



Disciplinary Procedure

Our disciplinary procedure is designed to encourage all employees to achieve high standards of conduct, attendance, and work performance. The procedure provides fair, effective and consistent methods of dealing with disciplinary matters. You are expected to know the standard of conduct or work performance expected of you. You will be allowed to respond to any alleged fault or failing. You are always entitled to be accompanied by a work colleague or recognised trade union representative.

For minor or isolated infringements of rules or expected behaviour, the setting may give you informal advice, coaching, and guidance.

If your conduct or performance fails to improve as a result of this advice, coaching or counselling, or where the offence is more serious, then the disciplinary procedure will be applied.

We consider the following issues to constitute gross misconduct:

- Theft or fraud.
- Ill-treatment of children.
- Assault.
- Bullying or harassment.
- Insubordination.
- Failure to comply with policies, procedures and legal requirements that safeguard children.
- Bringing the setting into disrepute.
- Malicious damage.
- Gross carelessness which threatens the health and safety of others.
- Deliberate damage to property.
- Being unfit through use of drugs or alcohol.
- Serious breach of the settings statutory policies.
- Bribery.

This is not an exhaustive list.

Minor Disagreements

Minor disagreements among setting staff, or between staff and Directors/Management, will usually be resolved at the regular staff management meeting or informally by discussion.

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If a more serious situation arises when a dispute cannot be resolved, or when the Directors/Management are dissatisfied with the conduct or activities of an employee or any disciplinary matter, it will normally be

dealt with as outlined below. At every stage the employee will be given reasonable notice (five days) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and s/he will be offered the opportunity to be accompanied by a colleague or union representative if s/he wishes. The disciplinary panel will consist of the Directors, who will ensure that confidentiality is maintained within the panel.

Procedure

The following steps apply to dismissal and action at the start of dismissal. However, it is recommended that they be followed when dealing with all disciplinary issues.

Step 1. Details of grounds for action and invitation to meeting

The Directors/Management will prepare a statement of the employee's alleged conduct or characteristics, or other circumstances, which have led to the contemplation of dismissing or taking disciplinary action against the employee. The statement and date of the disciplinary meeting will be sent to the employee prior to the meeting. The employee will be provided with a reasonable amount of time to consider their response to the statement.

Step 2. The disciplinary meeting

A disciplinary meeting will take place before action is taken, (except where the disciplinary action in question consists of suspension). At the meeting, the Directors/Management will ensure that the circumstances of the complaint against the employee are discussed. The Directors/Management will write to the employee to explain the conduct or capability, which may result in dismissal or other disciplinary action. The outcome of the disciplinary meeting will be confirmed in writing, to include the employee right of appeal against the decision.

Step 3. Appeal

At each stage of the disciplinary procedure the employee will be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing, giving full details of the grounds of their appeal to the setting Directors/Management within five days of a disciplinary interview. The employee will have the opportunity to appeal against any penalty issued at the disciplinary meeting.

Modified Statutory Procedure

In very exceptional circumstance it may be necessary to dismiss an employee without holding a disciplinary meeting i.e. where instant dismissal is justified and necessary. Such cases will be rare (because even in most cases of gross misconduct, investigation is usually justified coupled with suspension) and will normally only apply to cases of gross misconduct, where the conduct or breach of duty brings the organisation into disrepute. In such circumstances the following procedure will apply:

Step 1. Statement of grounds for action

The Directors/Management will set out in writing the employee's alleged misconduct which has led to the dismissal, what the basis was for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and the employee's right to appeal against dismissal within a limited time period (five days). This statement or a copy of it will be sent to the employee.

Step 2. Appeal

If the employee does wish to appeal, s/he must inform the setting in writing. If the employee informs the setting of his/her wish to appeal, the Directors/Management will invite him/her to attend a meeting. The employee must take all reasonable steps to attend the meeting. After the appeal meeting, the Directors will inform the employee of the final decision.



Disciplinary penalties

The Nursery Directors can issue a range of penalties depending on the circumstances of the case. However, an employee should not be dismissed for a first offence unless it constitutes gross misconduct.

First formal warning

1. The employee will be interviewed by the disciplinary panel who will explain the complaint.
2. The employee will be given full opportunity to state his/her case.
3. After careful consideration by the disciplinary panel, and if the warning is considered to be appropriate, the employee will be told:
 - a. The nature of their failings.
 - b. What action should be taken to correct the conduct or performance.
 - c. That s/he will be given reasonable time to rectify matters.
 - d. What training needs and/or support have been identified, with timescales for implementation.
 - e. What mitigating circumstances have been taken into account in reaching the decision.
 - f. That if s/he fails to improve then further action will be taken.
 - g. That a record of the warning will be kept.
 - h. That s/he has a right to appeal against the decision.

Formal written warning

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning then:

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

Final written warning

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant any initial warnings the employee will be interviewed and given the opportunity to state his/her case. (Reasonable time will be allowed for the employee to prepare his/her case). If a final warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee. The letter will:

- a. Contain a clear reprimand and the reasons for it.
- b. Explain what corrective action is required and what reasonable time is given for improvement.
- c. State what training needs and/or support have been identified, with timescales for implementation.



- d. Make clear what mitigating circumstances have been taken into account in reaching the decision.
- e. Warn that failure to improve will result in further disciplinary action, which could result in dismissal.
- f. Explain that s/he has a right to appeal against the decision.

Dismissal

If the employee still fails to correct his/her conduct, then the employee will be interviewed as before and if the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons for dismissal and giving details of the right to appeal. If the progress is satisfactory within the time given to rectify matters, the record of warnings will be removed from the employee's personal file.

Suspension

If the circumstances appear to potentially warrant dismissal or the circumstances of the case are considered to constitute gross misconduct, an employee may be suspended with pay while investigations are being made. These will consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. These investigations will be carried out within as short a time as possible.

Hearing appeals

The appeal hearing will be heard, if possible, within 10 days of receipt of the appeal. Two or three committee members, not those involved in the initial disciplinary procedures, will serve as an appeal committee. If this is not possible, the appeal group will consist of the same people as the original panel, and they will make every effort to hear the appeal as impartially as possible. The employee may take a work colleague or trade union official to speak for him/her.

1. The employee will explain why s/he is dissatisfied and may be asked questions.
2. The management will be asked to put his/her point of view and may be asked questions.
3. Witnesses may be heard and may be questioned by the appeals committee and by the employee and the management.
4. The committee will consider the matter and make known its decision. A written record of the meeting will be kept.

Time scales

Each step and action under the disciplinary procedure will be taken without unreasonable delay. Consideration will be given to timings and locations of meetings to ensure that the employee and their representative are able to attend. For cases that result in dismissal two reasonable attempts by the Nursery to arrange a meeting will normally be sufficient if they prove abortive because of the employee's non-attendance. If an employee is not able to attend the first disciplinary meeting arranged, then s/he will be required to provide an alternative date to take place within 5 days of the original date given by the pre-school.

Signature of employee: _____ Date: _____

