into the reality of practice.

Employers need time and resources to implement quality standards, but this should not inhibit them from striving towards achieving the highest quality childcare facility. Standards must also extend to the quality of staff employed and their working environments, facilitated and developed by you, their employer.

There are a number of ways that employers can ensure best practice and quality standards within Human Resources, and this guide should assist you in taking the first steps. Other means of ensuring quality might include benchmarking, quality marks, ISO 9000 and Excellence through People Awards.

Managing staff and the related employment legislation is a complex area of work. Early years services differ in terms of structure and delivery of services. However, the treatment of employees should not differ from service to service. Employees should be treated with respect, fairness, equality and concern for their well-being.

The appendices at the end of this publication provide policy development guidelines that employers can use as a guide to producing their own documentation. They should be viewed only as a starting point and should be adapted to suit the structure and profile of individual services. A bibliography containing useful resources and a contact list of sources of further information are also provided on pages 101 and 143. Updating and training yourself in all areas of legislation such as employment, health and safety and childcare is an essential requisite for employers, so make sure you keep yourself updated and abreast of changes or additions to these areas.

This publication is not a comprehensive guide to all areas of Human Resource Management. It is more an information resource to assist and guide in the broad range of issues pertaining to the employment and retention of staff.

The terms early childhood care and education and early years are replacing the earlier one of childcare driven by research that calls on the sector to recognise the importance of development in the early years. These terms are all used interchangeably throughout this publication.



CONTRACTS OF EMPLOYMENT AND POLICIES AND PROCEDURES

1

The employment relationship is based on the concept of a contract of employment between an employer and an employee. Any person who works for an employer for a regular wage or salary automatically has a contract of employment, whether that contract is written or not. A contract of employment may be expressed or implied orally or in writing. Since 1994, all employment contracts have had to be written. If an employee started employment prior to 1994 and only has an oral contract, they are entitled to a written one on request.

Legislation gives employees the right to a written statement of certain particulars of their terms of employment and provides employees a right to written grievance and disciplinary procedures.

Staff are crucial to the delivery of an efficient and successful early years service. They are required to respond effectively to the needs of children and their parents. It is, therefore, essential that employers keep themselves abreast of current developments in relation to their staff.

With the increasing levels of EU employment legislation, employees will continue to have more entitlements. It is imperative, therefore, that employers keep themselves briefed on current and potential legislation and ensure they develop contracts of employment and robust procedures compliant with employment law.

Clearly written contracts of employment and effective policies and procedures will ensure that all employees share a common understanding and expectation regarding their employment. These will clearly define entitlements and will provide step-by-step instructions regarding all areas of work.

An ethical approach to management promotes a more harmonious environment for workers and employers. It is recommended that an open and transparent management structure promotes good staff relations, job satisfaction and improves the quality of the service.

Management has a responsibility to staff to:

- Ensure respect for individuals and that no one is discriminated against on the basis of gender, marital status, family status, age, race, sexual orientation, religious belief, disability or membership of the Traveller community.
- Ensure good employment practices such as developing a recruitment and selection policy, providing job descriptions, having induction programmes and informing staff of their entitlements.
- Ensure that adequate materials and resources are available to staff, providing time and space to plan, review and evaluate curriculum/programmes for children.
- Keep up to date with legislation and trends relevant to the sector.
- Encourage trust and openness to enable staff to speak and act in the best interests of the children in their care and their families.
- Have clear and accessible policies and procedures and provide training where necessary.

This type of approach is reflected in the information outlined in the various sections of this guide.

While the focus of this guide is human resource management, it is worth mentioning that services should develop policies and procedures in other areas such as management and administration, childcare and health and safety. Suggestions for the development of policies and procedures in these other areas have been briefly included towards the end of this section. Adherence to all policies and procedures is integral to the work of all early years employees and this should be reflected in their contracts of employment.

PRINCIPLES GOVERNING EMPLOYMENT

What Does the Law Say?

Every employee has a contract of employment. It might be written down in a formal document, a letter of appointment or an employer-union handbook or agreement, or it might only be an oral agreement between the employee and the employer. Contracts entered into after 1994 must be in a written format.

Under Irish law, contracts of employment are subject to the Terms of Employment (Information) Act 1994-2001, Unfair Dismissals Act 1977-2007, the Payment of Wages Act 1991, and the Minimum Notice and Terms of Employment Act 1973-2005 (See Section 2 Employment Law).

- A contract should be in written form.
- A contract supports the relationship between the employer and the employee.
- The contract that an employer offers and an employee accepts will govern many aspects of their future relationship.
- The agreed terms of a contract are of major importance in determining the rights and duties of both parties.
- A contract will prove crucial in the event of disagreement between the parties.
- A contract must be given to an employee not later than two months after commencement.

THE CONTRACT OF EMPLOYMENT

A contract of employment is established when an offer is made by an employer and accepted by an employee. For the contract to be valid:

- There must be an offer and an acceptance.
- There must be some consideration (i.e. remuneration or pay) for the work done. Anyone who works for a regular wage or salary, therefore, must have a contract of employment.
- It must be lawful in its purpose.
- There must be an intention to create a legal relationship.

Types of Contract of Employment

There are essentially two different types of contract of employment depending on the needs of the service. A contract of employment may be:

1. For the provision of ongoing employment, i.e. **permanent** contracts of employment. This contract ends only by agreed notice being given by the employee or employer, or by resignation, dismissal, redundancy or retirement. This contract can be for full-time or part-time working hours.
2. **Temporary** contracts, issued for a **fixed-term**, e.g. a six months contract, or for a **specified purpose**, e.g. to cover another employee's maternity leave or to complete a particular job or project. This contract can be for full-time or part-time working hours.

There are specific rules in relation to both part-time and temporary contracts of employment, which aim to ensure that anyone who is employed on such contracts are not treated any less favourably than those employed on a full-time, permanent basis.

Part-time employees

A part-time employee is an employee whose normal hours of work are less than the normal hours of work of an employee who is, in relation to that employee, a comparable employee.

The law states that a part-time employee cannot be treated in a less favourable manner than a comparable full-time employee in relation to conditions of employment. All employee protection legislation applies to part-time employees in the same manner as it already applies to full-time employees.

A part-time worker may be treated differently than a full-time worker in the following **two** sets of circumstances:

1. **Objective Grounds:** A part-time employee may be treated in a less favourable manner than a comparable full-time employee where such treatment can be justified on objective grounds. The grounds for treating a part-time employee less favourably are based on considerations other than the status of the employee as a part-time worker. These grounds occur where less favourable treatment is necessary for the purpose of achieving a legitimate objective of the employer. It is not always clear what is or is not 'objective' and therefore constitutes 'objective grounds'. Many cases are taken to the Rights Commissioner, Labour Reconciliation Service and Labour Court to seek clarification. Therefore employers should always seek legal advice on any assessment of comparable employees and the application of less favourable treatment. In essence, part-time employees undertaking the same work as full-time employees should be treated the same in relation to terms and conditions of employment which are applied on a pro rata basis.

It is acceptable to have a differential between a comparable part-time and full-time employee if, due to length of service, a full-time employee has additional annual leave which would in time also apply to a part-time employee. Similarly, the same principle would apply to differentials on pay scales.

2. **Pensions:** The right not to be treated in a less favourable manner than a comparable full-time employee does not apply in relation to any pension scheme or arrangement to a part-time employee who normally works less than 20 per cent of the normal hours of the comparable full-time employee.

Fixed-term contracts

A fixed-term employee means a person who has entered into a contract of employment with an employer where the end of the contract is determined by an objective condition such as arriving at a specific date, completing a specific task or the occurrence of a specific event.

A fixed-term employee may be treated in a less favourable manner than a comparable permanent employee only where such treatment can be justified on objective grounds.

The law states that a fixed-term employee shall be informed in writing by his or her employer as soon as practicable of the objective condition determining the contract, i.e. whether it is:

- Arriving at a specific date.
- Completing a specific task.
- The occurrence of a specific event.

The law also states that where an employer proposes to renew a fixed-term contract, the employee must be informed in writing, not later than the date of renewal, of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a permanent contract of employment (see page 37 for more information).

TERMS AND CONDITIONS OF EMPLOYMENT

All contracts of employment, irrespective of whether they are for permanent or temporary staff, part-time or for full-time employees, need to contain certain minimum details in order to comply with legislation. The contract of employment contains what is known as the 'terms and conditions' of employment, and sets out the different rights and responsibilities of both parties to the agreement. A contract of employment contains express terms, implied terms and incorporated terms.

Express Terms

Express terms are those terms which have been clearly agreed between the employer and employee in a verbal or written agreement. This would include details regarding the nature of the job, the wages and hours of work, whether there is a sick pay scheme or pension.

The law requires employers to provide employees with a written statement of certain particulars of the employees' terms of employment within two months of commencing employment.

This written statement must include certain details, or terms, of employment. According to the legislation, the following terms **MUST** be included in the written statement:

- The name and address of the employer's registered office.
- The name and address of the employee.
- The place of work.
- Job title/nature of the work.
- Date of commencement of employment.
- The expected duration of contract (if temporary contract) or the date on which the contract will expire (if fixed term contract).
- Rate or method of calculation of pay.
- Pay intervals (e.g. weekly, monthly).
- Hours of work (including overtime).
- Statutory rest period and rest break entitlements. Employees should be asked to declare if they work for another employer to ensure compliance in relation to breaks.
- Paid leave.
- Incapacity for work due to sickness or injury.
- Pensions and pension schemes.
- Notice entitlements – Both employees and employers are obliged to give notice in the case of termination of employment. Employers must give employees minimum notice dependent on length of the employee's service under the Minimum Notice and Terms of Employment Act, 1973 (see page 47). If a greater amount of notice is specified in the employee's contract of employment, then this notice must be given.

- Collective agreements (if applicable).
- The written statement must be signed and dated by the employer not later than two months from commencement of employment. It is best practice to issue a contract prior to an employee taking up the position.

The statement must also indicate the pay reference period and inform the employee that they are entitled to ask for a statement of their average hourly rate of pay for any pay reference period falling within the previous 12 months.

Instead of providing some of the details outlined above in the written statement, an employer can use the statement to refer the employee to other documents containing the particulars, e.g. in the service's HR Policy Manual, provided that the document is reasonably accessible to the employee.

Implied Terms

Implied terms come from common law and place a set of duties on both employer and employee and are implicit in every contract of employment. An example of implied duties would be the employee's duty to be available for work.

Custom and Practice

Custom and practice means that through the behaviour of either the employer or the employee, the terms of the contract of employment are varied or changed. In other words, how things are done, rather than how things should be done according to the written contract, may take precedence in interpreting which action is legitimate under that contract.

A classic example of a custom and practice is a tea break. Such breaks may either not be provided for at all in a contract or, if they are provided for, are supposed to take only ten minutes. In reality there could be a tea break that no one has ever challenged and it takes fifteen to twenty minutes.

Incorporated Terms

Incorporated terms are those terms that are automatically incorporated into an employee's contract of employment from sources such as collectively bargained agreements (where there is a Trade Union), national agreements (e.g. the National Wage Agreements) or statutory requirements (e.g. the right to equal treatment and pay under employment equality law).

CHANGES TO A CONTRACT OF EMPLOYMENT

Changes to the contract of employment can occur due to a change in the law, e.g. where the statutory period of time for maternity leave is extended, and in this situation both employer and employee must comply with the law.

However, other changes to the contract of employment can occur over time and in this situation such changes must be agreed between the employer and the employee. Neither party can unilaterally decide to change the contract. Where such an agreement is reached, the employee must be given the details of change(s) in writing within one month of their coming into operation.

Things to think about...

Employers should ensure that:

- ✓ The contract (written terms and conditions) is given to the employee within two months of commencement of employment, preferably before the employee commences work.
- ✓ The contract type is clearly specified.
- ✓ Two original copies are signed by the employee and employer, one is held by employer, the other by the employee.
- ✓ Managers, supervisors and line managers are made aware of the terms of the contracts of employees under their supervision.
- ✓ Employees should also receive a written statement outlining the disciplinary/dismissal procedure which may be applicable (this can be outlined in a policy document – see final point below).
- ✓ Periodic reviews of the contracts of employment should be undertaken to ensure that they conform to actual conditions in the employment.
- ✓ Where changes occur in the contract of employment, the written contract itself should be amended accordingly or an addendum to the contract produced and signed by the employee.
- ✓ Disciplinary, grievance, and bullying and harassment prevention policies should accompany the contract.

RECORD KEEPING

Employees' files should be kept in locked filing cabinets and should be confidential. Best practice would advocate that staff have access to their own personnel files on request.

Information stored on computers and manual format in relation to staff is subject to the Data Protection Acts, 1988-2003 (see page 53). This Act also highlights the seriousness of the retention of employment records. Employers must ensure that information held about staff is adequate, relevant and not excessive. Employers should ensure it is held securely and confidentially and access to such information should be on a 'need to know principle' – only personal data necessary for the purpose should be collected and staff should only be able to access the personal data that they need to carry out their functions, for example Garda vetting forms. Information regarding staff should be retained for a specific time under the referring legislation and no longer than is necessary. Staff should be given access to information held about them on request. Early years services that use computers should have adequate access controls, firewalls and virus protection for computers.

Services should follow the principles of the Freedom of Information Acts, 1997-2003 (see page 53). Although it currently only applies to statutory bodies, services that have been successful in securing grants through the Office of the Minister for Children and Youth Affairs (OMCYA)/Pobal may be required to submit their records to comply with this Act.

Keeping simple and clear records is imperative with regard to any area of employment legislation – particularly grievance and discipline procedures. Managers should develop the practice of recording and writing up notes of meetings, matters discussed, and support and supervision sessions. Such records should be dated and signed as appropriate and placed on the employee's personnel file or on their support and supervision file, as appropriate.

Things to think about...

- ✓ Records should be clear and factual.
- ✓ They should be written in language that can be understood.
- ✓ Avoid making assumptions and concentrate on what was done and said.

Legislative Record Keeping and Forms

The following is a list of records that must be kept as required under legislation. Services should also be aware that there are time frames in relation to keeping records and substantial fines for non-compliance. Employers should refer to the Department of Enterprise, Trade and Innovation to get the most up-to-date information on timeframes and fines (see Sources of Further Information on page 143).

- Annual Leave
- Maternity Leave/ Adoptive Leave
- Parental Leave
- Force Majeure Leave
- Carer's Leave
- Sick Leave/Payment for Sick Leave records
- Public Holidays records
- Minimum Wage, if applicable
- Revenue Commissioners – payslips, P.30, P.65
- Record of working hours

The Employee File

There are many reasons to maintain accurate, reliable personnel records. Of obvious importance is the maintenance of payroll-related records used in calculating employees' pay and deductions such as income tax and levies. Personnel records are also needed for potential workers' compensation or unemployment claims; employee appraisal, promotion or dismissal actions; and insurance information.

An employee's personnel file should include the following (this list is not exhaustive):

- Staff information sheet – this includes name, address, contact details and next-of-kin for each employee
- Job description/person specification
- CV/application form
- Job offer letter
- References
- Copy of original qualifications
- Garda vetting forms
- Contract of employment
- P45 from last employer
- Appraisal forms
- Annual Leave request forms

- Sick Leave certificates
- Incident/accident reports
- Correspondence to and from the employee
- Probation reviews
- Any disciplinary warnings
- Correspondence to and from employee, e.g. regarding change of hours

PERSONNEL POLICIES AND PROCEDURES

Definitions

Policies

Policies are a set of principles intended to govern actions proposed by a service or individual on various issues. They help to ensure that a consistent approach is adopted in line with corporate values and legislative requirements and should be adopted throughout the service. They provide frameworks within which consistent decisions are made.

Procedures

A procedure spells out precisely what action is to be taken in line with policy and outlines the steps or the way of performing a task. A procedure can be seen as a series of actions conducted in a certain order or manner – the way of performing a task, steps to be taken and the manner in which they should be followed.

Procedures can reduce the need for waiting for decisions, they also provide consistency and autonomy, and improve management control.

Síolta – The National Quality Framework for Early Childhood Education in Ireland

Síolta was developed by the Centre for Early Childhood Development and Education – CECDE (subsumed into OMCYA). This National Quality Framework aims to facilitate the development of a quality system of early childhood education. One of its purposes is to act as a tool for policy development. Therefore, early years providers should use Síolta as a reference when developing all policies and procedures.

See Appendix 1 – Síolta Standards on page 106

Putting Policies Together

Managers should consider the following Síolta standard when developing policies for their service:

Standard 10: Organisation

Organising and managing resources effectively requires an agreed written philosophy, supported by clearly communicated policies and procedures to determine practice.

The development of policies and procedures should involve all the stakeholders. The stakeholders can include the Health Service Executive (HSE) pre-school inspection team, Board members, management committees, managers, staff, parents and children who are using the service. Services can also choose to consult with the Voluntary Childcare Organisations of Ireland or the manager can lead this process (an external consultant can be also be used as part of the process who will work with the stakeholders to

ensure that policies are developed for all areas of the business). The following areas are some suggestions:

- Personnel/Staffing
- Childcare
- Management and Administration
- Health and Safety
- Publicly funded labour market schemes, i.e. social economy, jobs initiative and community employment schemes.

Policy Development: Step by Step

Process	Action
Initiating	<ul style="list-style-type: none"> • Identify which policies are needed/wanted. • Make clear the need for the policy. • Get stakeholder approval, if required. • Identify people to work on the putting together of the policy documents. • Identify what the benefits are to the stakeholders.
Planning	<ul style="list-style-type: none"> • Define the tasks related to the development of the policies and procedures and put them in sequence. • Estimate the timeframe for the tasks to be completed. • Establish the working group (this group may compromise of some or all of the stakeholders). • Assign tasks and timeframes. • Agree possible number of meetings with regard to draft documents (agree a maximum number). • Identify any potential issues or risks that may impact on the process/ timeframe. • Agree how the final policy documents will be circulated and accessed by staff and other stakeholders where relevant. • Agree who will be responsible for the maintenance of the policies and procedures when finalised.
Executing	<ul style="list-style-type: none"> • Research information on policies and procedures, view sample policies and procedures. • Identify external expertise, if required. • Agree layout style and font format as the policies and procedures are under construction so that the draft documents submitted will be in similar format. • Agree how the final policies and procedures will be presented to the stakeholders.
Managing	<ul style="list-style-type: none"> • Draft policy and procedure documents – there is likely to be a number of drafts before the final documents are produced. • Agree changes. • Update timeframe of project process – check schedule. • Check that the policies and procedures are compliant with legislation where required.

<p>Managing (cont'd)</p>	<ul style="list-style-type: none"> • Check that the policies and procedures are in line with best practice within the relevant area. • Check that the policies and procedures meet the reality test – is it possible to actually implement the procedures outlined? • Check that everyone has the same understanding of the language used. • Finalise the tasks checklist. • Ensure all the stakeholders have an input into the policies and procedures.
<p>Finalising</p>	<ul style="list-style-type: none"> • Ensure the final policies and procedures are 'signed off' by the working group. • Ensure the final policies and procedures are 'signed off' by the Management Committee/Board of Directors/Proprietor. • Final document should be presented to the staff and other stakeholders. • Where necessary, training should be initiated. • Ensure that staff 'sign off' on the individual policies and procedures to say that they have read and understood them.
<p>Monitor and Review</p>	<ul style="list-style-type: none"> • Monitor the policies and procedures to ensure they are relevant, appropriate and meet the reality test now that they are in practice. • Consider having the working group meet twice a year to review the policies and procedures. Who has responsibility to ensure that any changes in legislation and/or best practice are highlighted so that the policies and procedures can be updated and amended?

THE ESSENTIAL POLICIES

What follows is a summary of key personnel policies that an early years service should have in place. These are either a requirement under employment law, a requirement of the HSE as part of their inspections or best practice. Employers should refer to the codes of practice developed by the Health and Safety Authority, Equality Authority and Labour Relations Commission when developing policies and procedures (see Sources of Further Information on page 143).

The essential key policies are as follows:

- Absence Management
- Bullying and Harassment Prevention at Work
- Disciplinary Policy and Procedure
- Garda Vetting
- Grievance Policy and Procedure
- Health and Safety
- Recruitment and Selection

Absence Management Policy

The HSE Pre-school Inspectors require that services have an Absence Management Policy in place. This is to ensure that there is always staff cover so that the service is maintained according to the child/staff ratios as set out in the Childcare (Pre-school Services) Regulations 2006. Services should have access to Garda vetted and suitable personnel who can be contacted at times of emergency.

Things to think about...

- ✓ The policy should clearly state that the service will not operate if the appropriate number of staff is not available.
- ✓ The Absence Management Policy should be linked to the Sick Leave Policy.
- ✓ The policy should clearly state who is available to provide cover – floaters, relief panel or agency staff.

Bullying and Harassment Prevention at Work Policy

A Bullying and Harassment Prevention at Work Policy clarifies to all staff that harassment or bullying of any kind will not be tolerated and provides a method of dealing with it, should it occur.

Sexual harassment is defined as any form of verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Examples of sexual harassment include sexual gestures, displaying sexually suggestive material such as pictures or sending suggestive or sexually explicit correspondence, unwelcome sexual comments or jokes or unwelcome physical conduct, such as unnecessary touching, pinching etc.

Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but as a once off incident is not considered to be bullying.

Employees should feel confident that they will be protected from harassment, sexual or otherwise, intimidation, victimisation or discrimination resulting from the reporting of harassment or assisting with any consequent investigation.

Codes of Practice

There are three codes of practice in this area of employment as it is referred to within three pieces of legislation. The Codes of Practice are designed to provide guidelines on arrangements, procedures and guidance generally on tackling workplace bullying, harassment and sexual harassment.

Code of Practice on the Prevention of Workplace Bullying made under the Safety, Health and Welfare at Work Act, 2005

This Code is under the remit of the Health and Safety Authority and outlines the procedures which should be in place in organisations so that the hazard of workplace bullying can be effectively and consistently addressed. It also provides guidance for employers, employees and trade unions on how to prevent a bullying culture from developing and identifies those responsible for its management and control.

Code of Practice detailing Procedures for Addressing Bullying in the Workplace made under the Industrial Relations Act, 1990

This Code is under the remit of the Labour Relations Commission.

Code of Practice on Guidance, Prevention and Procedures for dealing with Sexual Harassment and Harassment at Work made under the Employment Equality Act, 1998

This Code is under the remit of the Equality Authority.

Things to think about...

- ✓ You MUST have a Bullying and Harassment Prevention at Work Policy in place.
- ✓ A Bullying and Harassment Prevention at Work Policy is also applicable OUTSIDE of the actual workplace, e.g. at work-related events.
- ✓ Repeated, unwelcome gestures or comments could be considered bullying and harassment.
- ✓ Employees should know the policy exists and how they progress with any complaints.

See Appendix 2 – Guidelines on Bullying and Harassment Prevention at Work Policy Development on page 108

Disciplinary Policy and Procedure

A disciplinary policy is designed to help and encourage all employees to achieve and maintain high standards of conduct, job performance and capability. It aims to help employees whose performance or conduct falls below service requirements to achieve the necessary improvement. It is also used for dealing with misconduct, gross misconduct and allows for warnings to be given for failure to meet service standards of job performance, conduct and attendance.

There are a number of stages to go through, from informal through to formal, and it is very important that these stages and the process is adhered to.

Code of Practice

This code of practice relates to both discipline and grievance:

Code of Practice Grievance and Disciplinary Procedures. S.I. No 146 of 2000, the Industrial Relations Act, 1990 is the referring legislation.

Things to think about...

- ✓ You MUST have a Disciplinary Policy in place.
- ✓ You must adhere to the principles of 'natural justice' – this is a legal term that means, in simple terms, that the employer must apply fair procedures and act reasonably at all times.
- ✓ The Disciplinary Policy can be used for a number of different performance and conduct issues.
- ✓ Formal warning should never be issued without following due process and considering the employee's case.
- ✓ An employee has the right to appeal at any stage of the process – it is useful to become familiar with the appeal process.
- ✓ Employees must have the right to representation.

See Appendix 3 – Guidelines on Discipline Policy and Procedure Development on page 110

Grievance Policy and Procedure

Every employer is required, under law, to have a grievance policy in place. A grievance procedure provides the employee with an opportunity to resolve a genuine grievance about any aspect of their employment. A grievance procedure must be included with the employee's contract of employment or in an accompanying company handbook.

Code of Practice

This code of practice relates to both grievance and discipline:

Code of Practice Grievance and Disciplinary Procedures. S.I. No 146 of 2000, the Industrial Relations Act, 1990 is the referring legislation.

Things to think about...

- ✓ The grievance procedure should be clear, simple, fair and reasonable.
- ✓ An employee has a right to a hearing by their immediate supervisor or other management personnel if appropriate, and this should be conducted as speedily as possible.
- ✓ If an employee is unhappy with the outcome of the hearing then they should have the right to appeal to a more senior manager.
- ✓ An employee has a right to be accompanied by a colleague or appropriate representative at the hearing.
- ✓ In the event of a matter not being resolved at the internal stage then the matter should be referred through the usual industrial relations process.

See Appendix 4 – Guidelines on Grievance Policy and Procedure Development on page 112

Health and Safety Policy

Services should refer to the following Siolta standard when developing their Health and Safety Policy:

Standard 9 : Health and Welfare

Promoting the health and welfare of the child requires protection from harm, provision of nutritious food, appropriate opportunities for rest, and secure relationships characterised by trust and respect.

The Health and Safety Acts – Safety, Health & Welfare at Work Act, 2005 and Safety, Health & Welfare at Work (General Application) 2007 (see page 50) – aim to promote the health, safety and welfare of all in the workplace. They outline the roles and responsibilities of employers, employees and those who are self employed.

Management have a number of responsibilities, some of these are to:

- Prepare and display a written safety statement that complies with the legislation and renew it annually.
- Identify hazards, assess and prevent risks and review this as appropriate.
- Consult with employees on health and safety matters, making sure they are fully informed of all legislation.

- Ensure all appropriate staff are trained in the relevant areas.
- Report workplace accidents.
- Manage the workplace in such a way to ensure the safety, health and welfare of all employees.
- Design, provide and maintain a safe place of work.
- Report workplace accidents to the health and safety authority.

Employees also have responsibilities, some of those are to:

- Report any defects that may endanger health and safety.
- Not be at work under the influence of any intoxicant.
- Participate in health and safety training as required

It is important that the Service is compliant with the relevant legislation. The Safety Health & Welfare at Work Act, 2005 and the Childcare (Preschool Services) (No 2) (Amendment) Regulations, 2006 refer to the following:

- The Health and Safety legislation must be complied with.
- A first aid box **MUST** be kept according to the list provided in the Childcare Pre-school Services Regulations 2006 (and refilled as necessary).
- First Aiders, Fire Offers and Designated Child Protection personnel must be identified.
- You must display a health and safety statement.
- Risk assessment of both the indoor and outdoor of the early years service should be carried out regularly. Risk assessment regarding any activities should also be carried out such as outings with children.

