



Staff Disciplinary Policy and Procedure

At Kingsdown Pre-school, through our procedure of robust recruitment, we try to ensure that our employees are suitable and appropriate for their roles. If at any time, we have reason to believe that they are not behaving in a suitable and appropriate manner, we will implement this policy and procedure. The purpose of this policy is to ensure the fair and consistent treatment of our employees and in particular an employee who may become liable for disciplinary action.

If the concern is related to safeguarding then the "Allegation against a member of staff" procedure will be followed

It is the responsibility of the Chair of the Committee to ensure that the reasons for any disciplinary action is explained.

The procedure

Certain issues may initially be addressed by holding an informal or supervision meeting. In such cases a note will be placed on the employees file noting that such a meeting has taken place together with any intended action to be taken.

Employees should be aware that disciplinary action may take place as a result of an informal meeting.

More serious concerns will be addressed as follows: -

Stage 1 - Investigation

- A thorough investigation into the incident/s causing concern will take place. This will be conducted by the Manager and the Chair of the Committee.
- The investigation will take into account evidence of the incident and statements of any available witnesses.
- It may be necessary to hold an informal meeting to establish the facts of the incident. No notice is necessary for such meetings but an employee must be aware that disciplinary action may be taken as a result.
- It may be necessary to suspend an employee on full pay during the course of an investigation to avoid a potentially difficult situation or to allow a full and uninterrupted investigation to take place or where the facts, if proved, may result in suspension.
- Suspension with pay is a temporary measure and is not a form of disciplinary action. It should not prejudice an employee's rights and should not be seen as a presumption of guilt.

Stage 2 - Formal Meeting

- Once the investigation is complete the employee in question will be invited to attend a Disciplinary Meeting to discuss the incident/s The employee will be given reasonable notice (normally 48 hours) of any disciplinary meetings. The disciplinary panel will be made up of the Manager and Chair of the Committee. If either is not available then another appropriate member of the Committee may be drafted in.
- The employee has the right to be accompanied by a single companion, who may be another member of staff or union representative, at any disciplinary meeting.
- The employee will be informed in advance of the nature of the allegation against them and provided with evidence collected during the investigation.
- The employee will be given full opportunity to state their case.
- The employee must take all reasonable steps to attend this meeting. If they cannot, they should inform the Pre-school in advance, if possible, so that the meeting can be re-scheduled to another date or time.
- If the employee persistently fails to attend scheduled meetings, they will be warned that the meeting may go ahead without them which could result in a decision being taken in their absence.
- As a result of the Disciplinary Meeting it may be considered necessary to undertake further investigations and a second Disciplinary Meeting will be held. This will be to discuss the outcome of any further investigations before a final decision is made.
- Following the Disciplinary Meeting the employee will be informed of the outcome in writing.

Stage 3 - Sanctions

Verbal warning

If after full consideration, the panel decide that a warning is necessary the employee will be told

- What action they need to take to correct their conduct
- That they will be given reasonable time to rectify matters
- What training needs have been identified with a timescale for implementation
- What mitigating circumstances have been taken into account
- That further action will be taken if there is no improvement
- That the warning will be noted on their personnel file for 6 months
- That they have the right to appeal against the decision.

Formal written warning

If the employee does not take action to correct their conduct in the agreed timescale, or the original allegation is too serious to warrant any initial warnings then the employee will be interviewed again by the disciplinary panel to allow them to state their case. If it is considered that a formal written warning should be made then a letter will be sent to the employee

- Containing a clear reprimand and the reasons for it
- Explaining what action is to be taken to correct their conduct with a timescale for implementation

- Setting out what mitigating circumstances have been taken into account.
- Warning that failure to act to correct their conduct may result in further disciplinary action being taken which may result in a final written warning which, if unheeded, may ultimately lead to dismissal with appropriate notice
- Explaining that the warning will be noted on their personnel file for 6 months and
- That they have the right to appeal against the decision.

Final written warning

If the employee still fails to correct their conduct in the agreed timescale or the original allegation is too serious to warrant any initial warnings then they will again be interviewed by the disciplinary panel and allowed to state their case. If a final warning is considered necessary this will be explained to the employee and they will be sent a letter

- Containing a clear reprimand and the reasons for it
- Explaining what action needs to be taken to correct their conduct with a timescale for implementation
- Setting out what mitigating circumstances have been taken into account.
- Warning that failure to act to correct their conduct may result in further disciplinary action being taken which may result in their dismissal with appropriate notice
- Explaining that the final written warning will remain on their personnel file for 12 months and
- That they have the right to appeal against the decision.

Dismissal

If the employee still fails to take action to correct their conduct in the agreed timescale, they will be interviewed again by the disciplinary panel to allow them to state their case. If after full consideration it is considered that the employee should be dismissed the employee will be given notice of dismissal in accordance with their contract of employment stating the reasons for the dismissal and that they have the right to appeal against the decision.

In the case of *Gross Misconduct*, we reserve the right to dismiss an employee without notice or payment in lieu if, after investigation and hearing mitigating circumstances, it feels there is sufficient justification in doing so.

Gross Misconduct

Certain types of conduct are considered to be *Gross Misconduct*. These may include

- Any breach of the Safeguarding Policy
- Indecent or immoral behaviour both on or outside the pre-school setting
- Intoxication, caused by either drugs or alcohol, dangerous behaviour, fighting or physical assault
- Deliberate falsification of any records, including time sheets, absence records in respect of themselves or a fellow employee

- The theft of money or property, whether this belongs to the pre-school, a fellow employee or a third party
 - The destruction, damage or sabotage of pre-school property or any property on our premises
 - Infringement of the health and safety rules including smoking on the premises
 - A serious breach of our Confidentiality policy
 - Gross insubordination and/or the refusal to carry out legitimate instructions given by the Supervisor
 - Any breach of a policy which directly affects your ability to carry out your role and/or the desired characteristics of your role.
 - Any act of dishonesty
 - Posting, participating in or any other involvement with social media platforms where derogatory, disparaging and/or other offensive content or information of a confidential nature concerning the pre-school, its employees, officers, agents, customers or suppliers is published.
 - Any criminal conduct that affects the ability or suitability for your continued employment
 - Assisting, encouraging or procuring any other employee to commit any act which would justify gross misconduct
 - Harassment, discrimination or bullying of employees, customers, clients or suppliers
 - Bringing the pre-school into disrepute
 - Negligence which causes or might cause unacceptable loss, damage or injury
 - Consistent failure to follow the pre-school's documentary systems and procedures.
- Behaviour constituting gross misconduct is not limited to the above list.

Probationary period

Within an employee's probationary period the above disciplinary steps do not apply. Employment can be terminated at any time due to failure to meet the expected standards of the job role. If we feel that an employee is not making suitable progress or if we have any issues with regard to their performance we reserve the right to terminate their employment.

This policy and procedure will be reviewed annually or sooner if needed.

This policy and procedure was reviewed by Kingsdown Pre-school on 7.4.22

Signed on behalf of the pre-school A Bridges

Chairperson of Kingsdown Pre-school Committee