

Staff Disciplinary Procedure

To comply with staff disciplinary procedures the managers will use their external employment law representatives, seeking their advice before taking any level of discipline towards a member of staff. The external representatives will act on the company's behalf if the nature of the discipline requires any form of legal intervention, as long as the managers have followed all guidelines set out by the external company.

This procedure governs any disciplinary action relating to the performance of an employee in the course of their employment, which may result in a breach of the organisational policies and procedures.

The procedure's prime aim is not to punish, but to assist all employees in fulfilling their role to be an effective team member encouraging improvement.

The aims of this procedure are to:

- Ensure that a common standard of conduct is maintained throughout, which is both consistent and reasonable.
- Ensure that all employees clearly understand their duties and rights under this procedure.
- Give provision for employees to improve wherever possible.
- Ensure that any disciplinary action is carried out effectively and without delay.

In normal circumstances, the disciplinary procedure will be applied in 4 levels depending on the severity of the incident:

Level 1 - Verbal Warning

Level 2 - Written Warning

Level 3 - Final Written Warning

Level 4 - Dismissal

No disciplinary action will be taken against any employee unless a proper investigation has been carried out and an adjournment taken to consider the level of action to be taken. This could be:

- No action
- A warning within the investigating Manager's responsibility
- Referral to the management for further investigation.

Before action is taken under the Disciplinary Procedure, the employee concerned will be made aware of the reason for the action and will be given an opportunity during an investigation meeting to present their side of the matter under investigation. At this stage, if the employee believes the action to be taken is unfair or unwarranted, and then the dispute must be resolved by following the Grievance Procedure before the disciplinary action can be applied.

Verbal Warning

This will be an interview usually undertaken by one or both of the pre-school Managers.

The interview will be a two way process aimed at fully investigating the facts by exploring the circumstances surrounding the suspected or alleged offence. Any witness statements should be in writing, the contents of which should be made known to the individual.

Following adjournment, the decision will be given and the outcome of the discussion will be recorded and signed, and a copy given to the employee. A second copy will be supplied to the Management for discussion, after which will be stored in the employee's personal file. The employee will be monitored for one month for evidence of immediate improvement. If at the end of this period no improvement has been made, the next stage of the disciplinary procedure may be implemented. If improvement has been made, the employee will be monitored for a further 5 months after which time the warning will be disregarded.

Written Warning

This may be implemented as the first stage of the disciplinary procedure if the offence is too serious for a verbal warning, or if a verbal warning has not had the desired effect. This stage of the procedure will be carried out by the Management and will remain on file for 12 months at which point it will be disregarded.

The warning will make reference to the cause of the complaint or dissatisfaction, the standards required, what assistance the Management will/can offer, what is expected of the employee and by when. It will also state clearly the action that will be taken if the employee does not comply in the future.

Final Written Warning

The phrasing of this document will be specific and unambiguous. It will warn the employee that failure to comply will result in dismissal. A final written warning should be given where the employee has been given previous warnings, but further misconduct has since occurred. There may also be occasions where the misconduct is considered not so serious as to justify summary dismissal, but serious enough to warrant only one written warning which will be the first and the final.

Dismissal

If an employee fails to respond positively to the first three stages of the disciplinary process then it will result in dismissal. There may be occasions where the offence is deemed an act of gross misconduct and will result in instant dismissal.

Gross Misconduct

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying, abuse of a child and gross insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

Appeals

If the employee wishes to appeal against any disciplinary decision, he/she must appeal, in writing within five working days of the decision being communicated by the Managers.

Suspension

Suspension is not classed as a disciplinary action. It may be necessary to suspend a member of staff from the workplace pending an investigation that may result in disciplinary action or no action being taken, this time away could be used, as a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence.

Only the Manager in charge of that individual, at that time or their superior, has the authority to suspend an individual.

An employee suspended from duty will receive written confirmation within three days indicating:

- The reason for the suspension
The date and time from which the suspension will operate.
The timescale of the ongoing investigation.
- The right of appeal to the co-manager of the setting should the suspension last more than 7 days.

While an investigation is being carried out into the cause of the suspension, the member of staff will receive normal pay.

An investigation must take place into the suspension within 10 working days and the results must be made clear through a formal meeting to the suspended member of staff and their supporting representative within 14 working days.

If a member of staff is suspended Ofsted and Early Years will be informed.

Demotion (Capability, Negligence)

In some circumstances, demotion of an employee may be implemented rather than other forms of disciplinary procedure.