Recruitment and Selection Policy

Children First emphasises the importance of organisations working with children adopting and consistently applying a safe and clearly defined method of recruiting and selecting staff and volunteers. Our Duty to Care also provides some useful information to support the development of a recruitment and selection policy.

A Recruitment and Selection Policy will provide the steps that a service will take when recruiting employees. It should include information on job descriptions and personal specifications, advertising, interviewing, referencing and Garda vetting (see page 20). Pre-school inspectors are now inspecting such policies. A good policy will ensure that recruitment is carried out in a fair, consistent and transparent manner and that it is underpinned by the desire to recruit the most qualified and suitable person for the job. The policy should comply with the Employment Equality Acts.

Recruitment and selection processes need to be thorough and comprehensive in order to ensure that all practitioners and volunteers recruited are suitable to work with children as well as having the particular competencies necessary for the roles involved.

Things to think about...

- ✓ A clear Job Description will outline the duties of the job.
- ✓ An effective Person Specification will clearly outline the qualities and qualifications required for the position.
- ✓ The Model Framework for Education, Training and Professional Development in the Early Childhood Care and Education Sector should be used as a reference to developing practitioner levels and job descriptions.
- ✓ It is good practice to advertise positions internally as well as externally.
- ✓ The short-listing of candidates should be carried out by at least two people. It should be done on the basis of agreed criteria that are linked to the requirements of job specification and which rank applications that most closely match the requirements of the role.
- ✓ In the case of owner-managed small services, it may be difficult to identify a second person to carry out short-listing and interviewing. It may be helpful for such services to seek the support from another provider through the network support group facilitated by the local childcare committee or through a childcare organisation of which you may be a member who are familiar with the early years sector.
- ✓ An interview panel should be set up and providers should never interview on their own. This may be difficult for small providers to arrange. It may be useful to set up an arrangement with another provider in this regard.
- ✓ The HSE Pre-school Inspectors now require two references for each employee. One should be from the employee's last employer. These should be available for inspection. References should be checked by telephone and in writing to verify the applicant's identity and to check their employment history, qualifications, experience and suitability for the role. References should be recent, relevant to the post and should not be provided by family members.
- ✓ It is important to ensure that written records of the short-listing process and interview assessments are kept for each candidate, along with any issues that arose at any part of the process. All documents should be kept for a minimum of twelve months.

See Appendix 5 – Guidelines on Recruitment and Selection Policy Development on page 113

GARDA VETTING

Early years services need to include Garda vetting in their Recruitment and Selection Policy.

The Childcare (Pre-school) Regulations 2006 require any person carrying on a pre-school service to ensure appropriate vetting of all staff, students and volunteers who have access to a child. This involves:

1. Checking employer references in respect of staff and checking reputable sources in respect of students and volunteers.
2. Seeking Garda vetting from An Garda Síochána.
3. In respect of applicants who have lived abroad, ensuring that these persons provide the necessary police vetting from other police authorities.

For students/employees/volunteers aged between 16 to 18 years, the guidance from the Gardai is they should be subject to Garda vetting only when they have substantial unsupervised access to children.

A Garda vetting parental consent form must be signed in relation to applicants in the 16 to 18 age bracket.

Employers must ensure that the identity of the applicant is confirmed against an original (not a photocopy) official documentation (such as a driving licence or passport), which includes the applicant's name, address, date of birth and a photograph. This should be compared with the written application.

The Processing of Applications

The processing of applications by the Garda vetting unit can take some months, which can be challenging for services. However, the Regulations and best practice from a child protection perspective require that services complete vetting prior to any person being appointed or being allowed access to children.

The Garda Vetting Unit will only handle requests from authorised signatories of organisations registered with them. At the request of the OMCYA, Barnardos, the National Children's Nurseries Association (NCNA) and the Irish Preschools Playgroups Association (IPPA) process vetting applications in respect of the early years sector. Barnardos deals with early years providers, including childminders, who are not members of the IPPA or the NCNA (see Sources of Further Information for contact details for all three organisations). Barnardos also provides training for early years providers in regard to the Garda vetting process.

All persons working in the early years service, including the owner or management committee, staff, volunteers and students, should be vetted.

Once vetting applications have been processed by the Garda Vetting Unit, the results are returned to the authorised organisation (i.e. Barnardos, NCNA or IPPA) and forwarded to the line manager or contact person from the childcare service. Once the Garda vetting unit and the authorised organisation discloses data to the early years provider, the provider is responsible for the data.

It is important that early years services comply with data protection legislation, including:

- Obtaining and processing information fairly.
- Keeping it for explicit lawful purposes.
- Using it and disclosing it only in ways compatible with those purposes.
- Keeping it safe and secure.
- Retaining it for no longer than is necessary for that purpose.
- Giving a person a copy of his or her personal data on request.

The policy on Garda vetting needs to state how often Garda vetting will be repeated for employees/management/owners.

Disclosure of Convictions

The report that comes back from the Garda Vetting Unit may show:

1. No previous convictions against the named applicant whose details were supplied. OR
2. Details of convictions that appear on Garda records. These are based on the information supplied on the application for Garda vetting, however they cannot be positively confirmed by the Gardai as fingerprints have not been supplied. These details must be verified with the applicant before any decision is made.

OR

3. Prosecutions successful or not, pending or completed.

There is also the option of 'possible matches' where almost all the applicant's details match but there is some difference, such as the address or date of birth. Again, these details must be verified with the applicant before any decision is made.

Organisations providing vetting to early years and school age providers do not have a decision making role in relation to vetting results. Early years and school age services need to have in place procedures to deal with a disclosure of convictions or cases pending.

Risk Assessment

If it is found that someone has a criminal record, it doesn't automatically mean they will be unsuitable. Employers need to carry out a risk assessment in relation to the conviction or cases pending and the post being recruited for. This is a decision that each service has to make as part of their decision making on the suitability of the person to be appointed to the role.

When information is returned indicating a prosecution or possible match, it is recommended that a Garda vetting review meeting is held with the applicant. This has two purposes:

1. To verify that the applicant is the person about whom the disclosure of convictions has been made. The information returned by the Gardai may apply to the applicant and should be verified with the applicant before any decision is made.
2. To provide an opportunity for the employer and the applicant to discuss the disclosure from Garda vetting.

If the applicant disputes the information returned by the Garda Central Vetting Unit, the onus is on the applicant to contact the Gardai to resolve the matter.

In carrying out a risk assessment, the following should be considered:

- The nature of the offence.
- How long ago it took place.
- Its relevance to the job.
- The risk to children if it were to be repeated.

The risk assessment and the decision to employ or not to employ should be carried out by the manager of the service and the owner or representative of the Board of Management. It is important that the service retains a record of the decision and the reasons for the decision as part of the overall recruitment records. In the event of a decision not to appoint on the basis of a Garda vetting disclosure, the advice from the Garda Central Vetting Unit is to retain records for seven years.

This information on Garda vetting is taken from Protecting Children: A Child Protection Guide for Early Years and School Age Childcare Services (Barnardos, 2010).

Things to think about...

- ✓ The policy should outline the procedure that will be followed when a disclosure is obtained through Garda vetting.
- ✓ The policy should provide clear guidelines regarding the storage and retention of Garda vetting data.
- ✓ If an employer cannot evidence current Garda Vetting for each employee this will result in non-compliance under the Pre-school Regulations.

BEST PRACTICE ADDITIONAL POLICIES

Best practice additional policies are:

- Equality Policy
- Data Protection Policy
- Sick Leave Policy
- Redundancy Policy
- Work Life Balance Policy

Equality Policy

The purpose of an equality statement and policy is to demonstrate the employer's commitment to equality of opportunity for existing and potential employees by promoting a work environment that affirms their commitment to the personal dignity and worth of each employee. Organisations should promote a work environment that is free from discrimination in the areas of gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Travelling community. An equality policy applies to training, conditions of pay, promotion and every other aspect of employment.

Things to think about...

- ✓ If an employee feels they have been mistreated under this policy, they can follow the Grievance Policy to attempt resolution or the Bullying and Harassment Prevention Policy, if the issue relates to bullying or harassment.
- ✓ All aspects of employment should be free from discrimination including payment, recruitment, promotion and selection for redundancy.

*See Appendix 6 – Guidelines on Equality Procedure in Relation to Employment Policy
Development on page 114*

Data Protection Policy

Employees have the right to data protection in relation to any personal details held on a computer, held on paper or other manual form as part of a filing system, or made up of photographs or video recordings of their image or recordings of their voice.

The service must ensure that any information stored about employees is factually correct, only available to those who should have it and only used for stated purposes.

Things to think about...

- ✓ The Data Protection Policy should be linked to other policies such as Garda vetting.
- ✓ The policy should outline the procedure that will be followed when an employee wishes to gain access to their records.
- ✓ The policy should provide a clear policy on the use of CCTV if applicable.

Redundancy Policy

A redundancy policy should be made available to all staff to outline the approach in the event of redundancy and to ensure selection for redundancy will be carried out in a fair manner.

Redundancy payments as set out in the Redundancy Payments Acts (see page 49) are only applicable to those employees who have at least 104 weeks continuous service. An employer must ensure that selection for redundancy is fair and equitable. Records of the criteria used for the selection of employees for redundancy should be retained.

Things to think about...

- ✓ Employers may wish to consider other alternatives of reducing costs such as reduction in hours, part-time working and redeployment to another role.
- ✓ Everyone can be made redundant but not every staff member is entitled to statutory redundancy payment as eligibility criteria apply.
- ✓ The Redundancy Policy should be shared with a Trade Union for services that are unionised.
- ✓ Employers should consider the various selection methods including 'last in, first out' and/or the retention of skills and competencies.

Sick Leave Policy

Sick pay is not a statutory entitlement. Services that provide sick pay for their staff should develop a clear policy. It should state what the employees entitlement is and for what duration. It should state who is entitled to sick pay and when it becomes effective, for example after completion of the probationary period. The policy should also outline clearly the steps an employee must take to notify the employer of their absence. It is also prudent for employers to reserve the right to refer employees to a company medical practitioner to determine fitness to work.

Things to think about...

- ✓ Include when medical certificates should be submitted.
- ✓ Specify what information should be supplied on the medical certificate, which should be completed by a registered medical general practitioner: name and address of the doctor and employee, date, nature of illness, probable duration of illness.
- ✓ Think about engaging a local doctor and referring employees for a medical opinion.
- ✓ Specify that persistent absenteeism will be dealt with through the disciplinary process
- ✓ Specify that all employees should be met on their return to work from sick leave by their manager and a note of this meeting should be recorded.

Work Life Balance Policies

Work life balance policies are those policies that help workers in combining employment with their family life, caring responsibilities and personal and social life outside the workplace. This definition includes statutory entitlements such as maternity leave, adoptive leave, force majeure leave, parental leave and carer's leave.

There are many reasons why someone might be interested in work-life balance arrangements. They benefit employees by allowing flexibility in the workplace, which allows them to effectively combine work and family responsibilities as well as their personal life. The benefits to the employer are that the policies allow for better retention and recruitment of valuable employees which can save employers from costs associated with recruitment and training of new staff. The policies should aim to facilitate equality of opportunity for men and women in the workplace. See Section 2 Employment Law for details of statutory entitlements.

Work Life Balance – Options

Flexitime is one of the most common forms of flexibility and allows employees to vary their starting and finishing times of work, outside a compulsory core-time, provided an agreed volume of hours are worked over a given remuneration period. This is not a common option within the early years sector as it has implications in relation to ratios.

Job Sharing is one of the longest established and most frequently adopted forms of flexibility. Most typically, job sharing refers to an arrangement whereby two employees share the same work of one full-time position, dividing pay and benefits pro rata to the time worked. Such arrangements often take the form of split weeks and split days. This works best when the role is easily divisible. True job sharers provide cover for each other during absences.

Term Time Working is now a very common approach within the early years sector with many services opting for the 38 week free pre-school year. Staff generally work September to June.

Annualised Hours involve an agreement between the employer and employee over the total hours worked annually. This gives management greater scope to vary the hours in any given period to match demand. Such arrangements also provide employees with the potential to customise their working time arrangements more effectively to meet their personal needs over a 12-month time frame.

Zero Hours Contracts is where no formal commitment is made by the employer regarding the number of hours available, and the employee is on daily call, for example to cover absences or vacancies. While in principle such an arrangement could offer employees considerable flexibility to tailor their work and other activities, the negative consequences for employees of such arrangements include job insecurity and other limited terms and conditions of employment.

OTHER PERSONNEL POLICIES

Depending on the size and profile of the early years service, employers may develop policies in other areas. The policies listed below are the key policies to be considered but the list is not exhaustive. See Section 2 Employment Law for further detail on the entitlements listed below.

Statutory Leave
<ul style="list-style-type: none"> Adoptive Leave Annual Leave Carer's Leave Force Majeure Leave Jury Service Leave Maternity Leave Parental Leave
Discretionary Leave
<ul style="list-style-type: none"> Career Breaks Compassionate Leave Unpaid Leave Work Life Balance – this may include some of the statutory leave entitlements
Working Hours
<ul style="list-style-type: none"> Hours of Work Overtime Time in Lieu Work Life Balance – this may include part time, job share, work share, flexitime and term time Double Employment
Staff Conduct and Performance
<ul style="list-style-type: none"> Communication Confidentiality Conflict of Interest Dress Code, Appearance and Behaviour Employees' Property Induction Ownership and Intellectual Property Rights Probation Service Property Smoking Timekeeping Use of Information Technology – Internet, Email and Social Networking
Remuneration
<ul style="list-style-type: none"> Expenses Overtime Payments Payment of Wages Travel and Subsistence

Termination of Employment
Dismissal Redundancy Retirement
Other
Lay Off/Short Working Time – this must be referenced in contract if an employer wishes to implement it Student Placement Trade Union Membership

CHILDCARE POLICIES AND PROCEDURES

Another important consideration in terms of staff management is the need for a set of clear, unambiguous childcare policies to assist in the delivery of a quality early years service. Policies should be individualised and site specific, and employers should not be tempted to using ‘off-the-shelf’ templates without tailoring them to the needs of the service. The adherence to childcare policies will form part of the contractual arrangement with employees. Therefore it is imperative that these are workable and that they are amended on an on-going basis.

Below is a list of policies that may be relevant:

Administration and Service
Admissions Aims and Objectives of Service Children’s Charter Data Protection Early Childhood Care and Education Free Pre-school Place (ECCE) Community Childcare Subventions Scheme (CCS) Childcare Employment & Training Support Scheme (CETS) Fees Policy Mission Statement Range of Childcare services Settling-in Scheme Staff Ratios
Parents
Complaints and Comments Confidentiality Parent Handbook Partnership with Parents/Carers

Childcare Good Practice

Behaviour Management
 Biting
 Child Development
 Child Protection
 Children with Special Needs
 Collections
 Curriculum
 Equal Opportunities
 Multi-media
 Observations
 Outdoor Play
 Outings
 Recycling
 Supervision of Children – Indoor and Outdoor
 Working with Children – Code of Ethics

General Childcare Health and Safety

Accidents and Incidents
 Animals and Pets
 Building Security
 Camera and Photo Usage
 Car Parking
 Cleanliness and Hygiene
 First Aid
 Food Hygiene
 Healthy Eating
 Illness and Exclusions
 Medicines
 Nappy Changing
 Sleep and Rest
 Spillages and Hazards
 Swine Flu
 Toilet Training

Note Further guidance on childcare policies can be found in *A Practical Guide to Developing Childcare Policies Books 1 and 2* (Barnardos, 2008, 2010); on *Health and Safety in Childcare: A Guide for Centre-based Services* (Barnardos, 2006); and on child protection in *Protecting Children: Child Protection Guide for Early Year and School Age Childcare Services* (Barnardos, 2010)

Managers should refer to Siolta Standards when developing childcare policies in their service. (See Appendix 1 on page 106)



EMPLOYMENT
LAW

2

Employment legislation has introduced a wide range of employee rights within the workplace, much of which has its origins in EU Directives that are then transposed into Irish law.

It is important to note that the law sets the minimum standards for the workplace and many employers actually provide more to their employees than the law requires. It is essential that services have in place a range of Human Resources policies to ensure consistency of treatment for employees, to communicate effectively the service's policy in a particular area and to ensure compliance with law and recommended best practice.

The following information is a broad, general outline of the key legislation pertaining to employers. More detailed information on all legislation may be obtained by contacting the Department of Enterprise, Trade and Innovation or the National Employment Rights Authority.

Note The information below has been adapted from information obtained through the Citizens Information Service, National Employment Rights Authority (NERA), the Health and Safety Authority (HAS) and the Department of Enterprise, Trade and Innovation.

As the area of employment legislation continues to grow, services must keep abreast of the changes and duly amend their policy and procedure documents. Services should also consider having access to professional support and advice in this complex area of employees' entitlements where non-compliance can leave the employer facing potential costly action in the courts.

Managers should consider the following Siolta standard when considering employment law:

Standard 15 : Legislation and Regulation

Being compliant requires that all relevant regulations and legislative requirements are met or exceeded.

RECRUITMENT

Employment Equality Acts, 1998-2008

There are two distinct pieces of legislation in place in Ireland which set out important rights for people and specifically outlaw discrimination when it occurs. The Employment Equality Acts 1998-2008 and the Equal Status Acts 2000-2008 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services. Most employment issues are dealt with by the Acts, including dismissal, equal pay, harassment and sexual harassment, working conditions, promotion, access to employment etc.

Under the equality legislation discrimination based on any one of nine distinct grounds is unlawful. These grounds are:

1. Gender
2. Marital status
3. Family status
4. Sexual orientation
5. Religion
6. Age (does not apply to a person under 16)
7. Disability
8. Race
9. Membership of the Traveller community

What is discrimination?

Discrimination is defined as less favourable treatment. A person is said to be discriminated against if he or she is treated less favourably than another is, has been or would be treated in a comparable situation on any of the nine grounds. To establish direct discrimination, a direct comparison must be made. For example, in the case of disability discrimination, the comparison must be between a person who has a disability and another who has not, or between persons with different disabilities.

Indirect discrimination occurs when practices or policies that do not appear to discriminate against one group more than another actually have a discriminatory impact, for example, the use of age limits in the recruitment process or specifying the length of experience for a particular job.

Things to think about...

- ✓ How do you communicate your Equality Policy?
- ✓ Do you show preferential treatment to a certain demographic?
- ✓ Is your Retirement Policy up to date?
- ✓ Is your service modified for a disabled child/person e.g. a wheelchair?

Employment Permits Act, 2003 and 2006

This Act sets out the procedures in relation to the granting and processing of employment permits. Employers must satisfy themselves of the entitlement of all employees to work legally in Ireland.

TERMS AND CONDITIONS OF EMPLOYMENT**Terms of Employment (Information) Act, 1994 and 2001**

This Act requires employers to provide a written statement to employees setting out particulars of the employee's terms of employment within two months of the date of commencement of employment. It also requires that an employer must notify the employee of any changes in the particulars as given in the statement.

The Act does not apply to a person who has been in the continuous service of the employer for less than one month.

Information to be included in the written statement

The following is the information that employers are obliged to include in the written statement under the above Act. However, it is good practice to include other areas such as confidentiality, lay-off and short-time, double employment and retirement age. It is also prudent to reference the essential policies such as grievance, discipline, bullying and harassment prevention, and health and safety.

1. The full names of the employer and the employee.
2. The address of the employer in the State or, where appropriate, its principal place of business or the registered address of the employer as registered with the Companies Registration Office.
3. The place of work or, where there is no main place of work, a statement indicating that the employee is required or permitted to work at various places.
4. Job title or nature of the work.
5. Date of commencement of employment.

6. If the contract is for a fixed term, the date on which the contract expires.
7. The rate of remuneration or method of calculating remuneration.
8. The pay reference period for the purposes of the National Minimum Wage Act 2000.
9. Whether remuneration is paid weekly, monthly and the manner in which it is paid.
10. Terms or conditions relating to hours of work (including overtime).
11. Terms or conditions relating to paid leave (other than paid sick leave).
12. Terms or conditions relating to incapacity for work due to sickness or injury.
13. Terms or conditions relating to pensions and pension schemes.
14. Periods of notice which the employee is entitled to receive and required to give on termination of employment. Where this cannot be indicated when the written statement is given, the written statement must state the method for determining the period of notice to be given.
15. A reference to any collective agreements which affect the terms of employment. Where an employer is not a party to the agreement, the written statement must indicate the bodies or institution which made the agreement.

Other requirements relating to the written statement

The statement must be signed by or on behalf of the employer. The statement must be retained by the employer during the employment and for one year after the employee's employment has ceased. Even if the employee leaves the employment within the two-month period for giving a written statement, the statement must still be given to the ex-employee. Workers under 18 must be given a copy within one month of taking up a job.

Notification of changes in the written particulars

An employer is required to notify an employee of the nature and date of any change to the particulars contained in the written statement not later than one month after the change comes into effect.

The requirement to notify the employee of any change in the particulars set out in the written statement does not apply if the change results from a change in legislation, administrative provisions or collective agreements to which the employer has referred the employee in the written statement.

Organisation of Working Time Act, 1997 Section III (Holidays/Annual Leave and Public Holidays) and Organisation of Working Time Act, 1997 (Rest Periods)

The statutory leave entitlement is 4 working weeks once an employee has worked 1,365 hours in a leave year.

A new employee has no legal entitlement to annual leave until they have built up entitlement by having worked the necessary hours. However, an employer may grant annual leave to new employees if they so wish. The employer may choose only to grant the days to which an employee has built up entitlement. Alternatively, the employer may grant leave on the understanding that should the employee leave before they have worked up the entitlement then a deduction can be made from salary for the holidays taken though not worked up. This should be given in writing and is usually covered in a contract of employment.

Some early years services provide a greater annual leave entitlement than the statutory minimum, e.g. 23 or 25 days annual leave.

Statutory calculation of annual leave entitlements

- Where staff are working more than 1,365 hours in a leave year, they are entitled to 4 working weeks annual leave.
- If the number of hours worked by an employee is less than 1,365 hours, annual leave must be calculated on a monthly basis as follows:
 - Where staff work at least 117 hours in a month they are entitled to 1/3 of a working week for that month.
 - Where staff work less than 117 hours they are entitled to 8% of the hours worked in the leave year, subject to a maximum of 20 days (4 working weeks) per annum.

Note Some employees will fall within each of the last two entitlements. Whichever calculation provides the employee with the greater entitlement should be applied (subject to the four working weeks maximum).

Pro rata entitlement

Some services use a straight pro rata entitlement to calculate part-time staff holiday entitlement. This can be calculated in the following way:

An employee works 4 days a week.

Full entitlement is 20 days.

$20 \div 5 \times 4 = 16$ days

The Organisation of Working Time Act sets out statutory rights for employees in respect of rest, maximum working time and holidays.

Weekly working time

The maximum average working week is 48 hours. Averaging may be balanced out over a 4, 6 or 12 month period depending on the circumstances. The provision relating to the 48 hour week operates as below.

48 hour net maximum working week can be averaged according to certain rules. Employees have a general entitlement to:

- 11 consecutive hours daily rest per 24 hour period
- One period of 24 hours rest in every 7 day period preceded by a daily rest period (11 hours)
- Rest breaks

Breaks

Employees are entitled to rest breaks as outlined below. The employer is not required to pay for rest breaks under the law. However, some employers pay for rest breaks and this forms part of the employee's contract of employment. The employer has a responsibility to ensure the employee takes rest breaks, which cannot be taken at the end of the day.

Rest break entitlement is a break of 15 minutes for more than every 4½ hours worked or a break of 30 minutes for more than every 6 hours worked. Not both.

Records

The Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations 2001 requires all employers to keep detailed records of start and finishing times, hours worked each day and each week and leave granted to employees. This legislation is part of the Organisation of Working Time Act 1997. The employer must keep these records for 3 years.

Employers must keep records in relation to rest breaks as follows:

- Evidence that each worker has been informed (in writing) of rest breaks.
- Evidence that each worker has been informed (in writing) that rest breaks that are not taken must be notified to the employer.
- Records of all notifications sent to the employer by the worker regarding the Organisation of Working Time.

Holidays

Holiday pay is earned against time worked. All employees – full-time, part-time, temporary or casual – earn holiday entitlements from the time work is commenced.

Public holidays

The Organisation of Working Time Act provides the following nine public holidays:

- 1st January
- 17th March (St. Patrick's Day)
- Easter Monday
- First Monday in May
- First Monday in June
- First Monday in August
- Last Monday in October
- 25th December (Christmas Day)
- 26th December (St. Stephen's Day)

In respect of each public holiday, an employee is entitled to either:

- a. A paid day off on the holiday or
- b. A paid day off within a month or
- c. An extra day's annual leave or
- d. An extra day's pay as the employer may decide.

If the public holiday falls on a day on which the employee normally works, the employee is entitled to a paid day off for the day. If the public holiday falls on a day on which the employee does not normally work, the employee is entitled to one fifth of his/her normal weekly wage for the day or to either (b) or (c) above as the employer may decide. If the employee is asked to work on the public holiday, the employee is entitled to (b) (c) or (d) above as the employer may decide.

There is no service requirement in respect of public holidays for whole-time employees. Part-time employees qualify for public holidays entitlement provided they have worked at least 40 hours during the five weeks ending on the day before a public holiday.

Note Employees on maternity, adoptive or parental leave maintain their entitlement to public holidays for the duration of their absence. Carer's leave also have some entitlements (first 13 weeks).

Double employment

To ensure that both the employer and the employee are in compliance with the legal requirements, it is necessary for all employees to provide the service they are employed with details of any other employment(s) that they are engaged in.

Organisation of Working Time Act, 1997 and Organisation of Working Time (Records) (Prescribed Form and Exemption) Regulations, 2001

These regulations impose a duty on employers to keep records that show compliance with the provisions of the Act and stipulate the manner in which these records should be recorded. The records to be retained are:

- Details of the days and total hours worked in each week by each employee.
- Annual leave and public holidays and the payment received in respect of that leave.
- 'Additional day's pay' paid to employees in respect of public holiday entitlements.
- A copy of any notice given to employees in relation to information about starting, finishing times and notice of additional working hours.
- The name and address, PRSI number and a brief statement of duties (this can be a reference to a job description) of each employee.
- A copy of the statement of terms and conditions of employment given to each employee under the Terms of Employment Information Act, 1994 (i.e. contract of employment).

In the absence of 'clocking in' facilities, the employer must record the days and hours worked by each employee using a Form OWT 1. Employers may design their own form as long as it contains the same information as the Department of Enterprise, Trade and Innovation OWT 1 Form.

Things to think about...

- ✓ Are you aware of the restrictions on working time for employees?
- ✓ Working time must be recorded for all employees.
- ✓ Working hours must be included in the contract of employment or otherwise a written statement must be provided.
- ✓ Do you have a standard policy outlining which compensation option employees get if they work a public holiday?

Payment of Wages Act, 1991

The method of wage payment and the regulation of circumstances in which employers may make deductions or receive payments from employees' wages are governed by the Payment of Wages Act 1991. The Act covers all employers and employees.

