



Staff Disciplinary Procedure

Policy Statement

This procedure is designed to encourage all employees to achieve high standards of conduct & work performance & also aims to provide a fair, effective & consistent method of dealing with disciplinary issues.

Key Principles

- 1) Employees are expected to know the standard of conduct & work performance required of them.
- 2) Employees will be provided with a statement concerning any disciplinary issues prior to a disciplinary hearing & will have the opportunity to respond to any alleged misconduct or deviation from their terms of employment at the hearing.
- 3) An employee has the right to be accompanied by a work colleague or trade union representative at the hearing or appeal hearing but not by any other external representative.
- 4) For minor isolated infringements of rules, or expected standard of behaviour, the Pre-School leader or deputy leader will give employees informal advice, coaching & counselling as part of their supervisory duties.
- 5) When an employee's conduct or performance fails to improve following advice, coaching or counselling, or where the offence is not deemed minor, the disciplinary procedure will be applied.
- 6) A prompt & detailed investigation into the concerns will be implemented prior to a formal disciplinary meeting taking place. The employee will be informed that an investigation has been started. The Pre-School reserve the right to dispense with an investigation interview with an employee suspected of contravening company rules or policies, & to proceed directly to a formal disciplinary hearing.
- 7) The employee must take all reasonable steps to attend the disciplinary hearing at the time & date set by the management.
- 8) Only in the case of gross misconduct would an employee be dismissed for a first offence.

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For further information, or to arrange a visit please contact Teresa on
01284 827274 or e-mail us: cateypreschool@hotmail.com

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Categories of Gross Misconduct.

Gross misconduct includes, but is not restricted to, the following categories:

- 1) Theft, Fraud & deliberate falsification of records.
- 2) Physical violence.
- 3) Serious harassment or bullying.
- 4) Deliberate damage to property or contents.
- 5) Serious insubordination.
- 6) Misuse of the settings property or name.
- 7) Misuse of electronic communications which defames individuals or brings disrepute to the Pre-School.
- 8) Bring the Pre-School into serious disrepute.
- 9) Incapacity whilst at work due to alcohol or drugs.
- 10) Negligence which cause, or might cause, unacceptable loss, damage or injury.
- 11) Infringement of health & safety rules.
- 12) Failure to comply with policies, procedures & legal requirements that safeguard children.
- 13) Breaching the early years settings & statutory policies.
- 14) Breach of confidentiality as specified in the Public Interest (Disclosure) Act 1998.

Preliminary Action.

When a incident of misconduct or negligence or unsatisfactory performance is alleged to have occurred, the Pre-School leader/ Chairman must establish the facts to decide if a disciplinary hearing is justified.

If appropriate & possible written statements will be obtained as promptly as possible from all individuals concerned & should include, dates, times, details of anyone present when the alleged offence occurred, & the issues of concern.

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Formal Procedure.

At the earliest opportunity the Pre-School leader/ Chairman will inform the employee that an allegation/incident has occurred & that an investigation is to take place. Following an appropriate investigation, the Pre-School leader/ Chairman will prepare a written statement of the employees alleged conduct or characteristics, or the circumstances which have lead to the contemplation of taking disciplinary action. The Pre-School leader/ Chairman will send the statement & any witness statements to the employee, including any evidence that will be relied upon at the hearing, & invite him/her to attend the disciplinary hearing to discuss the matter. The employee will also be informed of their right to be accompanied by a work colleague or trade union representative. Employees will be given the an appropriate amount of notice of the hearing in order to prepare their response & to contact any witnesses that they wish to call to the hearing to give evidence.

A disciplinary hearing must take place before any action is taken, except where the action in question consists of suspension do to the seriousness of the allegation, pending a disciplinary hearing. The Pre-School leader/ Chairman will ensure that the circumstances of the complaint against the employee are fully discussed & that the employee is provided with an opportunity to respond to the case. The Pre-School leader/ Chairman will then decide whether or not to issue a disciplinary penalty. The outcome of the disciplinary hearing must be confirmed in writing within ten working days, including notice of the right of appeal.

Appeal Procedure

Any employee who considers that they have have been disciplined unfairly have the right to appeal in writing to the person named in the disciplinary letter. All appeals must be submitted in writing, clearly setting out the grounds for the appeal, within seven working days of the date of the disciplinary letter.

An appeal will be arranged with the employee & the Chairman & Pre-School leader within fifteen working days of the request being submitted.

A letter detailing the outcome of the appeal hearing will be issued to the employee within ten working days of the hearing.

