



Suitable People

Disciplinary Procedure

Policy Statement

Padbury Pre-school expects high standards of practice and performance from its staff and aims to treat all employees fairly and consistently in achieving that objective.

We anticipate that most concerns will be resolved quickly by an informal approach to the appropriate member of staff. If this does not achieve the desired result, we have a set of procedures for dealing with disputes.

We aim to bring all concerns about the performance of our staff to a satisfactory conclusion for all of the parties involved.

Procedures

- The disciplinary procedure is implemented when a dispute or concern cannot be resolved informally, or when the committee is dissatisfied with the conduct or activities of an employee.

This list sets out examples of acts of misconduct, which are likely to lead to formal action being taken. The list is not exhaustive.

- Theft or fraud
- Ill treatment of children (please refer to Padbury Pre-school's Safeguarding Children and Child Protection Policy)
- Malicious damage
- Assault
- Gross carelessness, which threatens the health and safety of others.
- Being unfit through the use of drugs or excessive alcohol.
- Failure to comply with a reasonable management instruction
- Failure to observe Pre-school policy
- Negligence in the performance of duties
- Failure to provide a duty of care in the performance of role
- Bullying, abusive or inappropriate behaviour towards children, fellow employees, parents, carers or members of the public

where fun becomes learning!

- Any disciplinary matter will normally be dealt with using the following procedure.
- At every stage the employee should be given at least 5 days' notice that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and s/he should be offered the opportunity to be accompanied by a colleague, companion or union representative if s/he wishes.

The disciplinary panel in Padbury Pre-school's committee-run group consists of at least one member of the Pre-school Committee Grievance Panel and the Pre-school Manager, who should ensure that confidentiality is maintained within the panel.

1. Verbal warning

- i) The employee will be interviewed by the disciplinary panel who will explain the complaint.
- ii) The employee will be given full opportunity to state his/her case.
- iii) After careful consideration by the disciplinary panel, and if the warning is considered to be appropriate, the employee needs to be told:
 - ~ what action should be taken to correct the conduct;
 - ~ that s/he will be given reasonable time to rectify matters;
 - ~ what training needs have been identified, with timescales for implementation;
 - ~ what mitigating circumstances have been taken into account in reaching the decision;
 - ~ that if s/he fails to improve then further action will be taken;
 - ~ that a record of the warning will be kept on the staff file and
 - ~ that s/he may appeal against the decision within a limited time period (five days).

2. 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 verbal warning.

- i) The employee will be interviewed by the disciplinary panel who will explain the complaint and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case).
- ii) 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.
- iii) 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 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 a final written warning and, if unheeded, ultimately to dismissal with appropriate notice; and
 - f) explain that s/he has a right to appeal against the decision.

3. 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.

- i) The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case).
- ii) 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.
- iii) 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 have been identified, with timescales or 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; and
 - f) explain that s/he has a right to appeal against the decision.

4. Dismissal

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

- i) the employee will be interviewed as before; and
- ii) 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 in the individuals file will be destroyed.

Suspension

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

Instant dismissal is possible only in circumstances of gross misconduct. Examples of such misconduct would be:

- a) theft or fraud;
- b) ill-treatment of children;
- c) assault;
- d) malicious damage;
- e) gross carelessness which threatens the health and safety of others; or
- f) being unfit through use of drugs or alcohol.

Otherwise, an employee should not be dismissed without the appropriate warnings.

Appeals

At each stage of the disciplinary procedure the employee must be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the pre-school chair within five days of a disciplinary interview.

The appeal hearing should be heard, if possible within 10 days of receipt of the

appeal. Three designated committee members – not those involved in the initial disciplinary procedures - will serve as an appeals committee. If this is not possible, the appeal group may consist of the same people as the original panel, and they must make every effort to hear the appeal as impartially as possible. The employee may take a companion or trade union official to speak for her/him.

- a) The employee will explain why s/he is dissatisfied and may be asked questions.
- b) The pre-school manager or chair will be asked to put his/her point of view and may be asked question.
- c) Witnesses may be heard and may be questioned by the appeals committee and by the employee and the pre-school leader, or chair.
- d) The committee will consider the matter and make known its decision. A written record of the meeting will be kept.

Grievances during the course of the disciplinary process

Where, during the course of the disciplinary process the employee raises a grievance about any aspect of the disciplinary process the employee's grievance will be dealt with as part of the disciplinary hearing and will not be treated as a separate grievance under Padbury Pre-school's grievance procedure.

Additional course of action in addition to formal warnings

Padbury Pre-school also reserves the right to take a range of actions in addition to formal warnings or as an alternative to more serious disciplinary action depending on the circumstances of the case. Such actions may include withholding annual pay increments or other pay supplements, demotion for a specified or unspecified period or transfer to an alternative job with or without a reduction in the contractual rate of pay.

Time Limits on Warnings

Except in agreed circumstances any disciplinary action taken should be disregarded for disciplinary purposes after a specified period of satisfactory conduct.

Warnings for minor offences may be valid for up to six months,

Final warnings may remain in force for twelve months or more.

Warnings should cease to be 'live' following the specified period of satisfactory conduct and should be disregarded for future disciplinary purposes. There may, however, be occasions where an employee's conduct is satisfactory throughout the period a warning is in force, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of abuse, the employee's disciplinary record should be borne in mind when deciding how long any current warning should last.

Exceptionally, there may be circumstances where the conduct is so serious – verging on gross misconduct - that it cannot realistically be disregarded for future disciplinary purposes. In such circumstances it should be made very clear that the final written warning can never be removed and that any recurrence will lead to dismissal.

This policy was adopted at a meeting of

Padbury Pre-school

Held on

2/10/2019

Date to be reviewed

October 2021

Signed on behalf of the committee

C.A.McHenry

Name of signatory

Claire McHenry

Role of signatory

Registration Secretary