Definition of wages

Under the Act, 'wages' means any sums payable to the employee by the employer in connection with his/her employment, including:

- Any fee, bonus or commission
- Any holiday pay, sick or maternity pay
- Any other emolument referable to his/her employment, whether payable under the contract or otherwise
- Any sum payable in lieu of notice on termination

The definition of 'wages' for the purpose of the Act excludes:

- Expense payments
- Pensions, allowances or gratuities paid in connection with the employee's death, retirement or resignation from employment or as compensation for loss of office
- Any payment referable to the employee's redundancy
- Any payment to the employee other than in his or her capacity as an employee
- Any payment or benefit-in-kind.

Lawful deductions from wages

Generally, a deduction from an employee's wages is unlawful unless it is required by statute (for example, PRSI, PAYE), authorised through a term in the contract of employment or if the employee has provided their consent, e.g. health insurance premium, Trade Union deductions etc.

Deductions for acts/omissions or goods/services

The Act regulates an employer's right to make deductions in respect of any goods or services supplied to or provided for the employee by the employer, the supply or provision of which is necessary to employment (for example, the provision of a uniform or protective clothing, etc).

Paying wages

Under the terms of the Employment Information Acts 1994-2001, an employer is obliged to furnish an employee, within two months of the commencement of employment, with a statement detailing certain terms and conditions, i.e. a contract of employment. In relation to the payment of wages, the employer is required to stipulate the rate or method of calculation of the employee's remuneration, the pay period and the frequency of payment.

Pay slips

All employees are entitled to a written statement showing:

- The gross amount of wages payable and
- The nature and amount of any deduction from the gross sum.

Failure to give a wage statement as required above is an offence under the Act.

Wage increases

In the absence of an agreement to the contrary, i.e. Joint Labour Committee (JLC) Agreement or a Registered Employment Agreement (REA), an employee has no automatic entitlement to a wage increase except for minimum wage if it increases, or if wage increases are stated in the contract.

National Minimum Wage Act, 2000

Under the National Minimum Wage Act, 2000 most employees are entitled to a minimum wage. The Act applies to full-time, part-time, temporary and casual employees. Employers must retain all records that demonstrate compliance with the Act for at least 3 years from the date any record is made. There are sub-minimum rates for some people such as those aged under 18. This would not apply to early years practitioners, who are required under the pre-school regulations to be over 18, but may refer to ancillary staff. For further information on rates consult www.citizensinformation.ie.

Things to think about...

- ✓ Are you tied into any national wage agreements and if so do your rates of pay adhere to the terms?
- ✓ Do your employees have written notification of their weekly/monthly/annual pay?
- ✓ Did you know that you cannot change the method of payment without the employee's agreement?
- ✓ Employees are not due pay increases automatically unless, for example, they are part of a Joint Labour Committee (JLC) Agreement or a Registered Employment Agreement (REA).

Protection of Employees (Fixed Term Work) Act, 2003

This Act now precludes employers from issuing an employee a series of fixed-term contracts unless there are objective grounds for justifying such a renewal. The Act protects fixed-term employees by ensuring that they cannot be treated less favourably than comparable permanent workers and that employers cannot continually renew fixed-term contracts. Under the Act, employees can only work on one or more fixed term contracts for a continuous period of four years. After this, the employee is considered to have a contract of indefinite duration (e.g. a permanent contract).

The Act requires that where an employer proposes to renew the fixed-term contract, the employee shall be informed in writing, not later than the date of renewal, of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration.

Services should seek professional advice in relation to this matter.

Protection of Employees (Part-Time Work) Act, 2001

The purpose of the Act is to ensure that no part-time employee is treated in a less favourable manner than a comparable full-time employee in relation to conditions of employment. In general, the Act applies to any part-time employee working under a contract of employment or apprenticeship employed through an employment agency or in the service of the State. In the case of agency workers, the party who is liable to pay the wages (employment agency or client company) will be deemed to be the employer for the purposes of the Act and is responsible for ensuring that a part-time employee is not treated in a less favourable manner than a comparable full-time employee.

Conditions of employment

The Act provides that a part-time employee may be treated in a less favourable manner than a comparable full-time employee where such treatment can be justified on objective grounds. Objective grounds are based on considerations other than the status of the employee as a part-time worker and apply if the less favourable treatment is for the purpose of achieving a legitimate objective of the

employer and such treatment is necessary for that purpose. If the treatment of the part-time employee is based on the part-time status of the employee then it is not an objective ground for less favourable treatment.

The right not to be treated in a less favourable manner than a comparable full-time employee shall not apply in relation to any pension scheme or arrangement to a part-time employee who normally works less than 20 per cent of the normal hours of the comparable full-time employee. However, this provision does not prevent an employer and a part-time employee from entering into an agreement whereby that employee may receive the same pension benefits as a comparable full-time employee.

Casual employees

A casual employee is a part-time employee who works on a casual basis. Under the Act, a part-time employee is considered as working on a casual basis at a particular time if, at that time:

- They have been in the continuous service of the employer for a period of less than 13 weeks, and that period of service and any previous period of service by them with the employer are not of such a nature as could reasonably be regarded as regular or seasonal employment, or
- If they fulfill, at that time, the conditions specified in an approved collective agreement that has effect in relation to them, and regards them for the purposes of that agreement as working on a casual basis.

An employee's service in an employment is continuous unless that service is terminated by their dismissal by the employer or the employee voluntarily leaves employment.

Prohibition of penalisation of an employee by an employer

The Act prohibits an employer from penalising a part-time employee on a number of grounds. The following constitutes penalisation by an employer of an employee:

- Dismissal of the employee
- Any unfavourable change in the conditions of employment of the employee
- Any unfair treatment of the employee, including selection for redundancy or
- Any other action which is prejudicial to his or her employment.

Things to think about...

- ✓ You can't give out a series of fixed term contracts without *objective justification for renewal.
- ✓ Employees have a right to a contract of indefinite duration after 4 years of employment.
- ✓ A setting that has been contracted to provide a service up to a particular date does not necessarily have an objective justification for the renewal of the fixed term contract.
- ✓ You cannot penalise a part-time employee (for anything) purely because they are a part-time employee.
- ✓ If an employer wishes to cover maternity leave it is preferable to issue a specified purpose contract.

Note If an employer believes they have 'objective grounds' to continue to issue fixed-term contracts, legal advice should be sought in the first instance. See comment on page 8.

Pensions Act, 1990

The main purpose of this Act is to establish standards for occupational pension schemes in a number of areas and to provide a regulatory framework for the future supervision of such schemes. The Act is also designed to implement the requirements of a European Union Directive of 1986 that provides for the implementation of the principle of equal treatment in occupational benefit schemes. The Act of 2002 made provision for the introduction of a new type of pension arrangement, the Personal Retirement Savings Account (PRSA).

PRSAs (Personal Retirement Savings Accounts)

A PRSA is an investment vehicle used for long-term retirement provision by employees. It is a contract between an individual employee and an authorised PRSA provider in the form of an investment account.

An employer is obliged to provide mandatory access to at least one Standard PRSA for employees where the employer does not operate an occupational pension scheme. If an employer operates an occupational pension scheme but the eligibility for membership of the scheme for retirement benefits does not cover all employees, e.g. employees have to wait more than six months from joining the company to be included in the scheme for retirement benefits, then the employer should offer PRSA for this duration.

Employers are required to facilitate PRSA deduction for an employee through the payroll. There is no requirement for the employer to make a contribution to a PRSA for the employee.

Note More information can be sought from the Pensions Board.

Things to think about...

- ✓ Do you have a comprehensive, legally compliant Pensions/PRSA (as relevant) policy?
- ✓ If you operate a pension scheme, do employees know whether they are in a defined benefit or a defined contribution pension?
- ✓ Do your employees have access to at least one PRSA provider?

TYPES OF LEAVE

The legislation outlining leave entitlements are in relation to:

- Adoptive Leave
- Carer's Leave
- Force Majeure Leave
- Jury Duty Leave
- Maternity Leave
- Parental Leave

Adoptive Leave Act, 1995 (as amended by the Adoptive Leave Act, 2005)

Employees are entitled to 24 weeks adoptive leave. Only mothers are entitled to this leave unless the father is the sole adopter. In addition, employees are also entitled to 16 weeks additional unpaid adoptive leave at the end of their adoptive leave.

Employees must give at least 4 weeks notice of their intention to take adoptive leave before the expected placement of the child. Employees must give at least 4 weeks written notice before taking the additional 16 weeks.

Pay during adoptive leave

There is no obligation on employers to pay for employees taking adoptive leave. If employees have enough PRSI contributions, they may qualify for Adoptive Benefit paid by the Department of Social Protection. If the employee becomes ill, they may ask their employer if they can terminate their unpaid additional adoptive leave and then transfer onto sick leave and they may receive Illness Benefit or sick pay.

Time off

Adopting parents are entitled to:

- Paid time off work to attend preparation classes and pre-adoption meetings with social workers or Health Service Executive (HSE) officials during the pre-adoption process which the employee is obliged to attend. The employee must notify the employer 2 weeks in advance of such meetings and produce an official notice or appointment card.
- Leave for any public holidays that occur during their adoptive leave (including additional adoptive leave). Time spent on adoptive leave (including additional adoptive leave) is treated as though the employee has been in employment, and this time can be used to accumulate annual leave and public holiday entitlement.

If the adopted child is hospitalised, the period of leave or additional leave may be postponed, provided that the employer agrees. All employment rights are protected.

Returning to work following adoptive leave

Employees must give not less than 4 weeks' notice of the intention to return. They are entitled to return to the job they had immediately before the leave, unless this is not reasonably practicable for the employer. If this is the case, the employer must offer the employee a suitable and appropriate alternative, the terms and conditions of which must not be less favourable than those of the job they held before they went on leave.

Things to think about...

- ✓ Do you have an Adoptive Leave Policy?
- ✓ Have you organised cover for the 24 and potentially 40 weeks?
- ✓ Have you made sure your relief contracts are specific purpose and that they specify the start date and the purpose of the leave?
- ✓ Have you made sure your employees know they don't get paid by you while on adoptive leave? They may, if they have sufficient PRSI contribution, qualify for Adoptive Benefit from the Department of Social Welfare.

Carers Act, 2001

This Act allows the granting of up to a maximum of 104 weeks for employees in order to provide full-time care and attention to a person requiring it (a relevant person). An employee must have completed at least one year's continuous service to be considered for carer's leave. A medical practitioner must certify the nature and extent of the disability of the person who is in need of care. The deciding officer of

the Department of Social Protection is the decision maker in relation to carer's leave, not the employer. Employees must give at least 6 weeks notice of their intention to take carer's leave.

Protection of employment rights while on carer's leave

During an absence on carer's leave, an employee shall be regarded as still working in the employment for all purposes relating to his or her employment and none of his or her rights or obligations relating to the employment shall be affected by taking the leave with the following exceptions:

- There is no right to remuneration (payment) or pension benefits.
- The right to annual leave is restricted to the period comprising the first 13 weeks only of the carer's leave entitlement in respect of any one relevant person.
- The right to public holidays is likewise restricted to the period comprising the first 13 weeks only of the carer's leave entitlement in respect of any one relevant person.

The employer may refuse on reasonable grounds to permit an employee to take a period of leave shorter than 13 weeks. However, the employer should specify to the employee, in writing, the reasons for such a refusal.

The employer and the employee must sign a confirmation document not less than 2 weeks before the commencement of the carer's leave. The document will specify:

- The date that the leave will begin
- It's duration and
- The manner in which it will be taken

Notice of returning to work

An employee must give notice in writing to management of his or her intention to return to work not less than 4 weeks before the date when he or she intends to return.

Termination of carer's leave

Carer's leave will terminate on the date of termination of the period of carer's leave specified in the confirmation document or on a date agreed by management and the employee. The employer must give notice to the Department of Social Protection in writing that the leave has been terminated and specify the employee's date of return to employment.

Things to think about...

- ✓ Have you got a Carer's Leave Policy?
- ✓ Have you made sure the 'relevant person' is certified as such by the Department of Social Protection?
- ✓ Have you a strategy in place for situations where you don't get approval in time?
- ✓ Have you organised cover for the time the person is away from work?

Juries Act, 1976

The Juries Act 1976 states that all citizens aged over 18 and under 70, whose names are on the Dáil Electoral Register, may be required to go on jury service unless they are ineligible, excusable or disqualified. Further information regarding ineligibility can be found on www.citizensinformation.ie.

The employer's duty to release employees for jury service

It is the employer's duty to permit an employee to attend for jury service. A person may appeal to the court to which they have been summoned to attend to be excused. The court's decision is final.

Payment of wages while on jury service

Section 29 of the Act specifies that 'a person shall be treated as employed or apprenticed during any period when the employee is absent from their employment or apprenticeship in order to comply with a jury summons'. Therefore, an employee should be paid by their employer for the entire period of their jury service. In circumstances where an employee may be in receipt of regular overtime payments, the employer is required to calculate that payment as part of their 'usual pay' while on jury duty.

Things to think about...

- ✓ Do your staff know how to handle a jury service request?
- ✓ Have you put a policy in place that is clear and fair and doesn't invite ambiguity around overtime?

Maternity Protection Acts, 1994-2004

All pregnant employees in Ireland are entitled to maternity leave. It does not matter how long the employee has been working for the employer or the number of hours worked per week.

Amount of leave

A basic period of 26 weeks maternity leave is given if the employee becomes pregnant while working. An expectant mother must give at least 4 weeks notice in writing of her intention to take maternity leave. The employee must take at least 2 of these weeks before the end of the week of the employee's baby's expected date of birth. Also, the employee must take at least 4 of these weeks after the baby's birth. It is then up to the employee to decide how to divide up the employee's remaining 16 weeks. The employee is also entitled to take up to a further 16 weeks maternity leave known as additional or unpaid maternity leave.

If the employee's baby is born 4 or more weeks early, the employee must inform the employer within 14 days of the occurrence of the birth so as to fulfill the notice requirements.

Stillbirth and miscarriages

The employee is entitled to full maternity leave at any time after the 24th week of pregnancy. This means that a basic period of 26 weeks and also the 16 weeks additional maternity leave may be taken in the event of a stillbirth or miscarriage after the 24th week of pregnancy.

Maternity benefit

There is no obligation on the employer to pay the employee during maternity leave. Payment by the State during maternity leave (26 weeks) is normally provided through a tax-free Social Welfare payment called Maternity Benefit subject to the employee meeting PRSI requirements. However, some employers do top up maternity pay as a discretionary payment.

Return to work

The employee must give the employer at least 4 weeks' written notice of the employee's intention to return to work and the employee is entitled to go back into the position they previously held. However, when it is not reasonably practicable for the employer to allow the employee to return to their job, suitable

alternative work must be provided. This new position must not be on terms or conditions less favourable than the terms of their previous job. If pay or other conditions have improved while the employee was on maternity leave, the employee is entitled to these same benefits she returns to work. Employees should be fully informed of any vacancies that arise during their maternity leave.

Medical visits and ante-natal classes

Once the pregnancy is confirmed, the employee may take reasonable, paid time off for medical visits connected with the pregnancy. The employee will need to provide the employer with medical evidence confirming the pregnancy and give 2 weeks' notice of the medical visits. The employee should provide the employer with an appointment card as evidence of medical visits.

Illness while on maternity leave

If the employee becomes ill while on the 16 weeks additional maternity leave, she may ask the employer to end the additional maternity leave period. The employer may or may not agree. If the employer does agree, the employee will not be entitled to the remaining part of the maternity leave but the employee may be entitled to sick pay from the employer and/or Disability Benefit from the Department of Social Protection.

Public holidays and annual leave

The employee is entitled to claim leave for any public holidays that occurred during the maternity leave or additional maternity leave. Time spent on maternity leave and on additional maternity leave is treated as if the employee were in employment, so this time can be used to build up the annual leave entitlement.

Time off for breastfeeding

Breastfeeding mothers who gave birth not more than 26 weeks earlier are entitled to paid time off for the purpose of breastfeeding. This time off may be given in the actual workplace if facilities are provided. Alternatively, a reduction in working hours (on full pay) may be given to facilitate breastfeeding where facilities are not provided. The employee is entitled to one hour off in every working day to breastfeed.

Expiry of contracts on maternity leave

If an employee's fixed term contract expires while they are on maternity leave then the leave expires on the day the contract ends.

Health and safety leave

When informed of the employee's pregnancy, the employer should ascertain if there are particular risks to the employee's pregnancy at work and this should be documented. If any such risks are identified, then either the risk should be eliminated or the employee must be transferred to more suitable work. If neither of these options is available, then the employee is entitled to health and safety leave from work which may continue up to the beginning of maternity leave. During health and safety leave, the employer must pay the employee their normal wage for the first three weeks, after which a social welfare payment, Health and Safety Benefit, may be payable. For further information on risk and risk assessment refer to www.hsa.ie.

Notification reminders

- The employee must give the employer at least 4 weeks' written notice of their intention to take maternity leave. If the baby is born 4 or more weeks early, the employee will be deemed to have fulfilled the notice requirements as long as the employee inform the employer within 14 days of the birth.

- The employee must provide the employer with a medical certificate confirming the pregnancy.
- If the employee intends to take the Additional Maternity Leave the employee must provide the employer with at least 4 weeks' written notice of this intention.
- The employee must give the employer at least 4 weeks' written notice of their intention to return to work.

Things to think about...

- ✓ Have you got a thorough and comprehensive maternity policy in place? This should state whether or not the employee receives just maternity benefit or if there is any 'top up' payment made by the employer.
- ✓ Do you have a policy for risk assessment / health and safety for pregnant employees?
- ✓ Are breast feeding facilities something you can think about providing?
- ✓ Have you a plan in place for cover for any pregnant employee?
- ✓ Your pregnant employees need to be considered in any pay rises, departmental changes and performance management while they are absent.
- ✓ Have you a notification system set up so that you can ensure that you receive the required notification from the employee regarding her return to work from maternity leave?
- ✓ Make sure that you issue a specific purpose contract for the employee covering maternity leave, include a statement to confirm it is for maternity leave and include a clause stating the Unfair Dismissals Act does not apply to the termination of the specific purpose contract and a clause to include early termination.

Parental Leave Act, 1998 and 2006

Parental leave entitles an employee who is the natural or adoptive parent of a child to take unpaid leave from their employment for a period of 14 working weeks to take care of their child. Where an employee is acting in loco parentis of an eligible child they are also entitled to parental leave. Parental leave is provided for the sole purpose of childcare and must not be used for a purpose other than taking care of a child.

Leave can be taken in respect of a child up to 8 years of age. If a child was adopted between the age of 6 and 8, leave in respect of that child may be taken up to 2 years after the date of the adoption order. In the case of a child with a disability, leave may be taken up to 16 years of age. In addition, an extension may also be allowed where illness or other incapacity prevented the employee taking the leave within the normal period.

The employee must have 1 year's continuous service with the employer from whom the leave is being taken. Where an employee has more than 3 months' service but less than 12, and where the child is approaching the age threshold, the employee will be entitled to 1 week for every month of continuous service with the employer.

If an employee meets the criteria and works part time, they will be entitled to parental leave on a pro rata basis. This is calculated on the average number of hours worked per week in the 'reference period', which is the 14-week period prior to the commencement of the parental leave.

Parental leave is available for each child and amounts to a total of 14 working weeks per child. Where an employee has more than one child, parental leave is limited to 14 weeks in a 12-month period. This restriction does not apply in the case of a multiple birth, such as twins or triplets.

Both parents have an equal separate entitlement to parental leave. If both work for the same employer and the employer agrees, they may transfer parental leave entitlement to each other, subject to the employer's agreement.

Illness while on parental leave

If an employee falls ill while on parental leave and as a result is unable to care for the child, the employee may request to suspend the parental leave for the duration of the illness following which the parental leave would then continue. The employee must give written notice and relevant evidence of the illness to the employer as soon as is reasonably practicable. During the illness, the parent is treated as an employee who is sick.

Requests for parental leave

Requests for parental leave must be made in writing a minimum of 6 weeks prior to the proposed date of commencement. The request should specify the commencement date and duration of parental leave. A Birth Certificate for the child must be attached.

In cases where the taking of parental leave at the time specified in the notice would have a substantial adverse effect on the operation of the business, an employer may, by notice in writing to the employee not later than 4 weeks prior to the intended date of commencement of the leave, postpone the start of the leave to such time not later than 6 months after the date of commencement specified in the notice. The commencement of parental leave in respect of a particular child may not be postponed more than once. As a result of a postponement by the employer, if the child concerned reaches the age threshold before the end of the leave, the employee retains the entitlement to take the parental leave.

Employees should be informed that parental leave is unpaid.

Once both parties have signed a confirmation document, it cannot be altered unless both parties agree. The employee may revoke, in writing, their notice of intention to take parental leave at any time before the confirmation document is signed.

Both the employee and the employer will hold signed copies of all confirmation documents. It is important for any employee availing of this leave to keep their own records.

Rights while on parental leave

While on parental leave, all employees must be regarded as still working for employment rights purposes. This means that they can build up annual leave while on parental leave. Also, if annual holidays fall due during parental leave, they may be taken at a later time. For example, if a service closes over Christmas while an employee is on parental leave, they are entitled to this holiday leave at a later date. A public holiday that falls while an employee is on parental leave and on a day that the employee would normally be working is added to their period of leave.

Things to think about...

- ✓ Do you have a clear and comprehensive Parental Leave Policy that is easily accessible for all employees?
- ✓ Did you know that employees retain all their employment rights while on parental leave?
- ✓ Are you aware of the differences in age limits, dependent on the child?
- ✓ Are you aware that parents working part time get a pro rata parental leave entitlement?
- ✓ Employees are not allowed to engage in any other employment while on parental leave – is this clear in your policy?

Force Majeure Leave – Section 13 of the Parental Leave Act 1998 and Parental Leave (Notice of Force Majeure Leave) Regulations

An employee is entitled to leave with pay from his or her employment for urgent family reasons, owing to the injury or illness of any of the persons listed below:

- A child or adoptive child of the employee.
- The spouse of the employee, or a person with whom the employee is living as husband or wife.
- A person to whom the employee is in loco parentis.
- A brother or sister of the employee.
- A parent or grandparent of the employee.
- Persons in a relationship of domestic dependency, including same-sex partners.

Entitlement to force majeure leave is limited to circumstances where the immediate presence of the employee, at the place where the ill or injured person is situated, is indispensable.

Employment rights

During an absence on force majeure leave an employee is regarded as being in the employment of the employer, and retains all of his or her employment rights.

Notification of force majeure leave

As soon as reasonably practicable after his or her return to work after an absence on force majeure leave, an employee must confirm to his or her employer that he or she has taken the leave.

Maximum entitlement

An employee may not be absent on force majeure leave for more than 3 days in any 12 consecutive months, or 5 days in any 36 consecutive months. Absence for part of a day is counted as one day of force majeure leave.

Things to think about...

- ✓ Do your staff understand what 'force majeure' means?
- ✓ Do you have a plan for relief cover for when this happens?
- ✓ Do staff know who to ring out of hours?
- ✓ Do you keep accurate records of force majeure leave?

TERMINATION OF EMPLOYMENT

The Minimum Notice and Terms of Employment Act, 1973-2001 – Notice Periods

This Act covers employees who have 13 weeks or more service. There are certain categories that these Acts do not apply to. An employee's notice depends on the length of their continuous service and the Act outlines the required minimum notice for terminating their employment, and also the rights of the employees and employers regarding periods of notice.

Length of Service	Minimum Period of Notice
13 weeks-2 years	1 week
2-5 years	2 weeks
5-10 years	4 weeks
10-15 years	6 weeks
15 years and over	8 weeks

Continuous service is calculated from the date of commencement of employment to date of termination. Length of service is calculated where an employee is expected to work 8 hours or more per week.

An employer or employee may waive the right to notice and an employee may accept payment in lieu of notice. If an employee accepts payment in lieu of notice, the date of termination will be the actual date of leaving. This option should be cited in contracts of employment.

If services indicate a specific notice period in their contract of employment, e.g. one month, this is acceptable. However, where an employee, due to their length of service, is entitled to more notice than that stated in their contract, this should apply.

Things to think about...

- ✓ Do your contracts have notice periods included which either comply with the guidelines or give a specific notice period?
- ✓ Have you cross referenced notice periods in your redundancy policy to your contract and the above Act?
- ✓ Does your contract include a clause which caters for payment in lieu of notice?

Unfair Dismissals Acts, 1977-2007

Under the Unfair Dismissals Acts 1977-2007, circumstances in which unfair dismissal can occur are:

- Where an employee's contract of employment is terminated with or without notice.
- Where the employee terminates their contract of employment, with or without notice, due to the conduct of the employer. This is known as constructive dismissal.

Employees may, if they are dismissed from employment under certain conditions, bring a claim for unfair dismissal against the employer. The unfair dismissals legislation provides a system of appeal whereby employees can question the fairness of a dismissal after it has occurred. The onus is on the employer to show that there were fair grounds for the dismissal.

Note The purpose of the Unfair Dismissals Acts is to protect employees from being unfairly dismissed from their employment by setting out criteria by which a dismissal is deemed to be fair or unfair and to outline redress for the employee. The LRC Code of Practice on Grievance and Disciplinary Procedures (S.I. 146 of 2000) was developed under the auspices of the Industrial Relations Act, 2000 to assist employers/organisations in developing their own procedures to the highest standards to ensure compliance. Employers should ensure, therefore, that they have a discipline policy and procedure in place and that employees have a copy of the policy. Employers should ensure that they follow that policy as part of any potential dismissal process to minimise the possibility of the employee claiming unfair dismissal under this Act.

Under the legislation, employees are entitled to ask for a written statement of the reasons for the dismissal, which should be provided within 14 days of the request.

If the employee is found to have been unfairly dismissed, they may be placed back in their job or may receive compensation for the loss of earnings caused by the dismissal.

Unfair dismissals

A dismissal is considered to be automatically unfair if the employee is dismissed for any of the following reasons:

- Membership or proposed membership of a Trade Union or engaging in Trade Union activities, whether within permitted times during work or outside of working hours.
- Religious or political opinions.
- Legal proceedings against an employer where an employee is a party or a witness.
- Race, colour, sexual orientation, age or membership of the Traveller community.
- Pregnancy, giving birth or breastfeeding or any matters connected with pregnancy or birth.
- Availing of rights under legislation to maternity leave, adoptive leave, carer's leave, parental or force majeure leave.
- Unfair selection for redundancy.

The Unfair Dismissals Acts will not apply to a dismissal where the employer, at the commencement of the employment, informs the employee in writing that the employment will terminate on the return to work with that employer of another employee who is absent from work while on maternity leave, adoptive leave or carer's leave.

Redundancy

Under the unfair dismissals legislation, redundancy is considered to be a fair ground for dismissal. However, although a redundancy situation exists, an employee may have grounds for complaint if the manner of selection for redundancy was unfair. If an employee considers that they were unfairly selected for redundancy or a genuine redundancy situation did not exist, they may qualify to bring a claim for unfair dismissal.

Things to think about...