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Disciplinary Penalties.

Disciplinary penalties will not be issued until a formal hearing has taken place. There are five disciplinary penalties which may result from misconduct:

- 1) Formal verbal warning (first formal warning)
- 2) Written warning
- 3) Final written warning
- 4) Dismissal with notice
- 5) Summary dismissal

The gravity of the offence will determine which disciplinary penalty is issued.

Formal verbal warning

Issued for minor breached of organisational discipline, misconduct or time keeping, failure to meet performance criteria. This may be given at the disciplinary hearing. The warning will be confirmed in writing. If the warning relates to unsatisfactory performance then the employee will be informed:

- 1) The performance expected
- 2) The improvement required
- 3) The timescale for improvement
- 4) Any review date
- 5) Any support that can be offered to assist the employee to improve their performance.

If the warning relates to conduct then the nature of the misconduct & the change in behaviour required will be set out in the written letter.

The warning will be placed on the employees personnel file. After a period of three months, if no further disciplinary action has been deemed necessary, & the minor breach has been resolved, then the warning will expire.

Written warnings

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If the infringement is regarded as more serious, or the employee's work or conduct are considered to be unsatisfactory after they have received a formal verbal warning & after a period has elapsed in which the employee has had time to remedy their work or conduct, a disciplinary hearing conducted by the Pre-school leader/ Chairman will be held.

The employee will be informed of the nature of the complaint & such evidence as may exist, & will be given an opportunity to respond. The employee will be informed of the decision & given a letter of confirmation within 10 working days of the disciplinary hearing.

The written confirmation will state:

- 1) The date of the disciplinary hearing & details of those present.
- 2) The penalty imposed
- 3) Details of the misconduct, poor performance, or poor time keeping that has occasioned a warning & the performance required to or the change of behaviour required.
- 4) Where appropriated the timescales for performance improvement.
- 5) Details of any action necessary to remedy the situation, any period of review, extra training or supervision, or the possibility for redeployment or demotion.
- 6) That any further misconduct will result in a further disciplinary hearing & will result in a confirmed final warning, which if unheeded will result in dismissal with appropriate notice.
- 7) That there is a right of appeal.

After a period of six months, if no further disciplinary action has been found necessary, & the breach has been resolved, the warning will expire.

Final written warning

If the employee's work or conduct fails to improve, or where the infringement is sufficiently serious, the pre-school leader will follow the same procedures as for issuing a written warning. If proven, a final warning, which will be in writing, will be given to the employee warning that any further misconduct will result in dismissal with appropriate notice.

If after a period of 12 months, if no further disciplinary action has been found necessary & the breach has been resolved, then the warning will expire.

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Gross misconduct

Employees dismissed with notice will be paid for the notice period. An employee may be dismissed without notice if there has been an act of gross misconduct, or a major breach of duty or conduct that brings the pre-school into disrepute, The employee will be suspended on full pay while the circumstances of the alleged gross misconduct are investigated.

A dismissal will be confirmed in writing within 10 working days of the date of the disciplinary interview. The letter will include details of any outstanding pay, how it will be paid & the final date of employment.

If an employee is dismissed, or internally disciplined because of misconduct relating to a child, then the pre-school will inform the Independent Safeguarding Authority, other relevant agencies & follow the guidelines of the local Safeguarding Children Board.

Suspension

Suspension will be used in circumstances where the pre-school leader needs to conduct an investigation prior to a hearing where it is felt that the impact of not suspending the employee during this period would be likely to be detrimental to the outcome.

Case which involve potential gross misconduct will usually result in suspension, particularly when relationships have broken down, pre-school property is involved, or there are responsibilities to a third party or where the employees presence could prejudice the inquiry.

Where a member of staff is suspended because of alleged misconduct relating to a child, the pre-school will inform Ofsted, Social Services & other related agencies. We may also contact the police.

Timescales

Employees are required to take all reasonable steps to attend the hearing. However, should, for a reasonable unforeseen reason, either the employee or pre-school leader be unable to attend the meeting, it must be rearranged at the earliest opportunity. Should an employee's representative be unable to attend on the date specified then the meeting will be rearranged within 10 working days of the original date.

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Catey Pre-School COCKFIELD

Catey Pre-School, Church Lane, Cockfield, Bury St Edmunds, Suffolk, IP30 0LA

This policy was adopted at a meeting of CATEY Pre-School
Held on 11th November 2014
Renewal date: 10th November 2015

Signed:
Date:
Printed Name:
Position:

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