- ✓ Are you clear as to what reasons may constitute a possible unfair dismissal?
- ✓ Did you know that the onus is on the employer to prove it was not an unfair dismissal and not the employee, unless the employee takes a constructive dismissal?
- ✓ It is likely that you will have to pay compensation, re-engage or reinstate the employee if their claim is upheld.
- ✓ All employers should be aware that the same criteria for unfair dismissals apply to redundancies also!

The Redundancy Payments Acts, 1967-2007

These acts provide a minimum entitlement to a redundancy payment for employees who have 104 weeks service with the employer. Not all employees are entitled to the statutory redundancy payment, even where a redundancy situation exists. There are specific redundancy procedures which employers and employees must follow in order to comply with the legislation.

An employer may agree a redundancy payment above the statutory minimum and, in such circumstances, employees who have not reached the statutory minimum period of service may also receive a payment. For example, statutory redundancy only applies to employees with two years' service. However, an employer might agree to pay a lump sum to employees with less than two years' service. This payment arises through agreement and not through a statutory entitlement. As so often in employment law, the legislation is concerned with ensuring minimum rights, while allowing the parties to agree more substantial rights.

Rules

The statutory redundancy payment is a lump-sum payment based on the pay of the employee. All eligible employees are entitled to:

- Two weeks' pay for every year of service over the age of 16 and
- One further week's pay

The amount of statutory redundancy is subject to a maximum earnings limit of €600 per week (€31,200 per year). Pay refers to current normal weekly pay including average regular overtime and benefits-in-kind, but before tax and PRSI deductions, that is gross pay. The statutory redundancy payment is tax-free.

In the event of collective redundancies, employees are entitled to a notification period of a minimum of at least 30 days from the employer before the first dismissal. The employer must also give advance notification to the Department of Enterprise, Trade and Innovation.

Reckonable and non-reckonable service

All redundancies currently take account of absences from work only over the last 3 years of service. Any absences outside of the 3-year period ending on the date of termination of employment are disregarded.

In making the calculation of the length of service, the following periods over the last 3 years will **not** be taken into account as service (these are called non-reckonable absences):

- Any period over 52 consecutive weeks off work due to an injury at work.
- Any period over 26 consecutive weeks off work due to illness.

- Any period on strike.
- Any period of lay off from work.

When reckoning or calculating the actual length of service for redundancy payment purposes, the following periods over the last 3 years of service **will** be taken into account (the absences listed here are called reckonable absences):

- The period actually in work.
- Any period of absence from work due to holidays.
- Any period of absence from work due to illness (see below for non-reckonable periods of illness).
- Any period absent from work by agreement with the employer (typically career break).
- Any period of basic and additional maternity leave allowed under the legislation.
- Any period of basic adoptive/parental/carer's leave.
- Any period of lock-out from your employment.
- Any period where the continuity of employment is preserved under the Unfair Dismissals Acts.

Employer's insolvency

In the first instance it is up to the employer to pay the statutory redundancy lump sum to all eligible employees. The Social Insurance Fund (SIF) finances the 60% redundancy rebate payment to employers who pay their eligible employees their full statutory redundancy entitlements. However, where the employer is unable to pay or refuses or fails to pay, the Department of Enterprise, Trade and Innovation steps in and makes a payment from the SIF to the employee.

Things to think about...

- ✓ Are you clear about reckonable and un-reckonable service?
- ✓ It is illegal to make people redundant and then replace them with lower paid employees to do the same job.
- ✓ Did you know that you can reclaim 60% of the statutory redundancy payment? Are you clear about how to do this?
- ✓ You must notify the Department of Enterprise, Trade and Innovation 30 days before any collective redundancies.

HEALTH AND SAFETY

Safety, Health & Welfare at Work Act 2005; Safety, Health & Welfare at Work (General Application) 2007

The Act develops the role of employers, employees and Government in framing and implementing occupational safety and health policy in Ireland and is applicable to all employees. The Safety, Health and Welfare at Work Act 2005 sets out the main provisions for securing and improving the safety, health and welfare of people at work. The 2005 Act replaces the Safety, Health, and Welfare at Work Act 1989.

Employer duties

Employers (including self-employed persons) are primarily responsible for creating and maintaining a safe and healthy workplace. An employer's duties include but are not restricted to (full list available from the

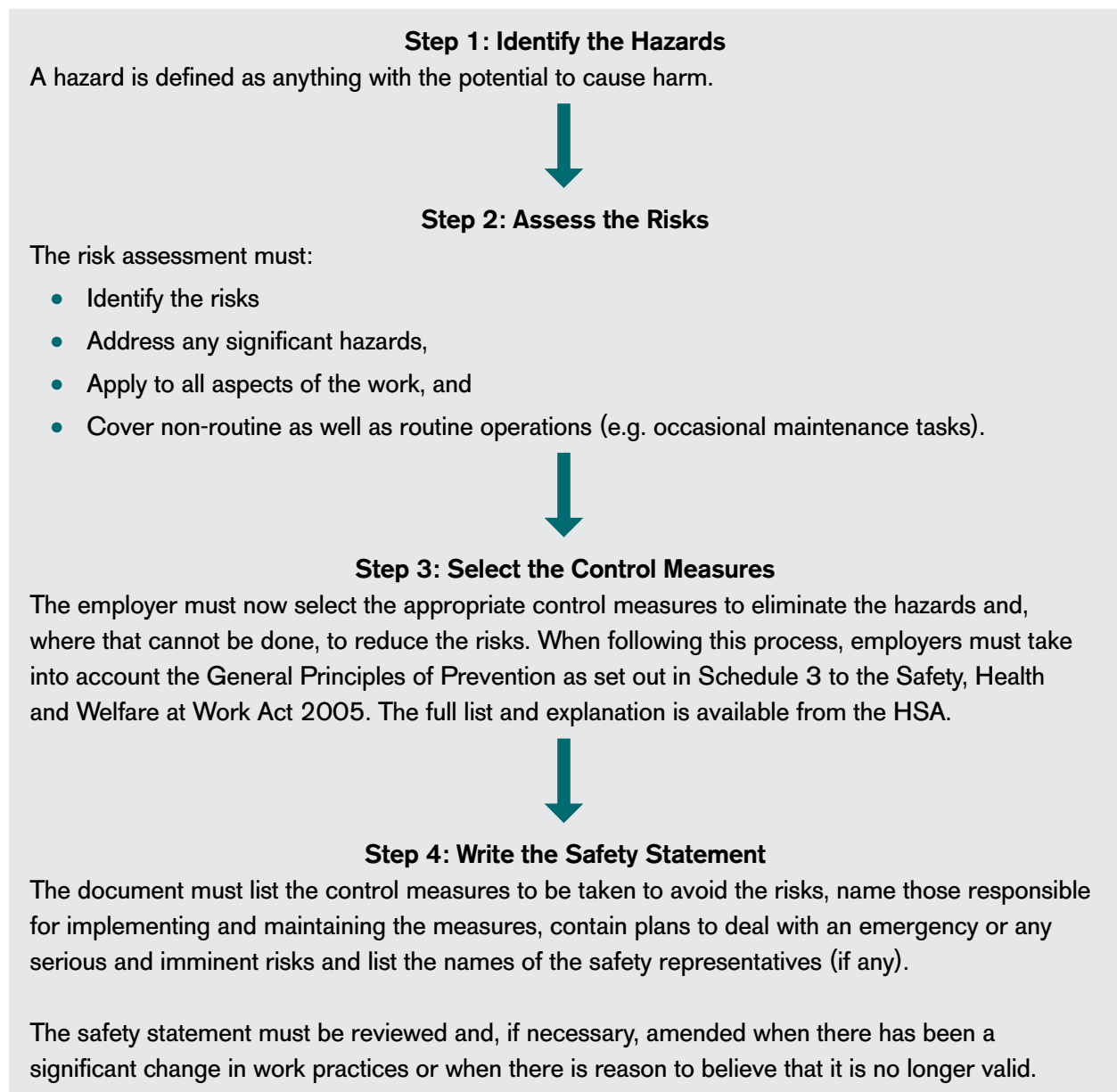
Health and Safety Authority [HSA]):

- Managing and conducting all work activities so as to ensure the safety, health and welfare of people at work (including the prevention of improper conduct or behaviour likely to put employees at risk).
- Designing, providing and maintaining a safe place of work that has safe access and egress, and uses plant and equipment that is safe and without risk to health.
- Prevention of risks from the use of any article or substance, or from exposure to physical agents, noise, vibration and ionising or other radiations.
- Ensuring that reportable accidents and dangerous occurrences are reported to the Health and Safety Authority.

Risk assessment and the Safety Statement

The written Safety Statement sets out an action programme for safeguarding the safety, health and welfare of employees while they are at work. It should be prepared after the employer has identified the hazards and assessed the risks that may be present in the workplace.

The following steps should be followed:



Continued

Employers are required to bring the safety statement to the attention of their employees (and to other persons at the place of work who might be exposed to the specific risks outlined in the safety statement).



Step 5: Record and Review

The Safety Statement must be updated as conditions change and new risks are introduced. It is recommended that employers review the Safety Statement at least once annually.

The role of the competent person

Employers should appoint one or more competent persons (Health and Safety Representative/s) to advise on following these steps and to play a key role in the management of safety and health within the service.

Consultation with employees

Employers, through the Health and Safety Representative, must consult their employees with regard to safety, health and welfare at work and must provide them with certain information on these matters.

Further information on Health and Safety is available from the HSA www.hsa.ie.

Things to think about...

- ✓ Have you an up-to-date Safety Statement and, if so, does it comply with the legislation?
- ✓ Is your Safety Statement clearly visible to all employees?
- ✓ Do people know who the health and safety representatives are?
- ✓ Do you keep accurate records of accidents and incidents?
- ✓ Do you get regular updates on health and safety regulations from the HSA?

Public Health (Tobacco) Act, 2002 (Section 47) Regulations 2003

The Government has implemented a ban on smoking in the workplace in Ireland. This means that smoking is forbidden in enclosed places of work in Ireland. While smoking in an enclosed workplace is forbidden under the law, employers have discretion to provide an outdoor smoking area, subject to the requirements of the law.

Things to think about...

- ✓ It is possible for employers to provide a smoking area for employees in line with the regulations.
- ✓ Employees are not entitled to paid time off for smoke breaks.
- ✓ Heavy fines are imposed for non compliance.

EMPLOYEE RECORDS

Data Protection Acts, 1998 and 2003 and Freedom of Information Act, 1997

Under the provisions of these Acts, employers are required to appoint a Data Controller to manage the storage of personal information about staff, children and families in its computerised and manual records.

Under the Acts, employees generally have a right to obtain a copy of any information relating to them held by their employer on computer or in a manual filing system. An employee may request access to the information held on either system by the employer. If an employee finds that any of the information about them is inaccurate, they are entitled to have it corrected.

Employees of public and other statutory bodies, covered by the Freedom of Information Act, have the right under that legislation to access their personal files on a similar basis to that which applies under data protection legislation. Employers have a responsibility to ensure that all information is stored securely.

Employers should note that an employee may request sight of references that an employer has sourced as part of the selection process. If employers do not wish employees to have access to references there should be a clear statement given to employees that references are given in confidence at the recruitment and selection stage.

Things to think about...

- ✓ Do you have a detailed comprehensive Data Protection Policy?
- ✓ Did you know that you are required to provide information to employees within 40 days of a request?
- ✓ There is a fee for requesting information under the Freedom of Information and Data Protections Acts.
- ✓ Did you know that the Data Protection legislation applies to children's records and information also?

GOVERNANCE AND COMPLIANCE

This section is of particular relevance to community-based childcare providers in relation to charitable status and governance for boards of directors.

The Charities Act, 2009

The purpose of the Act is to provide guidance and structure to all charities. The Act seeks to ensure greater accountability, enhance public trust and confidence and transparency in charities and their trustees.

A new Charities Regulatory Authority was established under the Act. Existing charities currently registered with the Revenue Commissioners are deemed to be charities and will be automatically included in the Register by the Regulator. The new body will in time confirm that all those transferred from the Revenue are eligible to be registered as charities under the Act. A new organisation/group wishing to register as a charity must apply to the Charities Authority for inclusion on the Register to be given charity status. A

Code of Conduct for Fundraising is also outlined in the Act. Garda Permits will be required for all types of cash and non-cash collections. Details of fundraising must be included in the organisation's/group's Annual Activity Reports.

The Revenue Commissioners will continue to determine the eligibility of charities for tax relief.

Governance

The Charities Act 2009 also refers to the governance of the organisation by those nominated to the Board of Directors/Trustees/Management Committees. It is advisable in order to ensure that Boards are run with integrity and as efficiently and effectively as possible and that consideration is given to the introduction of the following:

- Job descriptions for all members, with specific job descriptions for the Secretary, Treasurer and Chairperson.
- A Code of Ethics which can outline:
 - The qualities and expectations of the Directors
 - The role of the Director at meetings
- Information on the organisation such as the structure, mission, aims and objectives, role and responsibility of the Directors and policies and procedures.
- Terms of Reference for Committees and Sub Committees.

Things to think about...

Community services should consider some of the following questions:

- ✓ Do you have an up-to-date list of all the members of the organisation?
- ✓ Are all members of the Board aware of their responsibilities?
- ✓ Do you have the right number of people on the Board of Directors as indicated in the Memorandum and Articles of Association?
- ✓ Do you have proper planning and systems in place for the recruitment, induction and ongoing training of people on the Board?
- ✓ Do you have written policy and procedure for rotating members in the roles of Chairperson, Treasurer and Secretary from the Board of Directors?
- ✓ Have you conducted an audit of skills of the Board?
- ✓ Is there a clear and respectful relationship between the Chairperson and/or the nominated liaison person from the Board and the most senior member of staff in your organisation?
- ✓ Are the meetings of the Board and members effective? Are they properly recorded and minutes taken, typed and circulated prior to the next Board meeting?
- ✓ Do the Memorandum and Articles of Association/Constitution need to be altered to take advantage of the provisions of the Charities Act?

Things to think about...

- ✓ New charities must register with the Authority and be entered onto the Register of Charities.
- ✓ Do you have job descriptions for Directors?
- ✓ It is recommended a Policy and Procedure incorporating a code of conduct is developed for fundraising activities.
- ✓ The charity name must be visible on all fundraising/collection items.
- ✓ Charities must keep accounts and must make returns over certain incomes.

THE NATIONAL EMPLOYMENT RIGHTS AUTHORITY

The National Employment Rights Authority (NERA) was established in 2007. Three units dealing with employment rights from within the Department of Enterprise, Trade and Employment (now Department of Enterprise, Trade and Innovation), the Employment Rights Information Unit, the Labour Inspectorate and the Prosecution and Enforcement Unit have now been subsumed in NERA.

What Does NERA Do?

NERA now have a large team, some of whom are proficient in a range of eastern European languages. This team carries out inspections on employers, large and small, throughout the country to check compliance with employment law. According to a survey carried out by the National Children's Nurseries Association, 16% of their members received visits from NERA in 2009. In general, Inspectors have the following powers:

- To enter any premises at a reasonable time.
- To demand sight of records.
- To inspect records.
- To take copies of records.
- To interview and require information from any relevant person.

Do you have the following available?

Employers should have the following information available for the NERA inspection if an Inspector calls:

- Employer registration number with the Revenue Commissioners .
- Full name, address and PPS Number for each employee (full-time and part-time).
- Terms of employment for each employee. e.g. a contract of employment.
- Payroll details (gross to net, rate per hour, overtime, deductions, shift and other premiums and allowances, commissions and bonuses, service charges, etc.).
- Copies of payslips.
- Employees' job description.
- Dates of commencement and where relevant, termination of employment.
- Hours of work for each employee (including starting and finishing times, meal breaks and rest periods). These may be in the form of Form OWT1 (or in a form substantially to like effect).
- Register of employees under 18 years of age (if applicable).
- Whether board and/or lodgings are provided and relevant details (if applicable).

- Holidays and Public Holiday entitlements received by each employee.
- Any documentation necessary to demonstrate compliance with employment rights legislation.

Employment Compliance Bill, 2008

The Employment Law Compliance Bill was published in March 2008. At time of this book going to print, it has yet to be enacted into Irish law. The main purpose of this legislation is to achieve high levels of compliance with employment law in Ireland, with the emphasis on protecting lower paid employees. Under this Bill, the penalties for non-compliance are severe and employers should be aware of possible infringements when the Act is enacted. Therefore, as this legislation places NERA on a statutory basis, employers should ensure that all employees in a position of responsibility are fully aware of the details of the new Act when it is passed and ensure they comply to the highest HR standards in order to avoid fines/imprisonment/fixed payment notices.

Things to think about...

- ✓ Do you understand the power NERA has and the consequences of not being compliant should an inspector visit a service?
- ✓ Penalties in the Employment Compliance Bill 2008, when it is enacted, for non compliance are severe; therefore it is essential that you ensure that, as an employer, you are compliant with the current requirements of employment legislation.



RECRUITMENT AND SELECTION

3

Perhaps the most important of all HR functions is the recruitment and selection of staff – without staff an employer cannot operate a service. If employees are seen as the most vital resource of a service, then securing that resource is a crucial step in contributing to the success of the service.

Finding the people with the necessary skills, expertise and qualifications to meet the service's aims and objectives is dependent on successful recruitment. It is the manager's responsibility to recruit and select the best candidate for the job.

The key message then for those with responsibility for recruiting people working with children is that consistency, rigour and thoroughness in applying the checks and procedures, each and every time, is paramount. Employers must not shirk their task of asking demanding, probing and difficult questions of applicants. Lack of time, resources or money must not tempt employers into circumventing best practice in recruitment and selection.

Other key points regarding recruitment and selection within an early years service are:

- Recruitment and selection systems must be fair, consistent and valid
- Acknowledge all applications, where possible
- Ensure they are treated confidentially
- Prepare a Job Description
- Prepare a Person Specification
- Identify qualifications required*
- Advertise the job
- Formalise the interview process
- Process the applications
- Plan the interview programme
- Plan the interview process
- Check references
- Organise medical/checks
- Garda Vetting
- Provide Contract of Employment (on appointment)

*The Childcare (Pre-school Services) No 2, Amendment Regulations, 2006 pg.42-43 note the following:

Suitable and competent adults

A suitable and competent adult is a person (over 18 years) who has appropriate experience in caring for children under six years of age and/or who has an appropriate qualification in childcare.

Qualifications and training

It is acknowledged that many early years staff have a qualification or are working towards achieving one. In centre-based services, it is considered that the person in charge should aim to have at least fifty percent of early years staff with a qualification appropriate to the care and development of children. The qualified staff should rotate between age groupings.

However, the FETAC Level 5 Childcare Certificate has become the industry norm with regard to qualifications. Employers should note that funding schemes such as the free pre-school year require specified levels of qualifications in line with capitation grants. Therefore it is prudent that contracts of employment refer to qualifications and that the qualifications required change with changing conditions of grant aid.

PREPARING FOR THE RECRUITMENT AND SELECTION PROCESS

Recruitment is the process of seeking applicants for a job vacancy. Selection is the process of choosing the successful applicant. Therefore the task for the employer is to recruit and select the best candidate for the position. Planning, care, time and attention are essential for all early years services in their recruitment process.

Before starting the process, employers/managers should take a sheet of paper and define requirements. They should answer the questions set out below and add any others they might feel are appropriate.

Things to think about...

- ✓ Why are you taking on an employee?
- ✓ What will the rate of pay for your staff be? Have you included employer's PRSI and other relevant costs? Will pay be subject to an incremental scale and/or any national wage agreements? Don't forget about the minimum wage.
- ✓ What will the cost of the recruitment and selection process be?
- ✓ Where will you advertise in order to attract the most suitable applicant?
- ✓ What obligations must you meet as an employer?
- ✓ What kind of an employer do you want to be?
- ✓ How many staff does the service need?
- ✓ Will the job be full time or part time, permanent or fixed term?
- ✓ Have you thought through what exactly the role of your new employee will be?
- ✓ What skills and abilities will they need to perform their job effectively?
- ✓ What are the terms and conditions of employment for the job?

Considering this list of the key areas will be of assistance in compiling a job description and person specification.

This might be a good time to take the step of developing a Recruitment and Selection Policy, see page 19. Information on Garda vetting can be found on page 20.

Equal Opportunities

Under the Employment Equality Act 2004, employers must not discriminate (directly or indirectly) on the grounds of gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Travelling Community. It is good practice for employers to state that they are an equal opportunities employer on job advertisements. This highlights non-discriminatory practices to potential employees.

JOB DESCRIPTION

The Job Description outlines the basic details of the job. It usually includes the job title, reporting relationships, location, the main activities or tasks of the job and any other particular requirements. A job description should be a description of the job and just that, not the person you want to do it.

The usual format of a Job Description is:

- Name and address of employer
- Job title
- Location
- Who he or she will be responsible for
- Who he or she will be responsible to
- Job purpose
- Key activities or tasks

Key terms and conditions for the job can be included either before the key activities or tasks or at the end.

Areas that should be included so the candidate has as much information as possible are:

- Hours and days of work
- Salary range
- Whether job is permanent/fixed term/full time/part time or publicly funded labour market scheme, e.g. social economy, jobs initiative or community employment
- Annual leave

Some services provide this information on a separate sheet together with a short background history to the service. Having a well-defined Job Description, Person Specification and information about your service means you will appear more attractive as an employer to your prospective candidates. It also gives the potential applicants specific information on the nature of the job and the role within the service.

When an employee leaves the service, employers should not forget to revisit the job description for the position and do a re-assessment.

Things to think about...

- ✓ Are the duties still relevant?
- ✓ Do you need to make any changes?
- ✓ If the post was full-time does it still require a full-time position?
- ✓ Could it be advertised as a job sharing position?
- ✓ Would one or two part-time positions be more appropriate?
- ✓ Do you need to recruit or could the service be re-organised or re-structured?

See Appendices 7(a) (b) (c) for Sample Job Descriptions, pages 115 -124

PERSON SPECIFICATION

A Job Description lays out the core tasks, duties, objectives, standards and environmental circumstances of the job. It provides the relevant information to hire the ideal person required to perform the job effectively. A Person Specification lays out the ideal type of person required to effectively carry out the job.

A Person Specification should be drawn up for each particular job description. The specification outlines the range of requirements and abilities of the person required to undertake the job in question. It may be useful to begin by compiling a list of essential and desirable requirements. Decide what is essential and what is desirable for the job. For example, don't state that a B.A. in Early Childhood Care and Education is essential, when a FETAC Level 5 Childcare Certificate may be adequate. There is a difference between essential and desirable and the employer needs to make sure requirements are specific so that people with the right qualifications apply for the position. Setting unjustifiably high standards will result in interviewing the wrong people for your job, wasting time and effort.

A person specification involves preparing a description of:

- Education
- Training
- Qualifications
- Skills
- Knowledge
- Experience and competence/competencies
- Personal qualities

See Appendix 8 - Sample Person Specification on page 125

QUALIFICATIONS

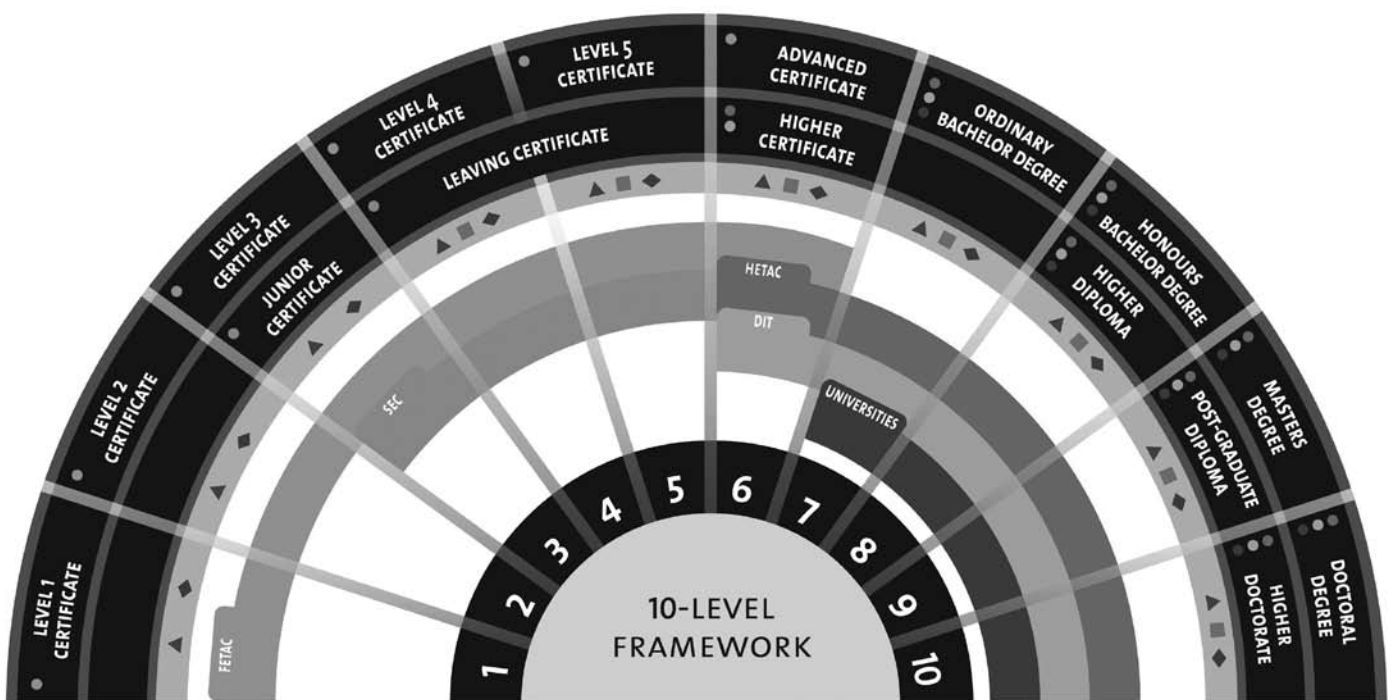
Under the Childcare Pre-school Services Regulations 2006, a person carrying on a pre-school service shall ensure that:

- ✓ A sufficient number of suitable and competent adults are working directly with the pre-school children in the pre-school service at all times.
- ✓ The service has a designated person in charge and a named person who is able to deputise as required.
- ✓ At all times during the period when the pre-school service is being carried on, the designated person in charge or the named person is present.
- ✓ Appropriate vetting is carried out of all staff, students and volunteers who have access to a child (see page 20).
- ✓ References are provided for all staff, one of which is from the most recent previous employer.
- ✓ In circumstances where Garda vetting is not available for staff, students and volunteers who have lived outside the jurisdiction, ensuring that these persons provide the necessary police vetting from other police authorities.

The 2006 Regulations state that 'in centre based services it is considered that the person in charge should have at least 50% of early years staff with a qualification appropriate to the care and development of children and that the qualified staff should rotate between different age groupings'.

As is evident from above, the legal situation in relation to qualification requirements remains vague. However, the free pre-school year recently introduced by the Government requires that all staff obtain a minimum of FETAC Level 5 Childcare Certificate full award or equivalent by 2012. Therefore, at present, the industry norm expectation is that staff are qualified at FETAC Level 5 as a minimum. When employing staff, employers should be vigilant about checking the authenticity of qualifications presented to ensure they are fully accredited and that prospective employees have a full award, i.e. that is eight modules (six mandatory and two elective). When checking qualifications that may be considered equivalent to the FETAC Level 5 full Childcare Certificate, you should ensure that the qualification is verified by the National Qualifications Authority of Ireland (NQAI) (see framework below).

Services should also be aware of the developments in relation to childcare qualifications. *Quality Childcare and Lifelong Learning: Model Framework for Education, Training and Professional Development in the Early Childhood Care and Education Sector (2002)* acknowledges the dynamic changes that are occurring in the field, which will in the future require flexibility, regular review, evaluation and revision of policy developments relating to qualifications. The work has led to the development of a model incorporating a set of core values, occupational profiles and standards in relation to training and qualifications. The model framework is being incorporated into the Workforce Development Plan.



National Framework of Qualifications

ADVERTISING THE JOB

Before advertising a job, an employer should have a Job Description, Person Specification and perhaps an Information Note developed. The next step is to decide on the most appropriate method of advertising.

Some employers may decide to use a recruitment agency, an early years consultant or a personnel consultant to look after the advertising and short listing of candidates. But this will be an additional cost.

Employers can advertise internally within the service and externally. The objectives of advertising the position should be to attract attention, create interest and stimulate action by the potential candidate.

Some suggestions for advertising include:

- National newspapers
- Local newspapers
- FÁS
- Local Social Welfare Offices
- Post Office
- Job Centres
- Community Centres
- Local Area Partnerships
- Childcare training colleges
- Specialist journals
- Internet
- Your local City/County Childcare Committee websites
- Other early years websites

The next step is to draft your advertisement for the position. Employers should state the requirements for the job as factually as possible. The following list is a recommendation of points for inclusion in your advertisement:

- Employer's name
- Brief description of the service
- Job title of the position being advertised
- Full-time/Part-time/Permanent/Fixed Term
- Hours
- Location of job
- Outline of responsibilities and duties
- Minimum experience, qualifications and any other details that you require
- Personal qualities
- Salary range
- How applicants should apply
- Closing date

If an employer has an Equal Opportunities Policy, this should be stated on the advertisement. Under the Employment Equality Act 2004, neither the recruitment nor selection process should discriminate, either directly or indirectly, on the nine grounds listed, e.g. advertisements cannot define or describe a position on the basis of gender. It is good practice to state that successful candidates will be required to complete Garda vetting.

An interesting point to note and consider in the recruitment area is highlighted in the National Childcare Strategy (1999):

‘The Expert Working Group considers it desirable that children should have contact with both men and women in childcare services and that the childcare sector should aim to achieve the following target: “Twenty percent of staff employed in childcare in collective services should be men”’ (Target 29 of the European Commission’s Network on Childcare Action Programme. Quality Targets in Services for Young Children, 1996)

Fourteen years later, the early years sector is still struggling to achieve this target.

Some services will use an application form, and their advertisement will request that potential candidates either phone or email for an application form and relevant information, which is then posted or emailed to the applicants. Other services will require potential candidates to submit a Curriculum Vitae (CV) with a covering letter – this can be by post or email. In either situation, the potential candidates should receive the relevant information in relation to the position they are applying for.

By using an application form, employers are ensuring that all potential candidates are being considered on the same basis. It can be difficult to sift through a number of CVs to ascertain the information you require – in an application form it is all set out in the same manner.

See Appendix 9 – Sample Application Form on page 126

PROCESSING APPLICATIONS

Using the Person Specification, employers should match candidates against essential and desirable criteria. Whichever method of application chosen, this is the process that should be followed to shortlist candidates for interview. A CV may mean that interviewers have to look more carefully to find the information to complete the exercise. There is often a big difference as to how CVs are laid out and the information that is given therein. An application form, however, has all of the information set out in the same format.

It is recommended that short listing of candidates be carried out by at least two people. In order to undertake this exercise, those responsible should:

- Ensure that decisions taken are based upon the criteria agreed in drawing up the person specification and job description.
- Set aside time, without interruptions, to go through all of the applications.

At this point there should be a list of candidates shortlisted for interview.

PLANNING THE INTERVIEW PROCESS

It is always good practice to have more than one person conducting the interview. Most interview panels should have three people but not less than two, and where possible there should be a gender balance. Having agreed the interview panel, the date, place and timeframe for interviews, candidates should be invited.

Shortlisted candidates should be phoned or written to and invited for interview. If they are unfamiliar with the area, sending them a map with directions can be helpful. Phoning people is usually the best approach so that if you need to adjust times it can be done more easily.

If phoning to agree interview times it would also be prudent to confirm this in writing with the shortlisted candidates. It might be worthwhile also confirming to the candidate in writing what structure the interview will take to allow them to be as prepared as possible.

There is a limit to how many interviews can be conducted in a day – the usual recommendation is six to eight depending on the type of position you may be interviewing for.

At this point, services may decide to write to the candidates who were not shortlisted; other services may not complete this part of the process until the selection is completed. In either situation the candidate should be responded to in writing thanking them for their application and informing them that they have not been shortlisted for interview. Even those who are not selected for interview will appreciate a letter from you. It gives an impression to the candidate of the kind of employer you are or are aiming to be.

The interview panel should receive a copy of the application forms or CVs together with the Job Description, Person Specification and any other information the candidates received.

It is important to draw up a list of questions that will be asked of each candidate. Remember to include situational and hypothetical questions. The interview panel should meet prior to the interview and agree who will ask what questions. The interview panel should appoint a chairperson who will introduce the candidate and outline the process of the interview and then close the interview and thank the candidate for attending. It is important for the interview panel to be aware that there should be no form of prejudiced judgments or behaviour, and no racist, ageist or sexist questions asked or remarks made.

Requesting candidates to make a presentation (related to the job advertised) or undertake some form of practical exercise to assess their suitability may also be of assistance. For example, if the early years service is keen to develop arts and crafts, each candidate could be asked to devise five things to do with scrap materials. The practical exercise or presentation should take place in conjunction with their interview (i.e. on the same day).

Other suggestions might include asking the candidates to spend some time in the early years service to see how they interact with children. Or asking candidates to complete a written paper on 'what would they do' in a number of hypothetical situations. If you decide to use an additional procedure to assist in your selection process, make sure you build in the time and/or have additional person(s) who can be available if required, e.g. to monitor the time for completing a written paper. This type of approach to the selection of your chosen candidate is part of what is known as the structured interview process and the letter that you send to your candidates should reflect this.

Remember that whatever options are used in the selection process, all candidates are required to do the same thing, e.g. written questionnaire, spend time in the service with children and interview.

Best practice recommends consideration of the following points in the interview process:

- A suitable venue should be organised that is free from interruptions and has a comfortable waiting area for candidates. A toilet should also be available.
- If the candidates are coming into a reception area, make sure the receptionist is aware there are going to be interviews and that they have a list of candidates.
- The furniture in the interview room should be arranged appropriately and in a manner that reflects the style of the interview, i.e. formal/semi-formal.
- Every effort should be made to represent both sexes on the interview panel.
- The interview panel should formulate an interview strategy.
- A fair approach would recommend a pre-agreed standard rating or points system to rate each candidate's qualifications, experience, personal attributes and performance during the interview. It is recommended the competencies that are required are identified beforehand and each candidate is asked the same series of questions (within reason).
- Leave some time between each interview, say 10/15 minutes to allow you to write up your score sheet and agree comments.

A score sheet can be drawn up using the Person Specification and the Job Description, where you have outlined your requirements for the position under the headings of education, training, qualifications, skills, knowledge, experience and competence/competencies, and personal qualities. If necessary, certain points can be weighted in favour of others. If using a weighting process this must be justifiable.

Do a check of the room.

- Is there a glare from the windows?
- Noise
- Telephones
- Room too hot/cold
- Activity outside the window
- Anything else in the room that may be distracting, e.g. pictures

The seating arrangement is also important – it shows the applicant that:

- You are approachable.
- You have time to listen to them.
- You are interested in what they have to tell you.

What the set-up of the room should not say is:

- We are important.
- We like to assert our authority/power.
- We have better things to do with our time.

The use of desks is a matter of preference – some prefer to maintain the formality of a desk, others prefer to conduct interviews in a more informal and open way. If you are using a desk, a round table is usually

better. The chairs should all be the same, of equal height and placed evenly around the table, rather than two to one side and one directly opposite.

See Appendix 10 – Sample Letter (Structured Interview) on page 129

THE INTERVIEW PROCESS

There are a number of interview methods, as outlined below.

1. Screening Method

Screening methods are generally implemented when an employer has a large number of applicants that they want to narrow down to a more manageable number. This should be carried out at the very initial stages of the recruitment process and done by phone or by reviewing CVs in an objective manner.

2. Behavioural Interview

Candidates are asked to show their experience, skills and activities etc. as examples of their past behaviour. This should be used as part of a structured interview (see below).

3. Situational Interview

A situational method uses hypothetical situations/events in the form of a question. Candidates are asked how they would react if they encountered that event. In situational interviewing, job-seekers are asked to respond to a specific situation they may face on the job. Some aspects of situational interviews are similar to behavioural interviews. Ideally, situational interviews should be part of a structured interview (see below).

4. Psychometric Assessments

Psychometric means measurement of the mind. Psychometric tests measure psychological characteristics including personality, motivation, career interests, competences and intellectual abilities. Traditionally, they take the form of pen and paper multiple-choice questionnaires but modern forms can also be presented on computer screens. Most tests require applicants to work through a large number of items in a given amount of time. Psychometric assessments should be delivered and analysed by accredited suppliers. They are not commonly used by early years services.

5. Group Selection

The Group Selection recruitment method (also called recruitment assessment centres or recruitment assessment days) offers several advantages over conventional one-to-one interviewing, which many interviewers find a very unsatisfactory method in recruitment and selection. Group Selection enables a number of people from the organisation to observe a number of job candidates, as they go through a series of specially designed activities.

Group Selection also offers the recruiting organisation an excellent opportunity to present the company and the job in a very professional way, thus appealing to and attracting the best candidates. Also, the unsuccessful candidates leave the process with a very positive impression of the organisation and the experience as a whole.

Group Selection enables the best people to show themselves to be the best, often working on real job-related scenarios, which removes much of the guesswork about people's true abilities. One-to-one interviews tend to favour the 'professional interviewee' types, who present very well, but who might then fail to deliver. There are very many different ways to structure a group selection or recruitment assessment centre/day. Screening interviews are useful in short-listing candidates for group selections. For a senior job group selection, screening interviews and psychometric assessments are recommended to shortlist candidates.

6. Structured Interview Technique

Competency based interviews, i.e. with questions related to specific competencies, provide the general form here but there are many variations, for instance in the use of historical versus hypothetical, 'situational' questions. As most selection processes include an interview anyway, there is potential tension between structured and unstructured approaches with, again, the possibility of findings from a structured interview being set aside. This is less likely to be the case where the interview has been thoroughly researched. Such research involves intense study of people who have performed well in a job and contrasting their responses with those who are no better than average performers. This can result in a highly refined instrument but, as with psychometrics and assessment centres, training is required for effective use. Additionally, the fully researched approach is only fully applicable to high volume situations.

The interviewer has a standard set / sequence of questions that are asked of all candidates. Interviewers read the questions exactly as they appear on the survey questionnaire.

The structured interview technique is the most commonly used when recruiting in early years services.

THE INTERVIEW

An interview can be seen as a conversation with a purpose. The interviewee should do most of the talking and the interview panel should do the listening. The interview panel should have the ability to establish rapport with the candidate, listen and ensure continuity during the interview. If the interview panel wish to make notes then it is courteous to inform the candidate.

Every effort should be made to ask questions of an open nature, so that the candidate can detail their knowledge and experience and is not confined to giving a 'yes' or 'no' answer, e.g. 'Can you describe a situation when...?'

Below are some examples of interview questions:

- Tell me about yourself.
- What have been your achievements been to date?
- What experience, from previous positions, can you bring to this role?
- What is the most difficult situation you have had to face and how did you tackle it?
- What do you like about your present job?
- What are your strengths?
- In relation to this position, what areas do you believe you will need support with?
- Why do you want to leave your current employer?

- Why have you applied for this particular job?
- What do you enjoy about this sector?
- Give me an example of when you resolved a conflict/difference of opinion at work.
- Do you prefer to work alone or in a group? Why?
- If you are successful what supports would you like from us to assist you in your new role?
- How do you measure your own performance?
- Give me examples of when you have used your own initiative.
- What can you bring to this service?
- Why should we choose you?

The following types of questions should never be asked:

- Who is going to look after your children?
- Are you planning to have any more children?
- How do you think you might fit in being the only man?
- Are you married?
- How old are you?
- You live 40 miles from the service – how will you get to work on time?

At the end of each interview the individual candidate should be assessed against the criteria set out under your points/rating system. One scoring system sheet should be used for each candidate and the interview panel should sign off at the end of the sheet. When the interviews are complete, each candidate can be compared and the best candidates will be those in receipt of the highest score.

In situations where interviewers cannot decide on their choice of candidate, second interviews may be convened at a later stage. If a suitable candidate cannot be identified, a decision to re-advertise the post may be made.

It is important to ensure that written records of the interview assessments are kept for each candidate. For an unsuccessful candidate the record should be kept for at least one year after the interview. This is particularly important should a dispute arise over the selection of a candidate, or should a candidate allege that an interview panel illegally discriminated against him or her. A person has six months within which to bring such a claim under the Employment Equality Act, 2004.

A good rule of thumb is always to write feedback as if it is being given to the candidate directly. All candidates should be treated with consideration and respect. They should be informed as to when they might expect to hear the outcome of the selection process.

See Appendix 11 – Sample Interview Rating Form on page 130

REFERENCES

Good employment practices outline the importance of obtaining and checking references. Each candidate should be asked to supply with their initial application the names, addresses and contact numbers of at least two referees who are not family members. At least one of the referees should have direct knowledge

of the candidate's ability and suitability to work with children. One must be from their previous employer. This is now a requirement of the Pre-school Regulations.

It is important to be conscientious in checking references. Reference checks must always be taken up to check the candidate's employment history, qualifications and experience. Telephone references should be followed up by written references or vice versa. Employers should verify the applicant's identity, experience and qualifications claimed. Interestingly, the Chartered Institute of Personnel and Development (CIPD) states, 'it has been shown that up to eight in ten applicants embellish information in some way about their qualifications and experience'.

Services must ensure that they follow up on the reference with the named referee. Remember, there is no substitute for rigorous and diligent reference checking. References are usually viewed as confidential and are therefore not generally accessible to candidates. However, some services may fall within the remit of the Freedom of Information Acts, 1997-2003 and are advised to check with their legal advisors regarding the implications in relation to this issue.

See Appendix 12 – Sample Reference Check Questionnaire on page 129

GARDA VETTING

Any person being considered for employment in an early years service must be appropriately vetted. See page 20 for more information on Garda Vetting.

MEDICAL CHECKS

It is important that the candidate is in good health as work with young children can be physically demanding. Additionally, childcare staff can be exposed to a range of childhood illnesses in the course of their work.

Some services have appointed local GPs to act as company doctors to support and advise the service in relevant areas. In this situation, the successful candidates may be required to complete a medical examination with the service's company doctor. Other services may request the candidate to complete a medical questionnaire form, which is then forwarded directly to the company doctor. In either situation, the company doctor should be given a copy of the Job Description and Person Specification so that they are clear about the role the candidate is undertaking. It would also be prudent for the service to ensure that the company doctor is well versed in the activities and information relevant to the service. However, under an equal opportunity policy neither a disability nor a history of poor health should bar an individual from being seriously considered for appointment to a post.

See Appendix 13 – Sample Health Check Questionnaire on page 133

VERIFICATION

Before an employer appoints a candidate to a position they should verify their qualifications and provide copies of original certificates. They should also check that they are eligible to work in Ireland.

APPOINTMENT – CONTRACT OF EMPLOYMENT

When a decision is made to employ a candidate, a written offer of employment should be sent. The letter usually contains the following:

- Job title
- Date of commencement
- Salary of the prospective employee
- Terms and conditions of employment
- Relevant policy documents

If the person accepts the offer, the contract of employment has legally come into being, i.e. an offer of employment has been made and accepted. See Garda Vetting Section of this publication on page 20.

See Appendix 14 – Sample Contract of Employment Headings on page 135

COMPANY HANDBOOK

A company or staff handbook can be an excellent means of communication with the employee. A copy of it should be given to each employee with their contract of employment. It can be used as a source of reference giving the employee autonomy in checking out information regarding their entitlements and is also an aid to induction and training. Having a handbook can also reduce the large amount of information that otherwise may have to be included in a contract of employment. A company handbook that includes reference to policies and procedures is another support mechanism for employers in ensuring that the employee has received and understood the information. A company handbook will include detailed information on the terms and conditions of employment and will outline policies and procedures.

INDUCTION

The first few weeks in any job are critical as this period may influence an employee's perspective and future commitment to the service, and ultimately could determine how long the employee remains in the job. Induction provides employees with the basic information they need to settle down quickly and start work. Therefore, it is important that the first phase of the employment relationship is taken up in inducting the new employee, which includes:

- The service's culture and values
- Key policies/procedures/employee handbook (e.g. grievance and disciplinary procedures, harassment procedures, child protection policy, IT policy etc.)
- The service's organisational structures (committees, management structure etc.)
- Knowledge of the work environment (where to get lunch, who works with who etc.)
- The service's expectations/goals
- Training

The induction process can take many different forms including presentations, informal meetings with other staff, sample worksheets, e-learning or video presentations, and mentoring or shadowing other employees.

Structure of the Induction Process

The structure of the induction process depends on the size and nature of the service. The length of the induction may vary from a couple of hours to a number of days/weeks, depending on the level of the position (e.g. induction for a junior position might be different to that for a manager), the size of the service, and how familiar the employee is with the business.

In most organisations a formal induction programme lasts for one or two days. The number of people required to carry out the training depends again on the size of the organisation, but usually involves the manager, the employees' individual line manager/supervisor (if applicable) and other key skilled staff.

A checklist can be drawn up detailing all the information to be presented which can then be ticked off as it is covered.

An effective induction training program helps to:

- Assist the new employee to adjust to the service.
- Clarify job requirements and performance expectations.
- Ensure effective performance in the shortest possible time.
- Establish a favourable attitude to the service in the mind of the employee.
- Integrate the employee into the culture of the service.
- Interest the employee in the job and the service.
- Reduce any misunderstandings about the job or the service business.
- Facilitate good employee relations.

All employees, both full and part-time, need an induction programme. An induction programme should not be perceived as an end in itself. It is good practice for a manager to monitor and review progress after the first few weeks of employment and discuss any problems the employee may have. There could be a follow-up interview after the first week and then probationary reviews and regular intervals.

For the employer, the return on investment of a structured induction programme is significant as it has an impact, not only on employee perceptions and morale, but also on an employee's willingness to stay in the service.

Remember when designing an induction programme that all employees need to be able to work in a safe and healthy manner, people can only take in so much information at any given time, so don't overload them! Usually the manager is responsible but many organisations are looking at engaging a number of people to participate in the delivery of the programme. Some organisations have appointed a mentor or buddy who supports the new employee throughout the induction. This could be another staff member who has been employed for some time and is familiar with all of the operational aspects of the service.

On the first day, it is a good idea to cover the following:

- Practical info – food, breaks, toilets, building layout etc.
- People info – who's who.
- Health and safety info – emergency exits, fire extinguishers, first aid kit etc.

In developing an induction programme, services should use the opportunity to include the use of such a programme for students and volunteers as well as the new employee. Some of the following suggestions might be included:

- Orientation – (physical) describing where the facilities are, on a bus/train route, location of shops, banks.
- Orientation – (organisational) showing how the employee fits into the team.
- Information about the service such as mission statement, ethos, values.
- Introductions to the children, parents, management committee and any other appropriate personnel.
- Health and safety such as the safety statement, risks assessment, prevention of accidents, protective clothing, safety rules, nappy changing/toilet time, first aid, fire drills, health and safety statement, cleaning of spillages.
- Child protection procedures – requirement to report to the designated child protection person any areas of concern, follow the child protection policy.
- Childcare issues such as relationships with parents, childcare curriculum, behaviour management, equal opportunities, outings, meal times.
- Legislative requirements in relation to health and safety, childcare, employment entitlements
- Introduction to National Quality frameworks such as Aistear, Siolta and the National Standards for Pre-schools.
- Conditions of employment such as hours of work, breaks, sick pay, maternity leave, parental leave, payment of wages, appraisal system, medical insurance, personal retirement savings accounts, annual leave.
- An issues arising from contract of employment – ideally the new employee should have their contract before they commence work so that any matters arising can be dealt with.
- Policies and procedures that are essential in relation to personnel, childcare and health and safety.
- Training – including manual handling, first aid, fire equipment, child protection and any other related area that requires training in order for the new employee to be able to carry out their job.

Some of the programme might be developed around presentations with questions and answers or active learning tasks (give the new employee a questionnaire where completion involves them talking to people in the service). Other methods might include videos, e-learning and mentoring.

As with all work activities, it is recommended that the induction programme be monitored and reviewed to ensure its effectiveness. Regular monitoring will also ensure that the programme is updated in relation to new developments in the service, legislation and best practice.

PERSONNEL FILES

Employers should have a personnel file for each employee. Legislation requires that certain records be kept. Services also need a record of the candidate's employment history during the period of the employment with the service. This is provided through information held on the employee's personnel file.

Personnel files should contain the following:

- Application form or CV
- Letter of application
- All letters regarding recruitment
- Garda Vetting
- Verification of eligibility to work in Ireland
- Copy of original qualifications
- Copy of the Job Description and Person Specification
- Copy of advertisement for the job
- Scoring/Rating interview assessment
- Signed contract of employment
- References
- Any letters changing terms and conditions of employment and employee agreement to these changes
- Staff Information Sheet which would include contact details, next of kin, contact for emergencies etc.
- Absences
- Accidents
- Disciplinary/grievance procedures
- Induction and other related training
- Salary scale, point on the scale and incremental date, if applicable

Services should seek the employee's permission to place the name and contact address/telephone number of his or her next of kin on the file in case of accident or emergency during work.

It is the employer's responsibility to keep all employment-related records and personnel files securely and confidentially. The Data Protection Acts, 1988-2003 now applies to information stored in either a computerised or manual format.

Things to think about...

- ✓ Do you have a recruitment policy to satisfy the requirements of the Childcare Pre-school Services Regulations 2006?
- ✓ Does your Recruitment Policy ensure equality of opportunity?
- ✓ Have you prepared a Job Description and Person Specification before you advertise?
- ✓ Have you listed the essential and desirable requirements for the position?
- ✓ Have you considered the conditions of Government funding schemes in relation to qualifications required for the position (e.g. ECCE and CCS)
- ✓ Have you decided on the method of application – application form or CV?
- ✓ Have you included all essential information on the advertisement?
- ✓ Remember to include a closing date for application on the advertisement.
- ✓ Remember to set up an interview panel, ideally with an external panellist.
- ✓ If interviewing mixed gender candidates a mixed gender interview panel is recommended.
- ✓ Sending out a recruitment pack to candidates is professional and will assist candidates in preparation for interview (job description, person specification, health declaration, application form, information about the service).
- ✓ Have you developed a list of short-listing criteria to assess each application against?
- ✓ It is recommended that each application is scored against the short-listing criteria.
- ✓ Have you prepared letters (regret, invitation to interview, confirmation of outcome of interview etc)?
- ✓ Good employers will communicate with all applicants in a professional manner at all stages of the recruitment process. Ensure that the scoring sheets are properly completed for each candidate and that all interview notes are kept.
- ✓ Have you completed proper reference checks including making contact with the candidate's previous employer?
- ✓ Have you carried out Garda Vetting?
- ✓ Have you drawn up a Contract of Employment and is this signed by management and the employee?
- ✓ Have you completed a 'Staff Information Sheet' for each employee to be held on their personal file?
- ✓ Now it is time to start the process of induction!





TEAMWORK AND COMMUNICATION

4

This section outlines areas that should be given consideration when dealing with employees. Good communication, motivation and support systems will go some way to enhancing a team and, possibly more importantly, retaining them.

Recent research carried out in Dublin has raised some interesting points. HRMorning.com (2010) suggest that staff leave organisations because of the following:

- Downsizing or restructuring (54%)
- Sought new challenges or opportunities (30%)
- Ineffective leadership (25%)
- Poor relationship with manager (22%)
- To improve work/life balance (21%)
- Contributions to the company were not valued (21%)
- Better compensation and benefits (18%)

SmallBusiness.co.uk suggest that the best way to retain staff is:

- Know your people
- Give praise
- Offer rewards
- Create opportunities for development
- Communicate
- Small things make a big difference

Also, if employers wish to retain employees they should ensure employees have well-designed job roles and responsibilities, provide employees with developmental opportunities as well as opportunities to be innovative and 'think outside the box'.

Successful organisations appear to be those which have developed a constructive ongoing relationship with their staff and have adopted approaches that enable them to develop the full potential of their entire workforce.

Most people would probably agree that employees should have a say in what happens in the workplace. By offering appropriate channels to facilitate this, employees can contribute their experience and knowledge which enables better decisions to be made and ensures an improved quality of service. Using this type of approach gives employees confidence in their employer and the knowledge that their points of view and interests are valued.

From a child protection perspective, it is also appropriate that early years and school age childcare services promote an organisational culture which is open to reflection and learning, encourages feedback/ complaints and above all is child centred and focused on the needs of the children in their care.

The topics highlighted in this section may provide a starting point in developing a structure to use and assist in the motivation, development, maintenance and retention of staff. The areas of role of the manager, leadership, motivation, teamwork and communication should be taken as a unit as one compliments the other. The other areas in relation to support and supervision, performance appraisals, staff training and development, dealing with conflict and motivating yourself are supportive of the overall management process. The areas covered are:

- Role of the Manager
- Leadership
- Motivation
- Teams
- Communication
- Staff Training and Development
- Support & Supervision
- Performance Appraisal
- Dealing with Conflict
- Motivating Yourself

THE ROLE OF THE MANAGER

Managers should refer to the following Siolta standard when considering their role.

Standard 10: Organisation

Organising and managing resources effectively requires an agreed written philosophy, supported by clearly communicated policies and procedures to guide and determine practice.

A manager can be defined as a person who has the authority and accountability for directing and supervising the work of others. A manager in an early years service needs to ensure that the crèche/ service is operating smoothly, is consistent with the policies and procedures of the service, is responsive to the needs of parents, children and staff members, and is open to suggestions for development.

The role of manager encompasses the following (this list is not exhaustive):

- Supervision and management of the overall performance of staff.
- Analysing, reporting and making recommendations on how to improve quality and quantity.
- Making recommendations about how improvements might be made.
- The ability to achieve business and organisation goals, visions and objectives.
- Involvement in employee selection, career development, succession planning and training.
- Responsibility for identifying problems, creating choices and providing alternatives courses of actions.
- In many services, the manager acts as the designated child protection person or delegates this to another member of the team.

The following framework outlines the key elements of the role of a manager:

- Setting objectives
- Analysing the situation
- Planning
- Organising
- Directing
- Motivating

- Controlling
- Developing
- Implementing

Setting Objectives

The manager and staff must know what is expected of them, how they should achieve their goals and how their success will be measured. The manager should have a vision of the ultimate goals of the service and should provide a statement of the ethos and the broad aims being pursued as a guideline. Every manager must be able to restate these objectives in terms of the work of their own area or their service.

Analysing the Situation

A manager should have a clear perspective of the situation in which they are working. A manager should be able to understand clearly the environment in which the service is being delivered, including:

- Opportunities, problems and tasks
- Strengths and weaknesses
- Outside influences and threats
- Key factors, needs and priorities
- Policies and procedures of the service and the particular area in which it operates

Planning

A key part of the manager's role is to decide what should be done and when. Planning stages can be outlined as follows:

- Analyse the opportunities
- Define the aims
- Explore the options and generate various ways for achieving the aims
- Select the best option(s)
- Evaluating costs and benefits
- Make a detailed plan
- Evaluate the plan and its potential impact
- Establishing detailed targets
- Implement the best plan
- Explore the lessons learned

Organising

The next step is to arrange the means to carry out the plan. This may involve:

- Deciding the who, where, when and how
- Defining roles, responsibilities, authority and accountability
- Resources
- Setting up procedures
- Organising the use of time appropriately

Directing

Making it happen:

- Communicating the plans
- Giving instructions
- Providing leadership and guidance

Motivating

Getting people engaged to carry out the plan efficiently:

- Include employees in the action plan
- Be creative in determining rewards
- Give employee rewards your personal touch
- Ensure there are good harmonious relationships between all the groups (individuals and management)
- Encourage, praise, cajole, reward and reprimand!

Controlling

Once on track, the whole operation needs to be steered in the right direction – you don't usually meet a car going backwards on the wrong side of the road! Make sure progress is monitored:

- Measure results and monitor progress
- Compare results with targets
- Identify problems, conflicts and deviations
- Respond to outside influences or changes
- Take corrective action if necessary
- Revise the plan where necessary

Developing

The manager should always look for ways to improve operations and get better results. This will:

- Improve performance
- Develop staff
- Improve the quality of the service
- Improve the delivery of the service

Management Skills

There is no doubt that managing an early years service is a challenge. There are responsibilities not just for staff but for the children in the care of the service and their parents and, for some services, the broader community in which they operate their service.

In relation to the personnel area, some of the areas managers need knowledge of are as follows:

- Recruitment and selection of staff.
- Keeping abreast of employment legislation and employees' entitlements.
- Ensuring appropriate forms and records are maintained.
- Development of personnel policies and procedures.

- Ensuring that if a disciplinary procedure needs to be invoked, that (a) the procedure is followed (b) all other related tasks are completed, such as documenting the meetings, writing to the employee, and (c) managing the potential 'fall out' from other employees in the workplace.
- Dealing with issues/differences of opinion between employees.
- Communicating with employees – either individually or at staff meetings, verbally, in writing, by phone.
- Dealing with the 'personal' issues that are on occasion brought into the workplace.

It is also really important for managers to have a sound working knowledge of the early years sector. It is not enough to be aware of the general requirements in terms of childcare, health and safety, personnel and administration, which could be at micro level. At macro level, national developments within the early years sector should be followed to enable informed decisions, practice higher standards within the workplace, and ultimately improve the quality of service provided. Managers should keep up to date with such developments as Aistear, Siolta and the new standards for pre-school services.

Management Requirements

It is acknowledged that within the early years sector there are different management requirements. Services may be managed by employers, contractors, committees, parents or privately owned. However, French (2008a) suggests that whatever structure is chosen for the operation of an early years service, there should be a system of consultation with parents.

Services should refer to the following Siolta standard when considering parental involvement within their setting:

Standard 3: Parents and Families

Valuing and involving parents and families requires a proactive partnership approach evidenced by a range of clearly stated, accessible and implemented processes, policies and procedures.

French states that other points to consider are:

- There should be a primary concern for professional practice and fairness in all operations.
- How the management structures operate should be transparent to all.
- Management and senior staff should be responsive to the conditions of work of staff members and the needs of parents.
- Correct legal requirements should always be adhered to.
- The chain of command should always involve senior management taking ultimate responsibility in all areas of the service.
- Unless the service is directly parent-managed, an advisory group should exist on which parents are strongly represented.
- Discussion should take place, with the whole group involved, about any major initiatives or changes.

The areas of the manager's role outlined above can form the basis for assessment and development for the individual manager and the service. It should also be noted that everyone has a different style of management. However, whatever the style, there is no substitute for clear communication, support and development of staff.

LEADERSHIP

'Leadership comes from the heart, management comes from a book.'

It might be seen that way in the early years sector. Research would suggest that you can become a manager but you are a born a leader. There is no doubt that in childcare the role of manager incorporates good leadership. The key question is when to lead and when to manage?

There are three main types of leadership styles as described below.

The Autocrat

The autocratic leader dominates team members, using unilateralism to achieve a singular objective. This approach to leadership generally results in passive resistance from team members and requires continual pressure and direction from the leader in order to get things done. Generally, an authoritarian approach is not a good way to get the best performance from a team.

However, there are some instances where an autocratic style of leadership may not be inappropriate. If a situation arises which may require urgent action then this type of leadership may be the most suitable to get the job done. Many people may be familiar with this leadership style and therefore have less trouble adopting that style. Some employees may also prefer an autocratic style of leadership.

The Laissez-faire Style

The laissez-faire leader exercises little control over the team, leaving them to sort out their roles and tackle their work without participating in this process themselves. In general, this approach leaves the team floundering with little direction or motivation.

There are situations where this approach can be very effective. This type of leadership is most effective and appropriate when leading a team of highly motivated and skilled people, who have worked extremely well and cohesively together – in other words there are excellent work practices. If one can establish that a team is confident, capable and motivated, it is often best to step back and let them get on with the task, since interfering can generate resentment and detract from their effectiveness. By handing over ownership, it is a means of empowering the team to achieve their objectives.

The Democrat

The democratic leader makes decisions by consulting his team while still maintaining control of the group. The democratic leader allows his team to decide how the task will be tackled and who will perform which task.

A good democratic leader encourages participation and delegates wisely, but never loses sight of the fact that they are the person with the responsibility of the leadership of the team. They value group discussion and input from the team and can be seen as drawing from a pool of the team members' strong points in order to obtain the best performance from the team. The democratic leader motivates their team by empowering them to direct themselves and guides them with a loose reign.

However, the democrat leader can also be seen as being so unsure of themselves and their relationship with their subordinates that everything is a matter for group discussion and decision. Clearly, this type of 'leader' is not really leading at all.

It might also be helpful to consider using different approaches of leading employees as different employees will have different levels of ability, confidence and commitment.

Directing

This approach would be usually used with new employees who need to be directed, where there is a need to be given clear instructions on how to carry out various tasks within the service.

Coaching

Coaching is designed to enhance the process of human learning, effectiveness and fulfillment. It is about working with people to show them new possibilities and assisting them in taking actions previously not obvious to them. Coaching has the capability to alter or shift the structures of interpretation and the context within which people normally operate. In this sense, introducing coaching competencies into an organisation is a very powerful strategy for modifying or creating a culture which is more adaptable to change and growth.

Sometimes, for whatever reason, an employee may lack motivation or lose confidence and find the day to day tasks difficult. So the manager's role is to direct them to some degree but ensure that you encourage them and give them that 'round of applause' and acknowledge that they have done well.

Supporting

Most employees will arrive at the point in their job where they can carry out all of the functions required but they still may lack the confidence to actually take the initiative to make their own decisions or do something without confirming that it is alright. At this stage it is worth considering asking them for their opinions and ideas and being prepared to take on their views and even implement their ideas.

Delegating

At the point where the employee is confident and secure in their knowledge, skills, competence and ability to do the job well, they could be delegated specific tasks or perhaps may be ready for promotion to a more senior role within the service. This employee may need little 'leading' at this point but it is important to remember to affirm that they are appreciated.

In Summary

Overall, whether managing or leading it is important to remember that staff perceive that they are working with the best people and that they belong, are valued and proud to be part of a quality team within a quality service. These are the goals of a manager.

MOTIVATION

Having discussed management and leadership and identified how to manage and lead in different ways, it follows on that different things make people 'tick'. People are motivated by different things – for some it might be money, for some it might be work-life balance. So why do people work? Why do some people work harder than others? What demotivates people? If we knew the key to what exactly makes people tick, someone would be making a lot of money!

Differences in Motivation

In the 1950s, Frederick Herzberg developed the 'Motivation-Hygiene' theory. The positive motivators identified were achievement, recognition, the work itself, responsibility and advancement. Although being well paid is nice, being valued and trusted is probably a higher motivator for a lot of people.

In a team there is likely to be some overlap and variation between what motivates individuals. Even if the team members were all doing the same job, there would be a variation because individual needs are different.

A manager can influence the local environment and the way in which they interact with their team. The feedback a manager gives to the team about their work is fundamental to their motivation. The team need to know where they stand and how they are performing. Giving people recognition for their achievements is very important and it should always be given when the event occurs for the most impact. Feedback should be straightforward, honest and constructive. Blair (2000) suggests using this formula:

- Highlight something good.
- Point out what needs improving, if it does.
- Suggest how to improve or look at something from a different perspective.

So, the next time you see or hear about a member of your team doing something well, give them a round of applause. And remember, the best way to get recognition for your team's achievements (without blowing your own trumpet as the leader of the team) is to bring attention to that achievement. You, as leader, are included as part of that success. Most people motivate themselves but can often be demotivated by the actions of others. Therefore, how people are managed and led does make a difference to their motivation.

Another suggestion to ensure that a team doesn't get demoralised or demotivated when setting a task that may seem difficult for them to achieve, comprehend or understand why it has to be done, is to define the tasks in a series of steps or goals which are realistic. As either the individuals or the team performs the steps of the task they will feel that they have accomplished something and then taking the next step will appear clearer and more realistic. The 'brick wall' approach usually results in the task not being completed or done properly.



1. The Brick Wall Approach



2. Broken Down Steps

Source: Adapted from MENG Topics on Management Studies – Leadership (Masters Students):
www.see.ed.ac.uk/~gerard/MENG/index.html

TEAMS

Most employees would agree that teamwork is an essential ingredient in the successful running of any early years service. In fact, it could be argued that teams in childcare offer some of the best examples of teamwork.

Teams or groups provide opportunities for people to combine their talents and to provide solutions to problems. Even when an individual can resolve a problem, there are benefits to a group making the decision. The motivational aspect of participation in the decision can make implementation easier. A team may have the capacity to consider a range of factors, which the individual may not.

Bruce Tuckman refined his theory of 'life-cycle' (Forming – Storming – Norming – Performing) of groups or teams around 1975 and added a fifth stage to his team model – he called it 'Adjourning', which is also referred to as 'Deforming' and 'Mourning'. Adjourning is arguably more of an adjunct to the original four stage model rather than an extension – it views the group from a perspective beyond the purpose of the first four stages. The Adjourning phase is certainly very relevant to the people in the group and their well-being, but not to the main task of managing and developing a team, which is clearly central to the original four stages.

Stage 1 - Forming

The team gets to know one another and everyone is very polite and there is a degree of formality. There is a lot of discussion about 'safe' subjects such as their objectives, rules about who does what and when take place. The group at this time is usually guarded in their opinions and very reserved. People usually try to make an impression on other members of the group. However, the group soon moves to the next stage.

Stage 2 - Storming

This second stage sees the group addressing personal agendas and beginning to have a real feel about where they are going and what they are doing which is usually through stormy discussions and disagreements. Sometimes objectives and views set at Stage 1 are changed. All hell can break loose and people may feel as if they are being attacked! At this stage it is important that any conflict is dealt with openly and there is good negotiation. If issues are buried they arise later and the team may not complete its cycle.

Stage 3 - Norming

This stage establishes how the group/team will work together as they see the merit of such a game plan. Earlier rules negotiated may not meet all the requirements of the team and may need to be redefined. Norms will be set about how people treat one another, how to work, how hard people work. The most significant achievement at this time is that people start to listen to one another. Individuals start to feel secure within the team. If a new member joins the team at this point they will be expected to fall in with the established norms of the group. When they don't, the group will revert back to the storming stage. If the team continues to develop, some of the norms will be questioned, as the strengthening team may not require all the rules/regulations.

Stage 4 - Performing

This stage is only reached when the team has made its way through the three previous stages and enters this mature phase where the team works at its most productive and flexible. At this stage there

is little dependence on rules/norms – they are only used on the occasion when something may be in dispute, this is usually openly discussed and quickly resolved.

Stage 5 - Adjourning

Adjourning is the break-up of the team. This may be when a task is completed successfully, its purpose fulfilled; everyone can move on to new things, feeling good about what's been achieved. Or this stage can happen when an employee leaves a team that has worked for a long period together. In fact, if this happens, it is often likely that the team may lose more than one member and this is where the description of 'mourning' came from. Should this happen it is important that services have an organisational perspective, and recognition of and sensitivity to employee's vulnerabilities.

In general, this life cycle occurs in all groups/teams and it usually follows the sequence outlined. The timing of moving from one stage to another is hard to predict as it depends on the members of the group, the urgency of the task (if they have been formed to take on a specific job), the amount of time they spend together, the amount of agreement/disagreement, size and the diversity of the individuals who are forming the team/group.

Team Roles

Belbin (2005) defined the different types or roles played by team members as follows:

- Co-ordinator (formerly called Chairman) – controls the way the team operates.
- Shapers – specifies the way teams should work.
- Implementers (formerly called Company Workers) – turn proposals into practical work procedures.
- Plants – produce strategies and ideas.
- Resource Investigators – explore the availability of resources, ideas and developments outside the team.
- Monitor Evaluators – analyse problems and evaluate ideas.
- Team Workers – support team members, improve team communication and keep everyone going
- Complete Finishers – maintain a sense of urgency in the team.
- Specialist – have expert knowledge/skills in key areas and will solve many problems

Source: www.belbin.com & <http://adrianwalsh.com>

A group of people who work together can improve and develop their effectiveness through team building activities. Team building workshops can use a variety of approaches such as interactive training, role-play, group exercises, action learning, videos and outdoor development training. It is important to note that such workshops should be seen as relevant by the participants, reflect the service's objectives and fit in with work arrangements.

Managers should consider the following Siolta standard when working with their team of staff:

Standard 4: Consultation

Ensuring inclusive decision-making requires consultation that promotes participation and seeks out, listens to and acts upon the views and opinions of children, parents and staff, and other stakeholders, as appropriate.

Like Belbin, Peter Honey (2007) proposed the following definitions of the roles that are needed in an effective team:

- **Leader** – the person who makes sure the setting's objectives are clear and that everyone is involved and committed.
- **Challenger** – the one who questions ineffectiveness and takes the lead in pressing for improvements/results.
- **Doer** – the person who urges the members of the early years team to get on with the task in hand.
- **Thinker** – the individual who produces carefully considered ideas and weighs up and improves ideas from others.
- **Supporter** – plays the part of easing tensions and maintaining harmonious working relationships.

Looking at Belbin and Honey's suggestions for 'types of players', it can be seen that if the team make up is the same 'type' then the team will not be effective. Smaller teams may need to actively take on other roles to ensure the effectiveness of the team. As a manager can you respond in the affirmative to all the points outlined below? Would the members of the team be in agreement?

Characteristics of an Effective Team

- The vision and objectives of the team are clear and well understood by all.
- Everyone is clear about their roles and responsibilities.
- Good communication strategies ensure information is shared by all.
- Simple ground rules regarding behaviour and confidentiality are established and adhered to.
- Aspirations are high and everyone understands that they are expected to fulfill their role.
- Everyone takes shared responsibility for achieving the objectives of the team.

Team members need to trust one another and make an effort to understand one another. This can be helped by listening, supporting, helping and respecting one another.

COMMUNICATION

'Communicate, communicate, and then communicate some more.'

How you communicate with individuals or your team plays a key role in their response to your requests, actions, motivation and management. Communication is key to the successful delivery of all the management functions.

Managers should refer to the following Siolta standard when consider communication within their service:

Standard 12: Communication

Communicating effectively in the best interests of the child requires policies, procedures and actions that promote the proactive sharing of knowledge and information among appropriate stakeholders, with respect and confidentiality.

Process

Communicating is an ongoing process; it is a series of messages you give either spoken or unspoken. The person communicating the message is usually referred to as the 'sender' and the person receiving the message the 'receiver'. Once it is communicated, a message can't be undone.

Relationship

When you are communicating with an individual or group, think about how you want the relationship to be after the message is communicated. Care needs to be taken so that you don't unnecessarily damage the relationship. Think about how and what you are going to say beforehand. Try to ensure that you only convey the message and not anything else. If you don't do this, the receivers of the communication may pick up something other than the message you are trying to deliver.

Environment

Choosing where you are going to communicate is also important. If you need to speak to a member of staff about an issue, pick a place where there are no interruptions and you have time to communicate properly and clearly.

Emotion

Emotions often come between the person who is sending the message and the person who is receiving the message. Being in an emotional position is not the healthiest way to communicate a message to someone. Similarly, if you are conveying a message to an emotional person they may not hear or want to hear what you are saying.

Body Language

Your body language is also an important part of communicating. Remember, what you are saying should match your expressions, how you are standing, eye contact, etc. Only a small percentage of communication involves actual words, experts say in the region of 7%. In fact, 55% of communication is visual (body language, eye contact) and 38% is vocal (pitch, speed, volume, tone of voice). The world's best business communicators have strong body language: a commanding presence that reflects confidence, competence and charisma.

Interference

Interference in communication is often referred to as noise. The noise can be physical noise and/or psychological noise. Psychological noise is usually where people's emotions get in the way and can include prejudices, feelings, past experiences and assumptions. These also apply to the sender or the receiver of the message. It is important to check that the right message has been received. You can do this by paraphrasing or clarifying.

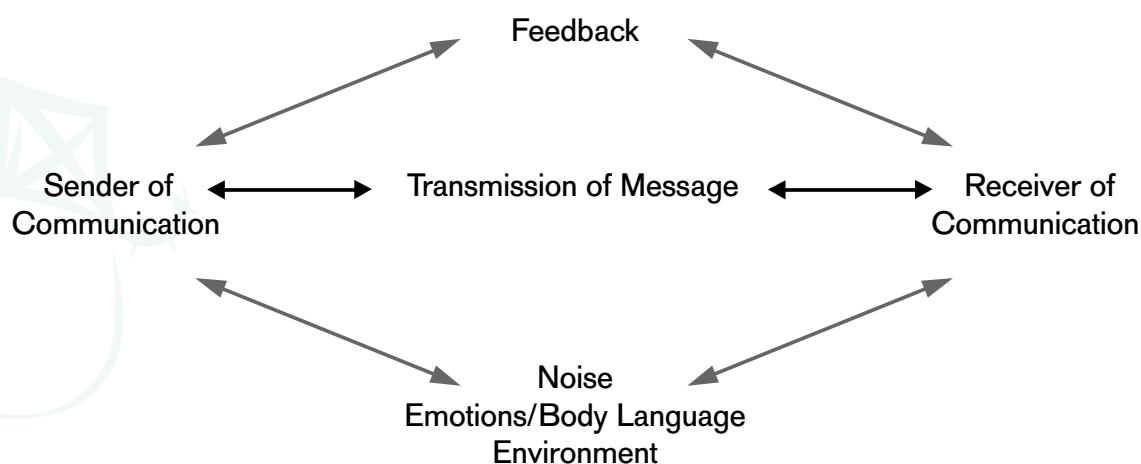
Checking It Out

When you have communicated a message you should check that your message has been received and understood. If you have verbally given a message but your body language hasn't matched, people may be confused about what you were trying to communicate. The more confident and clear you are about the message you are delivering, the more your voice and body language will match, thereby reducing the possibility of being misheard or misunderstood. Therefore, the more you have thought about and

prepared the delivery of your message, the clearer it will come across to your audience – particularly if you are delivering a message of importance.

The diagram below gives an example of communication. Interference along any of these lines can distort the message that is being sent and received.

Communication Process



Communication Process Model based on Weirich & Koontz. Management – A Global Perspective (1993)

Communication Systems

Communication systems can be written or oral.

Written communication systems might include:

- Newsletters
- Information sheets
- Notice boards
- Emails

Oral communication systems can be:

- Team meetings
- Individual meetings
- Open door policy

Services should decide on which communication system or systems suits them best.

SUPPORT AND SUPERVISION

Managers should consider the following Siolta standard in relation to support and supervision:

Standard 11: Professional Practice

Practising in a professional manner requires that individuals have skills, knowledge, values and attitudes appropriate to their role and responsibility within the setting. In addition, it requires regular reflection upon practice and engagement in supported, ongoing professional development.

Some services may not use a formal support and supervision structure – it really depends on the requirements, demands and needs of the service. However, there should be some system of support and supervision for employees on a regular basis. This might be facilitated through regular staff meetings or

one-to-one meetings with employees. Support and supervision is an ongoing process. Employees should have an opportunity to actively contribute to staff meetings and be asked to submit items for the agenda. The minutes of the meeting should be recorded and circulated to all staff. Perhaps employees can be given the opportunity of chairing the meeting, taking the minutes, keeping a 'time check' on the agenda items discussed. These tasks could be taken on by different employees at each meeting.

Employees should always be encouraged to seek support and check things out if they have any queries, particularly when working in the childcare sector. So if you say you have an 'open door' policy in relation to staff having access to the manager – make sure it works. Staff should also be made aware of where they direct their queries and issues to, be it the manager, a board member or a mentor.

Why is Supervision Important?

It is a role of the manager to create and maintain the right conditions for staff to carry out their work. Supervision is essential in this framework – it provides support, back up and assistance to staff as well as challenge, when necessary. It also encourages staff to maintain an interest in their current and future work. Supervision is also important in the motivation of staff. Staff need to be involved in the reviewing and planning of their work and to be committed to goals.

Support and supervision can be divided into the following headings:

- Planning
- Evaluation
- Enabling
- Supporting

The Role of the Manager in Supervision

- Monitor, evaluate and approve the employee's performance.
- Feedback to employees.
- Facilitate communication and mutual understanding.
- Discuss difficulties and sources of conflict.
- Help the employee manage the workload.
- Identify training needs.
- Plan and set targets for the work.

Manager and Staff Agree Broad Guidelines

Develop a contract – write up how you will conduct your meetings. Points to be considered are:

- Confidentiality
- Records
- Duration of sessions
- Frequency of sessions, e.g. weekly, monthly, fortnightly
- Dealing with difficulties
- Content
- Evaluation

Supervision Policy

Policies and procedures as outlined in Section 1 can play a vital role in ensuring clarification on issues and how things should be done. If things are not working, it provides an opportunity to sit down and review and/or amend your policy and procedure, if required. Having a written policy on supervision will outline:

- What supervision is and its purpose.
- How supervision relates to the overall aim and values of the service.
- Supervision structures in the service.
- Agreed guidelines about confidentiality, records, frequency and duration of sessions.
- The procedure in case of difficulties in the supervision relationship.
- The rights and responsibilities of the supervisors and the supervisees.
- The experience and training required of managers.

Requirements of a Manager

The following areas outline some of the competencies a manager should have:

Knowledge

- Vision and values of the service.
- Early childhood theory and curricula
- Knowledge of developments nationally in the sector.
- Future direction and plan of the work.
- Work plans and how they relate to individual workers.

Skills

- Communication
- Listening
- Observation
- Analysing
- Planning
- Evaluation
- Constructive feedback
- Choosing a leadership style

Personal Qualities

- Openness
- Level headedness
- Objectivity
- Non-judgmental
- Assertiveness
- Patience
- Confidence

You might think that this sounds familiar – that you read it before. Yes, some of the competencies highlighted are talked about in the role of the manager. Don't worry, there are few managers who start out with all of these skills and qualities. Management often entails just using your common sense. It is about stopping to ask yourself questions so that your common sense can assist with the answers.

PERFORMANCE APPRAISAL

Many services do not use any kind of appraisal system. Setting up a support and supervision contract with employees will assist or can be used to supplement the overall appraisal process.

Appraisals can be carried out as:

- Comprehensive reviews
- Progress reviews
- Continuous monitoring

It is recommended that a formal comprehensive appraisal should be carried out annually. An appraisal should be an assessment by both the manager (appraiser) and the staff member (appraisee) of the work that has been done in the past year. There is no hard and fast rule – if it suits the service better, appraisals can be carried out on a six monthly basis.

Appraisals are different to support and supervision sessions in that an appraisal takes a longer-term view of the work. Some services carry out annual appraisals and use the work objectives agreed as an ongoing structure for support and supervision sessions.

Areas to be looked at during the appraisal discussion might include:

- What has worked well?
- What hasn't worked well?
- Are there any training needs emerging?
- If the staff member has undertaken any training has this impacted on their performance?
- Have support and supervision sessions been adequate?
- Are there any difficulties? (If you have good communication and support systems set up, any issues of conflict should have been addressed or at least been dealt with outside of this process.)
- Agree work objectives and work targets for the next year.
- Opportunities to look at career plans.

This is an ideal opportunity to look at the employee's job description to ensure it is still relevant and to see if it needs to be reviewed. Also to see if the employee has been doing the job they were employed to do.

DO – acknowledge any particular piece of work that has gone well or a suggestion that has proved successful.

DO – make sure you ask your employee if there is anything that you can do or change that would assist your employee in their work, and remember, **LISTEN** to what they have to say.

An appraisal discussion is an opportunity for a manager and their staff member to have a structured meeting, without interruptions and with adequate time allowed to discuss their performance over an agreed

period of time. It is good practice to keep appraisals separate from issues on salary increases and terms and conditions of employment. If they do arise, ensure that they are addressed but in a different forum.

The discussion techniques used in the appraisal process are similar to those of selection interviewing. The appraiser needs to let the appraisee do most of the talking and the questions should be open ended.

There are various styles of appraisal forms. Some organisations use the same form for both the appraiser and the appraisee to complete, others use separate forms. However, whichever style you adopt it is important that both parties are given time to prepare well in advance of the meeting. Your appraisal system should be evaluated periodically. Using the sample appraisal form in Appendix 15 is a starting point but it should be amended and/or developed to suit your service. The form gives an outline of items to consider in developing a form from an appraisee and appraiser perspective.

See Appendix 15 – Sample Appraisal Form on page 137

STAFF TRAINING AND DEVELOPMENT

The provision of opportunities for staff training and development should be high on the priority list. At this point you will no doubt realise just how important it is that staff receive adequate training where required and that they are informed of policies and procedures. Services should ensure that staff (staff in this context includes all those with management responsibility) are trained and that there are records kept of training undertaken for each employee. Some of the following areas of training are essential:

- Policies and procedures in all areas (including Disciplinary, Grievance etc)
- Contracts of Employment
- Understanding the implications of the equality legislation and its impact on the workplace in relation to bullying, harassment and sexual harassment
- Manual Handling
- First Aid
- Health and Safety practices
- Fire drills, procedures and evacuations

French (2008a) suggests that training in regard to early years may include such areas as:

- Making observations
- Assessments of and planning for children's learning
- Planning and evaluation
- Conflict resolution
- Enabling children's collaborative behaviour
- Working with families
- Record keeping
- Anti-bias educational practice
- Early childhood curricula
- First aid
- Child welfare

The identification of training and development needs may emerge from support and supervision sessions, from the appraisal process or from team meetings. When training needs have been identified, it doesn't always necessarily mean that you should send the person off to the next available training course. Establish what type of training is required – is it relevant to the work, individual and the service?

Training and development need(s) can be met using a range of activities such as:

- Seeing what others do (best practice)
- Adopting a role model (mentor)
- Involvement in other areas of work
- Involvement in the community
- Coaching others
- Training courses

Provision of training:

- Facilitates continuous professional development
- Develops the competencies of staff and their performance
- Updates skills/learning
- Evaluates progress and assesses learning
- Helps staff gain a better understanding of their work

Within early years services, it is often not possible for all staff to attend training at the one time. So addressing staff's training needs and prioritising what or which training is needed most is an important role for the manager. Management needs to plan for staff development and training in terms of staff time and cost. Services should therefore give consideration to linking with other early years providers locally to arrange joint training sessions. This may reduce the overall cost as it would be shared and give staff the opportunity to meet others working within this sector.

DEALING WITH CONFLICT

'A good manager doesn't try to eliminate conflict; he tries to keep it from wasting the energies of his people. If you're the boss and your people fight you openly when they think that you are wrong - that's healthy.' R Townsend

Dealing with or trying to resolve conflict is never an easy matter. However, if you adopt opportunities for communication using the communication process, consider how you might manage, lead and motivate your employees, and use the suggestions outlined under earlier in support and supervision, team meetings or other forums, you may go some way to dealing with issues as 'molehills' before they become 'mountains'.

Problems or challenges can be small or large. Each individual is different and each situation is different so every situation merits its own solution and approach. Be flexible with regard to personal problems and, when circumstances like these arise, work with them and be adaptable, you can't change things. Focus on the problem.

A problem which derives from a lack of interest or commitment most often needs to be resolved by addressing the employee's motivation. Can the person be given greater responsibility? Is there opportunity for advancement? Can the work be redesigned or made more challenging? From time to time check out the day-to-day procedures or systems in the service. Do any of them give rise to conflict or bad feeling? You might not realise that holding the team meeting at 3pm on a Friday is not the most conducive time for your team to be 'high-energy' in terms of input and participation.

Very often, in dealing with challenges or 'grumblings', there might be a need for a meeting with either individuals or a number of people. So, whether you are taking on the role of manager, listener, facilitator or mediator, if you have to comment or give feedback to your employee(s), consider the following:

- Focus on what you see – not what you believe.
- Focus on behaviour – not on personality.
- Be neutral – don't be judgmental.
- Inform – rather than advise.
- Be supportive – rather than threatening.
- Keep it simple – don't overdo it.
- And finally, if you give it, be prepared – you have to be able to take it back.

When an issue is a 'molehill' it is a small glitch for people to try to resolve, either to get over or to reach agreement on at the top, depending on the issue. When the issue becomes a 'mountain' it takes a lot of time, energy, motivation and commitment from all concerned to get over it or meet at the top. These are the situations which most often end up as major issues of conflict, which, in turn, end in unhappiness for all concerned.

Negotiation

Negotiation is a way of trying to resolve conflict. However, it does not necessarily mean that one party must win and one must lose or that compromise is the only joint acceptable situation. A win-win solution is the optimum solution. Impossible? It doesn't have to be.

Maier & Hall (1998) based some of their 'rules' for resolving conflicts of interests on the work of Fisher and Ury. They suggest that both sides must be willing and able to:

- Focus on the objective of what they are trying to achieve in relation to both the substantive and the relationship issue, not on the means or the positions or roles they play.
- Be creative and inventive and problem-solve together in order to find a solution which allows them both to achieve their preferred outcome.
- Be tough on the problem not on the people.

There is no doubt that having to resolve issues of conflict is tough, but to sweep them under the carpet means your molehill becomes a mountain. The facts of a situation get clouded and other factors contribute to the initial issue, which may make that mountain erupt!

Things to think about...

- ✓ Try to encourage an open, problem-solving culture in your team so that people can feel comfortable saying there is a problem or that someone else is causing a problem. This type of culture won't happen if there's a continuous blaming of someone else for all the problems.
- ✓ Agree standards of performance – individually and within the team – both in relation to behaviour and performance.
- ✓ Support and supervision should be regular, in whatever format suits the needs of the service.
- ✓ Develop your communication skills.
- ✓ When dealing with conflict, consider all the options.
- ✓ Investigate and gather all the information available.
- ✓ Who 'owns' the problem? This is usually the person who is causing the problem. In most situations it is better to let the two people who have the difference try to sort it out.
- ✓ What is your role in dealing with the conflict? Do you need to be involved at all or do you need to act as a facilitator, mediator or arbitrator?
- ✓ Be tough on the problem, not on the person.
- ✓ Practise what you preach!

MOTIVATING YOURSELF

'The only lifelong, reliable motivations are those that come from within, and one of the strongest of those is the joy and pride that grow from knowing that you've just done something as well as you can do it.' Lloyd Dobens

So what can you do to motivate yourself and keep going? Here are a few suggestions that you might like to consider:

- Have you thought about networking with other managers in early years services?
- Are you a member of any of the Voluntary Childcare Organisations?
- Have you thought about contacting your County/City Childcare Committee?
- Do you have an external support and supervision process set up for yourself, if relevant?
- Have you thought about reflective practice?
- Are you a member of a professional organisation, e.g. what are your qualifications, is there a professional body?
- Have you linked into your local HSE inspection unit?
- Have you thought about your own training and development needs?
- Have you thought about time management?
- Do you delegate work or responsibilities to others, if appropriate?
- Have you tried taking a different leadership approach?
- Have you tried to use the 'project management process' for a particular task?

'Motivation is the art of getting people to do what you want them to do because they want to do it.' Eisenhower





**FINAL
WORDS**

This guide has sought to provide those managing early years services with more understanding and knowledge of issues relating to Human Resource Management. Managing a service involves substantial responsibility. As well as the day-to-day running and development of the service, managers are responsible for the children in their care and their staff as well relating to the children's parents and the wider community.

The current economic climate in Ireland has put pressure on many childcare services but it is essential that employers continue to be compliant with legislative requirements as well as promoting good practice. Recent Government initiatives have had major implications that further add to the responsibilities of those working with children. Employers need time and resources to implement these, but this should not inhibit them from striving towards achieving the highest quality childcare facility. Standards must also extend to the quality of staff employed and their working environments, facilitated and developed by you, their employer.

The development of policies and procedures, involving all stakeholders, will ensure that consistent decisions are made in line with the service's values as well as legislative requirements, and information has been given in Section 1 of this guide to assist you with this. As the area of employment legislation continues to grow, services must keep abreast of the changes and duly amend their policies and procedure documents. Section 2 on employment law gives guidance to help you to do this.

The recruitment and selection of staff is one of the most important of all HR functions. Employees must be seen as the most vital resource of a service and this guide aims to help employers secure that resource by outlining the necessary steps in recruitment that must be taken to do this. Staff retention and satisfaction is equally important. Section 4 shows how good communication, motivation and staff support systems will help to both enhance the service and retain staff.

By reviewing your current structures and arrangements on a regular basis you can ensure quality standards and best practice in all areas of childcare provision.





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APPENDICES

APPENDIX 1

SÍOLTA STANDARDS

Standard 1: Rights of the child

Ensuring that each child's rights are met requires that she/he is enabled to exercise choice and to use initiative as an active participant and partner in her/his own development and learning.

Standard 2: Environments

Enriching environments, both indoor and outdoor (including materials and equipment) are well maintained, safe, available, accessible, adaptable, developmentally appropriate, and offer a variety of challenging and stimulating experiences.

Standard 3: Parents and Families

Valuing and involving parents and families requires a proactive partnership approach evidenced by a range of clearly stated, accessible and implemented processes, policies and procedures.

Standard 4: Consultation

Ensuring inclusive decision-making requires consultation that promotes participation and seeks out, listens to and acts upon the views and opinions of children, parents and staff, and other stakeholders, as appropriate.

Standard 5: Interactions

Fostering constructive interactions (child/child, child/adult and adult/adult) requires explicit policies, procedures and practice that emphasise the value of process and are based on mutual respect, equal partnership and sensitivity.

Standard 6: Play

Promoting play requires that each child has ample time to engage in freely available and accessible, developmentally appropriate and well-resourced opportunities for exploration, creativity and 'meaning making' in the company of other children, with participating and supportive adults and alone, where appropriate.

Standard 7: Curriculum

Encouraging each child's holistic development and learning requires the implementation of a verifiable, broad-based, documented and flexible curriculum or programme.

Standard 8: Planning and Evaluation

Enriching and informing all aspects of practice within the setting requires cycles of observation, planning, action and evaluation, undertaken on a regular basis.

Standard 9: Health and Welfare

Promoting the health and welfare of the child requires protection from harm, provision of nutritious food, appropriate opportunities for rest, and secure relationships characterised by trust and respect.

Standard 10: Organisation

Organising and managing resources effectively requires an agreed written philosophy, supported by clearly communicated policies and procedures to guide and determine practice.

Standard 11: Professional Practice

Practising in a professional manner requires that individuals have skills, knowledge, values and attitudes appropriate to their role and responsibility within the setting. In addition, it requires regular reflection upon practice and engagement in supported, ongoing professional development.

Standard 12: Communication

Communicating effectively in the best interests of the child requires policies, procedures and actions that promote the proactive sharing of knowledge and information among appropriate stakeholders, with respect and confidentiality.

Standard 13: Transitions

Ensuring continuity of experiences for children requires policies, procedures and practice that promote sensitive management of transitions, consistency in key relationships, liaison within and between settings, the keeping and transfer of relevant information (with parental consent), and the close involvement of parents and, where appropriate, relevant professionals.

Standard 14: Identity and Belonging

Promoting positive identities and a strong sense of belonging requires clearly defined policies, procedures and practice that empower every child and adult to develop a confident self- and group identity, and to have a positive understanding and regard for the identity and rights of others.

Standard 15: Legislation and Regulation

Being compliant requires that all relevant regulations and legislative requirements are met or exceeded.

Standard 16: Community Involvement

Promoting community involvement requires the establishment of networks and connections evidenced by policies, procedures and actions which extend and support all adult's and children's engagement with the wider community.

APPENDIX 2

GUIDELINES ON BULLYING AND HARASSMENT PREVENTION AT WORK POLICY DEVELOPMENT

Bullying and harassment can create an environment in the workplace which damages morale and hinders effective work performance. A Bullying and Harassment Prevention at Work Policy clarifies to all staff that harassment or bullying of any kind will not be tolerated and provides a method of dealing with it, should it occur.

Definitions of Bullying / Harassment

Bullying at work has been defined as *'repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.'* (HSA Code of Practice for Employers and Employees on the Prevention and Resolution of Workplace Bullying)

An isolated incident of the behaviour described in the above definition may be an affront to dignity at work but as a once off incident is not considered to be bullying.

The following are examples of bullying/harassment – the list is not exhaustive:

- Verbal abuse, insults and name calling
- Shouting and aggressive behaviour
- Persistent unjustified criticism
- Sneering or public humiliation

Sexual harassment is defined as 'any form of unwanted verbal, non-verbal or physical contact of a sexual nature. The actions or conduct could involve acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. The unwanted conduct must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Sexual harassment arising in employment is prohibited whether by an employer, other employees, clients, customers or other business contacts. Sexual harassment provisions can extend beyond the workplace, for example, to conferences, training and work-related events.' (Employment Equality Acts, 2004)

Less favourable treatment or victimisation because of an employee's reaction to sexual harassment is also prohibited.

An individual can also be harassed on the grounds of race, gender, age, religious belief, marital status, sexual orientation, family status, disability or membership of the Traveller community.

It must be considered, however, that constructive and fair criticism of an employee's conduct or work performance does not constitute bullying and harassment.

Employees should feel confident that they will be protected from harassment, sexual or otherwise, intimidation, victimisation, or discrimination resulting from the reporting of harassment or assisting with any consequent investigation.

General Information

Bullying and sexual harassment are unlawful under the Safety, Health & Welfare at Work Act, 2005, the Industrial Relations Act, 1990, and the Employment Equality Act, 2004 and will not be accepted or tolerated in any form.

Employers should refer to the following Codes of Practice, all of which are available on the Health & Safety Authority website www.hsa.ie.

- Code of Practice on Bullying and Harassment Prevention in the Workplace (HSA)
- Code of Practice for Procedures for Addressing Bullying in the Workplace (Department of Enterprise, Trade and Employment)
- Code of Practice on Guidance for the Prevention and Procedures for dealing with Sexual Harassment and Harassment at work (Employment Equality Authority)

Services should ensure that their Bullying and Harassment Policy:

- Allows the employer to engage the services of a third party to conduct the investigation if and where appropriate
- Requires all parties to participate in any investigation process.

There are a number of steps in the bullying and harassment procedure, from informal to formal. Employees who have been found, following investigation, to have bullied or harassed another person/s may be subject to the Disciplinary Policy, which includes warnings up to and including dismissal for serious offences of bullying/harassment.

Notes for Early Years Services

Due regard should be given to the differing management structures within the early years sector in relation to the Bullying and Harassment Policy and Procedure. Where early years services have a manager with a small number of employees who report directly to them perhaps consideration should be given to the introduction of a third party (an outside agency or consultant with expertise in the area). Services that have a management committee should either have a staffing committee or appoint personnel to facilitate the process in the first instance.

APPENDIX 3

GUIDELINES ON DISCIPLINE POLICY AND PROCEDURE DEVELOPMENT

A Disciplinary Policy and Procedure is designed to help and encourage all employees to achieve and maintain high standards of conduct, job performance and capability. It aims to help employees whose performance or conduct falls below service requirements to achieve the necessary improvement. It is also used for dealing with misconduct, gross misconduct and allows for warnings to be given for failure to meet service standards of job performance, conduct and attendance. A breach of the employee's terms and conditions of employment may also prompt disciplinary action.

There are a number of stages to go through, from informal through to formal, and it is very important that these stages and the process is adhered to. A Disciplinary Policy and Procedure will usually have:

- **An informal stage** – where the issue is highlighted to the staff member and they are informed that if the situation arises again or there is no improvement in performance, conduct etc. the formal disciplinary process will be invoked.
- **A formal stage** – there are usually a number of levels of warnings in the formal process from a verbal warning to a number of written warnings leading to dismissal.

Employers should refer to the Labour Relations Commission (LRC) Code of Practice on Grievance and Disciplinary Procedures.

General Information

- Employees should be given a summary of the main areas of complaint before a meeting.
- Managers must act consistently, objectively and reasonably when dealing with any disciplinary issues.
- Managers can invoke the procedure at any stage for more serious offences so that it would not always be necessary to go through all stages of a procedure before leading to a final warning or dismissal.
- The level of warning issued to the employee will depend on the information obtained through the investigation and the subsequent disciplinary hearing. Warnings should only be given to employees following this process.
- For cases of alleged serious or gross misconduct, an employee can be suspended on full pay while an investigation takes place. This is not a sanction but is to allow a thorough investigation to take place.
- Employees have a right to appeal at any stage of the disciplinary procedure.

Employers need to be aware of what constitutes misconduct and gross misconduct, some examples of which are (this list is not exhaustive):

Misconduct

- Failure to comply with a reasonable request.
- Undertaking work in conflict with the Centre.
- Repeated breach of policies and procedures.

Gross misconduct

- Allegation of abuse against a child.
- Breach of confidentiality.
- Leaving the Centre without permission.
- Submitting or entering of false information or misleading information.
- Abusive or insulting behaviour and/or language to fellow workers, children or parents
- The taking of or being under the influence of alcohol or un-prescribed drugs during working hours.

Guidance Notes for Early Years Services

Due regard should be given to the differing management structures within the early years sector. Where early years services have a manager with a small number of employees who report directly to them perhaps consideration should be given to the introduction of a third party (an outside agency or consultant with expertise in the area). This will ensure that the manager does not deal with the employee at the disciplinary meeting and then again at the appeal hearing. Services that have a management committee should either have a staffing committee or appoint personnel to facilitate the disciplinary process in the first instance.

Services should ensure that the procedures are conducted with regard to the authority of managers in relation to disciplinary matters – such as are they entitled to issue verbal warnings, warnings, suspensions, dismissals. The structure should be clearly outlined for those involved in the management of services.

As this is such a complex area, services should refer to the LRC Code of Practice and if necessary consider getting professional support and advice.

See Barnardos publication *Grievance and Disciplinary Handbook for Childcare Providers* (2006) for more information.

APPENDIX 4

GUIDELINES ON GRIEVANCE POLICY AND PROCEDURE DEVELOPMENT

Every employer is required, under law, to have a Grievance Policy and Procedure in place. A grievance procedure provides the employee with an opportunity to resolve a genuine grievance about any aspect of their employment. A grievance procedure must be included with the employee's contract of employment or in an accompanying company handbook.

A procedure should be clear, simple, fair and reasonable. The aim of the policy is to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly as possible.

The following are some key points which may help you in putting your policy together:

General Information

- Bear in mind that all grievances should be put in writing by all involved parties.
- You must agree timeframes that must be adhered to. However, if the timeframes cannot be adhered to, the timeframes may be extended by mutual agreement.
- There may be an investigation and interviews with people involved.
- It may start and stop with the informal discussion but it may escalate to the formal procedure.
- Confidentiality is key.

There are a number of steps in the grievance procedure ranging from informal with the immediate manager to formal with representation and/or management. If issues are not resolved, they can be escalated to the Rights Commissioner, Labour Relations Commission (LRC), Labour Court, Employment Appeals Tribunal or Equality Officer as appropriate. Employers should refer to the LRC Code of Practice on Grievance and Disciplinary Procedures.

Guidance Notes for Early Years Services

Due regard should be given to the differing management structures within the early years sector. Where early years services have a manager with a small number of employees who report directly to them perhaps consideration should be given to the introduction of a third party (an outside agency or consultant with expertise in the area) so that there is a fair and transparent procedure available to the employee to take a grievance procedure. This would technically mean that there would be only three steps in such a grievance procedure: 1. Discuss with the manager; 2. Discuss with the appointed third party and 3. Normal industrial relations procedures.

Employees should be given the opportunity of representation at the grievance meeting.

The steps in the grievance policy and procedure will vary depending on the services' size and structure in the context of reporting 'up the line'. A small employer with one/two employees may require the services of an appointed third party for referring the grievance if the employer has heard the grievance and the employee is still unhappy with the outcome. For example, a community based service will have the opportunity to refer to a staff liaison committee and chairperson.

See Barnardos publication *Grievance and Disciplinary Handbook for Childcare Providers* (2006) for more information.

APPENDIX 5

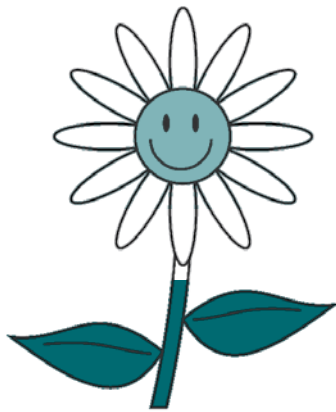
GUIDELINES ON RECRUITMENT AND SELECTION POLICY DEVELOPMENT

Effective recruitment is the key to the successful functioning of any service. Finding people with the necessary skills, expertise and qualifications to meet the service's aims and objectives is dependent on successful recruitment. It is the manager's responsibility to recruit and select the best candidate for the job.

Recruitment needs to be seen to be fair, consistent and valid. All applications must be treated confidentially with only those who are involved in the recruitment process having access to confidential information.

General Information

- Using the headings in Section 3 Recruitment and Selection will assist in the development of a robust and comprehensive policy.
- Services should also refer to the Department of Health & Children publications:
 - Our Duty to Care also outlines recruitment and selection procedures
 - Childcare (Pre-school Services) (No 2) (Amendment) Regulations, 2006
- It is recommended that managers develop a recruitment and selection checklist, which can be used to ensure all the areas of the recruitment and selection policy and procedure are followed through on.
- Remember DAISE



Draw up your job description and person specification

Advertise the job, shortlist your candidates

Interview, prepare for and interview your candidates

Select your candidate, do those checks and procedures

Employ and retain your chosen candidate/s

© Mary Byrne

APPENDIX 6

GUIDELINES ON EQUALITY PROCEDURE IN RELATION TO EMPLOYMENT POLICY DEVELOPMENT

The purpose of an Equality Statement and Policy in relation to employment is to demonstrate the employer's commitment to equality of opportunity for existing and potential employees by promoting a work environment that affirms their commitment to the personal dignity and worth of each employee. The policy should refer to the Employment Equality Act 2004. Organisations should promote a work environment that is free from discrimination in the areas of gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Travelling community.

An Equality Policy applies to training, conditions of pay, promotion and every other aspect of employment.

General Information

- It is the responsibility of all senior employees to support and communicate this policy and to encourage open discussion to identify and resolve issues.
- Employees also have a responsibility to draw the attention of management to discriminatory practices or areas where they believe individuals have been treated unfairly under the above aforementioned grounds.
- All cases of discriminatory allegations should be promptly investigated.

APPENDIX 7(a)

SAMPLE JOB DESCRIPTION – CHILDCARE WORKER

JOB TITLE:	Childcare Worker
LOCATION:	The Sample Community Childcare Centre (insert address)
ACCOUNTABLE TO:	Manager of Sample Childcare Centre or the Senior Childcare Worker in the absence of the Manager.

MAIN JOB PURPOSE

- To guide, observe, stimulate and supervise children in a safe and caring environment as part of the early years team.
- To work in close co-operation with the Manager, Senior Childcare Worker and the other team members.
- To act, if required, as a key worker to specified children.
- To ensure the safety, security and well-being of all children in your care.
- To assist in the planning and implementation of an age-appropriate, stimulating programme of activities which will enhance the child's natural growth and development including reference to Siolta, the National Quality Framework for Early Childhood Education and Aistear the National Curriculum Framework.
- To ensure all quality and safety standards are maintained in the Centre at all times.

Care of Children

- To be attentive to the children in your care.
- To deal with issues as they arise in relation to the well-being of children and to bring any child protection concerns to the attention of the Manager
- To communicate to children at their level.
- To provide personal care if necessary (nappy changing, nose cleaning, toileting, washing).
- To carry out planned and unplanned observations using the observation system and materials.

Training and Meetings

- To undertake first aid training, fire safety and manual handling, food handling courses, as required.
- To undertake training if requested by your Manager.
- To attend and participate at meetings as required.

Parents

- To liaise with parents, who are the prime carers of the children, to keep them informed of the children's progress and well-being.
- To prepare for and attend parent/teacher meetings out-of hours, if necessary.

Food

- To prepare and serve food to children.
- To encourage good eating habits and personal hygiene.
- To use meal time as a social occasion with the children.

Flexibility

- To be flexible in regard to working in the different children's rooms.

Curriculum/Activities

- To participate and assist in the planning and implementation of daily instructional and developmental activities for children.
- To provide opportunities for children to learn in an holistic way.
- To introduce children to the play equipment based on their individual needs.
- To provide opportunities for self-directed play.
- To ensure that the curriculum and activities are linked to Aistear

Health and Safety

- To report any safety hazards/risks to Management immediately.
- To refrain from engaging in any activity that poses a risk to you, other members of staff or children.
- To have a good knowledge of fire and safety procedures within the Centre.
- To maintain a safe, clean and healthy environment.
- To keep your work space clean and hygienic.
- To participate in cleaning duties as required.
- To use equipment/machines according to Management instructions.
- To maintain a safe and clean outside environment.
- To maintain a good appearance with attention to uniform, hair, make-up and jewellery in accordance with the terms and conditions as outlined in the Contract of Employment.

Administration

- To maintain appropriate records and documents in compliance with the Childcare Act, 1991 and the Childcare (Pre-school Services) (No 2) (Amendment) Regulations, 2006. Records may include the child's progress, recording observations, accidents records, etc.

Member of Staff Team Responsibilities

- To be a member of the early years team engaging with the other members of staff working in the in the Childcare Centre.
- To work in close co-operation with the Manager, Senior Childcare Worker and other workers.
- To ensure that you respect the rights of the children in the care of the Centre and their parents.
- To work as part of a team, fostering good working relationships within the team.
- To have a neat and tidy appearance, wearing the uniform provided and adhering to the dress code.

Communication

- To communicate frequently with the team members, Manager and parents as appropriate.
- To communicate in a straightforward, accurate, and professional manner and not to engage in unnecessary social conversations when working and supervising children.

Other Duties

- To be familiar with all policies and procedures of the Childcare Centre and follow them.
- To train student workers and to assist new staff with induction.
- To adhere to the Childcare (Pre-School Services) Regulations 2006, the Childcare Act 1991, and all other relevant legislation and Regulations.
- To be a member of the childcare team assisting with the care and education of children in the Childcare Centre.
- To work in close co-operation with the Manager, Senior Childcare Worker and other workers.
- Ensure the safety, security and well-being of all children in your care.
- To carry out the Programme of Activities as directed by more senior staff.
- To ensure all quality and safety standards are maintained in the Centre at all times.

This job description may be reviewed, updated and/or amended from time to time in line with the needs of the Centre and as required by the Manager or the Board of Directors.

APPENDIX 7(b)

SAMPLE JOB DESCRIPTION – CHILDCARE MANAGER

JOB TITLE:	Childcare Manager
LOCATION:	The Sample Community Childcare Service Limited (insert Address)
ACCOUNTABLE TO:	Board of Directors

MAIN JOB PURPOSE

- To ensure the effective daily management of the Sample Community Childcare Service (the Service) in accordance with the requirements of the the Policies and Procedures of the Service, the Childcare (Pre-school Services) Regulations, 2006 and any other relevant legislation and good practice requirements and be accountable to the Board of Directors.
- To ensure the safety, security and well-being of all children attending the Sample Community Childcare Service.
- To be responsible, in consultation with the Board of Directors for recruitment, management, training, motivation and performance of all Childcare Service staff.
- To ensure a dynamic curriculum is delivered to meet the individual needs of children attending the Sample Childcare Service.
- To monitor and ensure that all agreed quality and safety standards are maintained in the Service at all times.
- To monitor day-to-day financial operations within the Childcare Service.
- To respond to childcare policy at local and national level.

Service (Operational)

- To review and monitor occupancy levels, to ensure they are maintained to maximum capacity levels in line with service ethos and objectives, and to ensure financial sustainability.
- To proactively market the Service to potential users and to partner organisations to meet these objectives.
- To manage the Service and ensure that the facilities are fully used in line with policies and procedures of this Childcare Service.
- To review Policies and Procedures on a regular basis to ensure they are kept up-to-date and reflect best practice.
- To ensure that required standards, ratios and conditions of Childcare (Preschool Services) Regulations 2006 are maintained at all times.
- To meet parents as necessary to discuss children's progress.
- To be responsible for the health, well-being and the safety of both children and employees at all times in line with legislation.
- To monitor all child protection issues; parents' issues; complaints, near-misses, incidents and accidents to ensure that any necessary remedial action is taken immediately. To ensure all issues and actions are recorded and to report Child Protection concerns to the HSE using the Children First Guidelines.

- To carry out the role of Designated Child Protection Person for the Service.
- To develop the Service to its full potential grasping all opportunities in sourcing additional funding.
- To keep up to date on ECCE generally.
- To establish, develop and maintain professional working relationships with all external agencies, including the HSE, the Childcare Committee, Childcare providers and community and voluntary groups in the local area.

Childcare Responsibilities

- To plan, implement and evaluate varied programmes of activities appropriate to the age ranges of the children.
- To work directly with children, when necessary.
- To develop the programme of activities using the principles of Siolta, the National Quality Framework for Early Childhood Education and Aistear, the National Curriculum Framework.
- To plan, implement and evaluate the observation, assessment and monitoring of each child's developmental progress against the developmental norms for the child's age.
- To ensure Observations are recorded using the appropriate materials.
- To organise schedules of regular review meetings for key workers to discuss child's developmental progress with parents.
- To organise and attend regular parents' meetings and open days.
- To ensure all weekly / monthly returns and reports are made to the appropriate bodies as agreed and appropriate.
- To ensure the care, maintenance and security of equipment and toys in the Childcare Service.
- To liaise with Chairperson and Board of Directors on all issues regarding Childcare Service facilities

Staff (Personnel Responsibilities)

- To manage staff on day-to-day basis.
- To develop a staff training schedule with the Senior Childcare Worker.
- To liaise with the Board of Directors around recruitment and training of staff. Carry out all appropriate checks for new employees, trainees and cover staff including reference checks and Garda vetting.
- To draw up daily/weekly activity programme with Senior Childcare Worker.
- To ensure that the Service is one of excellence by ensuring staff are trained motivated, directed and appraised and developed in a positive and effective manner, taking account of statutory requirements to ensure that they fulfill the provisions of their job description or the Service's training plan.
- To undertake regular review meetings with all the Service's staff and monitor their performance.
- In consultation with the Board of Directors, to be responsible for the well-being of staff ensuring that disciplinary and grievance procedures as devised by the Board of Directors are adhered to in line with legislation.
- To monitor staffing levels, ensuring the Service is appropriately staffed on a daily basis. Maintain a list of appropriate cover staff.
- To manage staff annual leave requests to ensure the Childcare Service is adequately staffed at all times.
- To ensure all payroll returns are both accurate and timely, including the reporting of absence through sickness and holidays.

- To maintain accurate personnel records for all Childcare Service employees, cover staff and trainees.
- To support staff in delivering quality early years service with a strong emphasis on child development.

Health and Safety

- To ensure the highest standards of cleanliness and hygiene of the Service at all times.
- To be responsible for security systems and maintenance of the facilities and that they are used properly by staff.
- To ensure the Service is checked daily for potential risks to children (both indoors and outdoors).
- To maintain an accident, incident and near-miss log book, in accordance with Service Policy and legislative requirements.
- To ensure all relevant reports are submitted to the Health and Safety Authority.
- To establish monitor and record appropriate emergency procedures.
- To supervise the administration and recording of all medication administered within the Childcare Service.
- To undertake and maintain records of regular Risk Assessments.

Financial Responsibilities

- To operate the Service within the given financial budget and to liaise with administrator re. finances etc.
- To operate the tiered fee structure in line with the government funding schemes as required.
- To be fully conversant with the childcare business with regard to maximising effectiveness of funding received and ensuring equitable fee income.
- To monitor all staff costs including cover staff costs, training and travel closely to ensure they do not exceed budgetary provisions.
- To maintain accurate accounts, including fee registers, collection and management of debt.
- To provide a timely monthly financial summary for the Service.

Reports

- To submit quarterly written progress and financial reports to the Board of Directors and to funding agencies when requested (e.g. Pobal, HSE).
- To liaise with Administrator on preparation and presentation of monthly financial reports.
- To undertake evaluation of the project under the direction of the Board of Directors. This evaluation should inform future strategic planning in the Service.

Communication

- To communicate frequently with Board members, team members and parents.
- To communicate in a straightforward, accurate and professional manner and not to engage in unnecessary social conversations when working and supervising children.
- Confidentiality.

The person appointed to this job shall not during the period of employment or at any time after the termination of employment disclose any confidential information in respect of the employer or information relating to the work, children, parents or staff participating or working in the project.

The person appointed to this job shall not during the period of employment or at any time after the termination of employment disclose any confidential information in respect of the employer or information relating to the work, children, parents or staff participating or working in the project.

Other

- Represent the Service at conferences, in local partnerships and on committees where relevant.
- Support the ongoing development of the parents group, which meets periodically and which provides feedback to the Manager and to the Board of Directors.
- To liaise with the Manager of the community Service on a day-to-day basis (if necessary).

This job description may be reviewed, updated and/or amended from time to time in line with the needs of the Service and as required by the Chairperson and/or the Board of Directors.

APPENDIX 7 (c)

SAMPLE JOB DESCRIPTION – SENIOR CHILDCARE WORKER

JOB TITLE: Senior Childcare Worker
LOCATION: Sample Community Childcare Service Limited
 (insert address)

ACCOUNTABLE TO: Manager of The Sample Community Childcare Service, in the absence of the Manager to the nominated Board representative.
 Overall to the Board of Directors

MAIN JOB PURPOSE

To be a senior member of the early years team and to take responsibility for assisting the Manager in ensuring high quality and best practice standards are maintained at the Service.

Overall Duties

- To report to the Manager of the Sample Community Childcare Service.
- To act as Designated Person in charge in the Manager's absence.
- To work closely with the Manager to ensure the delivery of a good quality childcare and education service within the Sample Community Childcare Service.
- To work with existing staff to provide a team approach to delivery of childcare and education of the highest standard.
- To act as a positive role model and to provide leadership, particularly in absence of Manager
- To assist in the planning and implementation of an age-appropriate, stimulating programme of activities which will enhance the child's natural growth and development including reference to Siolta, the National Quality Framework for Early Childhood Education and Aistear the National Curriculum Framework.

Staff

- To provide direction and support to the other childcare workers assigned to the project for the duration of their contract in the Managers absence.
- To ensure the staff: child ratios are compliant with the most current Childcare Preschool Services Regulations, in the absence of the Manager.
- To manage rotas, breaks and lunch breaks when required by the Manager.
- To assist in directing and supporting students when requested by the Manager.
- To encourage staff to maintain a good working atmosphere in the Service.

Management/Administration

- To act as 'site supervisor' when the Manager is not available.
- To make appropriate decisions and take appropriate actions in the absence of the Manager.
- To communicate such decisions to the Manager or to the Board of Directors, if deemed necessary.
- To follow up work on registration files, up date waiting lists when necessary.
- To monitor staff attendance.

- To work with the Manager and Administrator in keeping accounts/completing reports as required by Funding Bodies.
- To assist in maintaining up-to-date necessary records in compliance with the most recent Childcare Pre-school Services Regulations, role book, accident report book, when necessary.

Health and Safety

- To be responsible for the health, safety and well-being of the children.
- To ensure the highest possible standard of hygiene is maintained with the children within the group and in the Service generally.
- To participate in cleaning duties, if required.
- To assist in providing a safe, secure and homely atmosphere for the children.
- To have a good knowledge of fire and safety procedures within the Service.
- To bring to the attention of the Manager any possible hazards or risks.
- To ensure the building is maintained in a safe and hygienic manner, particularly in absence of Manager.

Children

- To assist in designing and implementing a stimulating programme that will enhance the child's natural growth and development. To ensure that the curriculum and activities are linked to Aistear
- To monitor the healthy growth and development of the children and to highlight any areas of concern to the Manager, or when unavailable, to the Board of Directors.
- To ensure the protection of children in accordance with Children First: National Guidelines for the Protection and Welfare of Children
- To ensure developmental observations are carried out on children and recorded appropriately.

Parents

- To promote the Service by giving a good professional image to parents and visitors.
- To develop trusting relationships with families and keep parents informed of children's progress and well-being.
- To meet parents, when necessary.
- To ensure staff members greet and meet parents in an appropriate manner, in the absence of the Manager.
- To ensure feedback is given to parents in a constructive and encouraging manner.

Training and Meetings

- To attend and participate in any meeting or training (e.g. First Aid) as required.
- To encourage other staff members to participate in training or staff meetings.

Flexibility

- To be flexible in regard to working in the different children's rooms.

Communication

- To communicate frequently with Manager, team members and parents.
- To communicate in a straightforward, accurate and professional manner and not to engage in unnecessary social conversations when working and supervising children.
- Confidentiality.

The person appointed to this job shall not during the period of employment or at any time after the termination of employment disclose any confidential information in respect of the employer or information relating to the work, children, parents or staff participating or working in the project.

Other Duties

- To be knowledgeable of all policies and procedures and to follow them accordingly.
- To take on other responsibilities as reasonably requested by the Manager.

This job description may be reviewed, updated and/or amended from time to time in line with the needs of the Service and as required by the Manager or the Board of Directors.

APPENDIX 8

SAMPLE PERSON SPECIFICATION

The following is a Person Specification based on the job analysis for the position of Senior Childcare Worker at Appendix 7(c) on page 122.

The specification should be as specific as possible and it needs to be very elaborate and based on the actual vacant position and the competencies required rather than a 'wish list', which may be unrealistic and not reflective of the actual job.

Position: Assistant Manager		
Education and Qualifications	Essential	Desirable
State required qualifications		
Relevant Experience		
State required experience		
Skills/Abilities		
State required skills and abilities		
Personal Qualities		
State required personal qualities		

APPENDIX 9

SAMPLE APPLICATION FORM

Position Applied For:	
Surname:	First Name:
Address:	Telephone(home): Telephone(work): Telephone(mobile):

EDUCATION AND TRAINING

Secondary Education

Dates From To	Name of School or College	Give examinations taken and results

Third Level Education

Dates From To	Name of college/university or other institution (indicate part-time/full-time/ correspondence or other)	Give details of examinations taken and results

EMPLOYEE HISTORY

Give details of all positions held since completing your full-time education. Start with your present or most recent position.

Dates From To	Name of employer, address and nature of business	Position and duties	Reason for leaving or wanting to leave	Salary and any other benefits

TRAINING

Give details of any specialised training received and/or courses attended.

DISCLOSURE OF CONVICTIONS

- Has any action been taken against you or have you been subject of an investigation in regard to a child/children under the age of 18?
 - Are you at present the subject of criminal charges or investigation?
 - Is there anything in your background that would render you unsuitable to work with children?
- IF THE ANSWER IS 'YES' TO ANY OF THE ABOVE QUESTIONS, PLEASE GIVE DETAILS.**

INTERESTS

Please outline your interests/hobbies

REFERENCES

Please give the names, addresses and phone numbers of two persons who are in a position to comment on your professional/work ability. One of these references must be from your last employer. (References will not be taken up without clarification/confirmation with you in the first instance.)

Name: _____

Name: _____

Address: _____

Address: _____

Telephone No: _____

Telephone No: _____

Position: _____

Position: _____

I confirm that the information given on this application form is correct.

Signature of applicant: Date:

APPENDIX 10

SAMPLE LETTER (STRUCTURED INTERVIEW)

[insert date]

[insert name and address]

RE: Assistant Manager

Dear *[insert name]*

Thank you for your recent application for the above position.

We would like you to attend for interview on *[insert day and date]* at the above Centre.

The interview is designed to explore your strengths and experiences in key areas relevant to Assistant Manager level responsibilities. You could be asked to discuss your experience within areas such as your work managing and supervising staff, liaising with parents, and the requirements of the **Childcare (Pre-School Services) (No 2) Regulations 2006**. You may also be asked to discuss topics such as:

- Child protection procedures
- The value of team work in childcare
- Ensuring the delivery of a quality service

You should also consider how this position fits within the overall structure of the day care service. This outline is not exhaustive but rather gives an overview of the content of the interview.

Please find enclosed an Information Note, Job Description and the Person Specification for your information.

Please confirm your attendance at interview before *[insert date]*.

Yours sincerely

Mary Byrne
On behalf of the Staff Management Committee
Encls.

APPENDIX 11

SAMPLE INTERVIEW RATING FORM

POSITION: ASSISTANT MANAGER

Name of Candidate: Date:

Names of persons on the interview panel:

Name: Name:

Name: Name:

	POOR	AVERAGE	GOOD	VERY GOOD	EXCELLENT
Sample competencies	1	2	3	4	5
Working knowledge and understanding of the Childcare (Pre-School Services) (No 2) Regulations 2006	1	2	3	4	5
	1	2	3	4	5
	1	2	3	4	5
	1	2	3	4	5
TOTAL					

- If you require the candidate to participate in a room activity or interact with the children then you can weight this element of the selection process. It may be decided that candidates must score at least 3 or over. A list of criteria by which the assessment or interaction is marked should be used and included with this score sheet, with an overall mark transferable to the score sheet.

Comment.....

.....

.....

.....

Signed and dated by interview panel:

Name: Date:

Name: Date:

Name: Date:

Name: Date:

APPENDIX 12

SAMPLE REFERENCE CHECK QUESTIONNAIRE

Position: (Insert position and name of service)

Referee name:

Organisation/company/address:

Phone no:

Applicant's name:

We are considering for the role of

They have given your name as a referee and we would be grateful for your assistance in taking the time to complete this telephone reference check. We will follow up this phone reference check with a request for you to confirm your reference in writing.

Could you confirm:

- What position did the applicant hold?
- Duration of their employment with you? From To
- Reason for leaving?

Please comment on the following:

	Excellent	Very Good	Good	Average	Poor
Time keeping					
Sick leave record					
Attitude to work					
Ability to work with children					
Ability to work with parents					
How would you rate their overall job performance					

Any other comments in relation to the above areas:

- Have you any concerns in relation to this person working with children/young people?
.....
- Was s/he efficient at their job?
.....
- Was there ever need for disciplinary action at any time?
.....
- How did s/he get on with other members of the team?
.....

- Would s/he have the ability to take direction in relation to the work if, required
.....
- What are the candidate's strengths?
.....
- What are the candidate's weaknesses?
.....
- Would you re-employ? (Please given reasons)
.....
- Any other comments you would like to make?
.....

Phone reference check completed by:

Position: Date:

Notes

Some additional headings that could be used in the Phone Reference Check Form depending on the position:

- How did they manage their staff team?
- What was their attitude to the organisation?
- Were they able to keep up with the pace of the setting they worked in?
- Were they able to work under pressure?
- Would the candidate have the skills to manage a child displaying disruptive behaviour?
- Is the candidate able to respond to children in a way that takes account of the child's developmental stage?

APPENDIX 13

SAMPLE HEALTH CHECK QUESTIONNAIRE

Private and Confidential

HEALTH DECLARATION

This information is required in order to confirm your suitability to work with children at sample Childcare Centre. It will be held in the strictest confidence, in accordance with the Data Protection Acts 1988 and 2003.

SURNAME _____

FIRST NAME(S) _____

DATE OF BIRTH _____

HOME ADDRESS _____

TEL. NO/S _____

EMAIL ADDRESS _____

1. Your Current State of Health

Are you *currently* attending a doctor's surgery or hospital?

YES / NO

If yes, please give details:

2. Medication

Are you *currently* taking any medication or receiving any other form of treatment from a doctor's surgery, hospital or other medical practitioner?

YES / NO

If yes, please give details:

3. Problems/Impairments

Do you suffer, or have you suffered, from any medical conditions which significantly affect the following? (Please tick):

Sight	
Hearing	
Walking	
Ability to climb stairs	
Ability to bend	
Ability to lift and carry	
Stamina	

If yes, please give details:

4. Absence from Work

How many days have you been absent from employment due to illness over the past two years:

Reasons for absences:

5. Previous Employment

Have you ever been retired or had your contract of employment terminated with a past employer due to ill health?

YES / NO

If yes, please give details:

I confirm that the information I have provided is a true representation of my medical history, both past and present.

Signed _____ Date _____

General Information

- There is no legal requirement for an employer to request an employee complete a Health Declaration form.
- Employers may require new employees to attend for a medical examination prior to being offered a position as part of the recruitment and selection policy.
- An employer who uses the health declaration form and who require employees to attend a medical examination before employment may submit this Health Declaration Form to their GP.

APPENDIX 14

SAMPLE CONTRACT OF EMPLOYMENT HEADINGS

CONTRACT OF EMPLOYMENT

Employee's Name: _____

PPS Number: _____

Address: _____

Dear _____

This letter, and the policies and procedures of *company name* constitute the contract of employment between *company name* and you, and includes the written particulars of employment required by the Terms of Employment (Information) Act 1994.

Below are some examples of the sections you might have in a contract of employment

1. COMMENCEMENT OF EMPLOYMENT
2. JOB TITLE
3. PROBATIONARY PERIOD
4. PLACE OF EMPLOYMENT
5. HOURS OF WORK
6. REMUNERATION AND BENEFITS
7. TIMEKEEPING
8. HOLIDAY AND LEAVE ENTITLEMENTS
9. ABSENCE FROM WORK
10. TERMINATION OF EMPLOYMENT
11. CONFIDENTIALITY
12. CONFLICT OF INTEREST
13. PRESENTATION FOR WORK
14. BEHAVIOUR
15. STAFF TRAINING
16. HEALTH AND SAFETY AT WORK
17. EQUAL OPPORTUNITIES
18. QUALIFICATIONS

- 19. DOUBLE EMPLOYMENT
- 20. RETIREMENT AGE
- 21. REFERENCE SPECIFIC POLICIES
 - Discipline
 - Grievance
 - Bullying and Harassment Prevention
- 22. POLICIES AND PROCEDURES

Yours sincerely,

On Behalf of the Board of Directors

[insert name]

Date:

I confirm, that I have read, I understand, accept and agree to abide by the terms and conditions as outlined in the above Contract of Employment, the accompanying Employment Policies & Procedures of name of company

Employee Name:

Date:

APPENDIX 15

SAMPLE APPRAISAL FORM

STAFF APPRAISAL FORM

The purpose of the appraisal is to enable you to discuss with your manager your job performance, plan work objective for the future and your future development within the service

Name of Employee:

Name of Manager:

Date of Appraisal:

Current Performance – suggested headings

Both the Appraisee (Employee) and the Appraiser (Manager) should comment on the following:

1. Outline the key areas of your job.

Employee:

2. What do you believe are your key achievements over the last 12 months?

Employee:

3. What were the objectives for last year? Have they been achieved?

Employee:

4. What strengths and skills have contributed to your achievements?

Employee:

5. **Could anything have worked better?**

Employee:

6. **Was there anything that held you back from delivering any aspects of your job?**

Employee:

7. **How, in your view could things be improved?**

Employee:

Manager's comments

Future Performance – suggested headings

8. **What objectives do you plan to achieve in the coming year? (remember objectives should be specific, measureable, attainable, relevant and within a timeframe, please also specify how these fit with your role)**

Employee:

9. **What support might you need to achieve these objectives – from your colleagues, manager, others?**

Employee:

10. **Consider and detail what you have learnt over the last year (for example learning from support and supervision sessions, team meetings, training, etc)**

- a. **What have you learnt and how did it help you?**
b. **How might you apply this learning in the future?**

Employee:

Manager's comments

Agreed objectives for the coming year (please list)

Relationships – suggested headings

11. In your view how do you think your relationships are with (please comment on each):

- a. The Children?

- b. The Parents?

- c. The Staff?

- d. The Employer (Owner/Board of Directors)?

- e. The Community?

Other areas – suggested headings

12. What is your view on your:

- a. Sickness absence?

- b. Compliance with the dress code/uniform?

- c. Timekeeping

- d. Understanding of the services policies and procedures

13. In your view does your job description adequately describe your duties?

- a. What do you think is the most important part of your job?

- b. Is there any aspect of your job that you find difficult or challenging?

- c. In your view have you any skills or knowledge that is not being used at present?
How could these skills/knowledge be used?

14. What training have you undertaken this year?

- a. What elements of the training do you think you have used at a practical level in your work with children?
- b. Are there any areas of training that you consider would help your work performance and/or development with children?

Agreed training needs for the coming year (please list and indicate timeframe)

Signed: Employee Manager

Since your last appraisal, has any action been taken against you or have you been the subject of an investigation in regard to a child/children under the age of 18?

Are you at present the subject of criminal charges or investigation?

If the answer is 'yes' to either of the above questions, please give details.

Employee - Any other comments that you would like to make?

Manager – Any other comments that you would like to make?

Agreed action to be taken for the forthcoming year

Signed (appraise) Date:

Signed (appraiser) Date:





SOURCES OF USEFUL INFORMATION

CHILDCARE AND RELATED ORGANISATIONS

Barnardos' Training and Resource Service

Christchurch Square
Dublin 8
Tel: 01 4549699
Email: resources@barnardos.ie
www.barnardos.ie

Childminding Ireland

9 Bulford Business Campus
Kilcoole
Co Wicklow
Tel: 01 287 8466
Email: info@childminding.ie
www.childminding.ie

Children's Rights Alliance

4 Upper Mount Street
Dublin 2
Tel: (01) 662 9400
Email: info@childrensrights.ie
www.childrensrights.ie

Forbairt Naíonraí Teo

St. Patrick's Hall
Marino Institute of Education
Griffith Avenue
Dublin 9
Tel: 01 853 5101
Email: eolas@naionrai.ie
www.naionrai.ie

High/Scope Ireland

c/o Early Years
6c Wildflower Way
Apollo Road, Boucher Road
Belfast
BT12 6TA
Tel: 0044 (0) 289 0662825
Fax: 0044 (0) 289 0381270
Margaretf@early-years.org

Irish Society for the Prevention of Cruelty to Children (ISPCC)

29 Lower Baggot Street
Dublin 2
Tel: 01 6767960
Email: ispcc@ispcc.ie
www.ispcc.ie

Irish Pre-school Playgroups Association (IPPA)

Unit 4
Broomhill Business Complex
Broomhill Road
Tallaght
Dublin 24
Tel: 01 4630010
Email: info@ippa.ie
www.ippa.ie

National Children's Nurseries Association (NCNA)

Unit 12c, Bluebell Business Park
Old Naas Road, Bluebell,
Dublin 12
Ireland
Tel: 01 4601138
Email: info@ncna.net
www.ncna.net

Contact details for City/County Childcare Committees can be found on www.pobal.ie/childcare

GOVERNMENT DEPARTMENTS AND STATE OFFICES

Dept of Enterprise, Trade and Innovation

23 Kildare Street
Dublin 2
Tel: 01 6312121 Lo-call 1890 220 222
Email: info@deti.ie
www.deti.ie

Dept of Health and Children

Hawkins House
Hawkins Street
Dublin 2
Tel: 01 6354000
Lo-call: 1890 200311
www.dohc.ie

Dept of Justice and Law Reform

Floor 2, Bishop's Square, Redmond's Hill, Dublin 2
Tel: 01 4790200
Email: info@justice.ie
www.justice.ie

Dept of Community, Equality and Gaeltacht Affairs

43-49 Mespil Road
Dublin 2
Tel: 01 647 3000
Locall 1890 474847
Email: eolas@pobail.ie
www.pobail.ie

Childcare Directorate

Email: childcare_mail@health.gov.ie
Tel: 01 6354480
[www.dohc.ie/about_us/divisions/childcare_](http://www.dohc.ie/about_us/divisions/childcare_directorate)
directorate of www.omcya.ie

Citizens Information Service

www.citizensinformation.ie

Dept of Social Protection

Aras Mhic Dhiarmada
Store Street
Dublin 1
Tel: 01 704 3000
Email: info@welfare.ie
www.welfare.ie

Health and Safety Authority

Head Office
The Metropolitan Building
James Joyce Street
Dublin 1
Tel: 01-6147000
Locall 1890 289 389
Email: wcu@hsa.ie
www.hsa.ie

The National Employment Rights Authority

O'Brien Road
Carlow
Telephone: +353 59 9178990
LoCall: 1890 80 80 90
E-mail: Complete the contact form on
NERA website

POBAL

Holbrook House
Holles St
Dublin 2
Tel: 01 5117000
Email: enquiries@pobal.ie
www.pobal.ie

Revenue Commissioners

Employer's Information
9/15 Upper O'Connell Street
Dublin 1
Tel: 01 8655000
Locall 1890 333 425
www.revenue.ie

EMPLOYER/EMPLOYEE INFORMATION/SUPPORT ORGANISATIONS**Chartered Institute of Personnel and Development (CIPD)**

Marine House
 Clanwilliam Place
 Dublin 2
 Tel: 01 653 0400
 Email: info@cipd.ie
www.cipd.ie

Employment Appeals Tribunal (EAT)

Davitt House
 65a Adelaide Road
 Dublin 2
 Tel: 01 6313006
 Locall: 1890 220 222

The Equality Authority

2 Clonmel Street
 Dublin 2
 Tel: 01 4173386. Lo-call 1890 245545
 Email: info@equality.ie
www.equality.ie

Equality Tribunal

3 Clonmel Street
 Dublin 2
 Tel: 01 477 4100
 Lo-call: 1890 344424.
 Email: info@equalitytribunal.ie
www.equalitytribunal.ie

FÁS – Training & Employment Authority**Head Office**

27-33 Upper Baggot Street
 Dublin 4
 Tel: 01 6070500
 Email: info@fas.ie
www.fas.ie

Government Publications Sales Office

Sun Alliance House
 Molesworth Street
 Dublin 2
 Tel: 01 6793515
 (For copies of all legislative Acts including employment and Bills currently discussed by the Dáil) Mail order section email: pubsales@opw.ie

Irish Business and Employers Confederation, (IBEC)

Confederation House
 84/86 Lower Baggot Street
 Dublin 2
 Tel: 01 6051500
 Email: info@ibec.ie
www.ibec.ie

Irish Congress of Trade Unions

Head Office
 31/32 Parnell Square
 Dublin 1
 Tel: 01 8897777
 Email: congress@ictu.ie
www.ictu.ie

Labour Court

Tom Johnson House
 Haddington Road
 Dublin 4
 Tel: 01 6136666
 Lo-call: 1890 220228
www.labourcourt.ie

Labour Relations Commission

Tom Johnson House, Beggars Bush
 Haddington Road
 Dublin 4
 Tel: 01 6136700
 Lo-call: 1890 220227
 Email: info@lrc.ie

The Pensions Board

Verschoyle House

28-30 Lower Mount Street, Dublin 2

Tel: 01-6131900

Lo call: 1890 656565,

Email: info@pensionsboard.ie

HEALTH SERVICE EXECUTIVE HEAD OFFICE

Oak House, Millennium Park, Naas, Co. Kildare

Phone: 045 880400

www.hse.ie

See local telephone directory or www.hse.ie
for the HSE authority in your area for relevant
numbers.





Barnardos' Training and Resource Service
Christchurch Square, Dublin 8
T: 01 454 9699
F: 01 453 0300
E: resources@barnardos.ie, training@barnardos.ie
or publications@barnardos.ie

www.barnardos.ie



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