



2-4 Brook Street
Luton, Bedfordshire
Tel: 01582 730510
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Staff Disciplinary Procedure Policy

This Policy is designed to work alongside all employees' contracts of employment and the Staff Code of Conduct. This procedure is designed to encourage all members of staff to aim for high standards in their conduct and work performance in Nursery. It also provides an effective and consistent framework of guidelines when dealing with any disciplinary matters that may arise.

Minor conduct issues can normally be resolved informally between staff and the Manager or Business Manager. These discussions will be held in private and without undue delay whenever there is cause for concern. Employees will be given informal advice, coaching or training as part of their work to improve. In some cases, an informal verbal warning may be given, which will not appear on staff's personnel records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation). A formal verbal warning, written warning and final warning will be carried out (depending on the seriousness of the situation).

Except in cases of gross misconduct or during the staff's probation period, staff will not normally be dismissed for a first act of misconduct. We will normally give staff a warning and a chance to improve.

Employees are expected to work with regard to the standards set in their contract of employment and towards the guidelines that are clearly set out in the Staff Code of Conduct which includes our core values. It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts. Employees (including those in their trial period) should not be dismissed or subjected to disciplinary action without being provided with the following:

- a. A written statement of the allegations;
- b. A fair hearing before any decision is reached; and
- c. The right to an appeal hearing

This procedure has been agreed in consultation with the Owner and Manager and applies to all employees regardless of status or length of service. It does not apply to agency workers or self-employed contractors.

Where disciplinary allegations are made against a trial employee we may omit some of the steps set down in this procedure and/or vary some or all of the time limits. Any steps under this procedure should be taken promptly unless there is a good reason for delay. We may vary any time limits if it is reasonable to do so.

If staff have difficulty at any stage of the procedure because of a disability, they should discuss the situation with the Manager or the Owner/Director.

Procedure

Informal Discussion

- a. Minor breaches of discipline, misconduct, poor time-keeping, etc may result in an informal discussion with the employee's immediate superior.
- b. Although an informal warning will not form part of the formal disciplinary procedure, it will be recorded.
- c. It is expected that an informal discussion will resolve most difficulties. Where an employee commits a more serious act of misconduct or fails to improve and maintain that improvement with regard to conduct, behaviour or job performance, the formal steps detailed below may be taken.

Formal Warnings

1. A disciplinary hearing conducted by the Manager / Registered Provider / Business Manager will be held. In good time before the hearing the employee will be advised in writing of the reason(s) for thinking that the employee is guilty of misconduct or unsatisfactory job performance, provided with any evidence such as copies of witness statements and informed of the right to be accompanied at the hearing by a work colleague of his or her choice, or a suitable companion. It should be noted that neither spouse/partner nor solicitor are suitable companions.
2. At the disciplinary hearing, the employee will be invited to state his or her case and to answer the allegations against him or her. If, following the hearing, it is decided that disciplinary action should be implemented; the employee will be told of the decision and given a letter in confirmation of this within 7 working days.
3. In the case of a first offence, or if further offences have occurred following an informal warning, the employee will, following a disciplinary hearing, be given a first written warning. The written warning will state that it constitutes the first formal stage of the service's disciplinary procedure and:
 - the nature of the misconduct or poor performance
 - the change in behaviour or improvement in performance that is required
 - the time scale for change/improvement
 - how long the warning will remain current on the employee's file for disciplinary purposes
 - that the employee has the right to appeal against the warning
 - that any further misconduct of any kind, or a failure to improve performance to a satisfactory level, will result in a further disciplinary hearing and a final written warning which, if unheeded, may result in dismissal with notice.
4. In the case of a more serious offence, or if a further offence occurs within the currency of a first written warning, or if the employee has failed to improve his/her performance to a satisfactory degree within the agreed timescale, the employee may be given a final written warning. Written confirmation of the warning will be as above for a first written warning.
5. The final decision to dismiss can only be taken by the Manager when satisfied with the facts of the case, the relevance of any mitigating factors and after interviewing the employee concerned.
6. Alternative disciplinary actions short of dismissal may be considered. These are:
 - suspension without pay up to a maximum of seven days
 - demotion to a suitable job, if one is available
 - reduction of shifts

Summary Dismissal

1. Employees may be summarily dismissed if it is established, after investigation and hearing the employee's version of the matter, that there has been an act of gross misconduct, major breach of duty or conduct that brings or might bring the service's name into disrepute.
2. Gross misconduct includes (but is not limited to):
 - Serious failure to comply with procedures that Safeguard children.
 - Theft, fraud and deliberate falsification of records.



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- Physical violence towards a child, member of staff, visitor or student in the nursery.
- Serious bullying or harassment towards a child, member of staff, visitor or student in the nursery.
- Displaying serious lack of respect towards a child, member of staff, visitor or student in the nursery.
- Causing deliberate damage to the Nursery property.
- Serious insubordination.
- Any misuse of the Nursery's property or name.
- Any actions that bring the Nursery into serious disrepute.
- Serious incapability whilst on duty brought on by consuming alcohol or illegal substances.
- Serious negligence which causes or might cause unacceptable loss, damage or injury.
- Serious infringement of health and safety rules.
- Serious breach of confidentiality (subject to the Public Interest (Disclosure) Act 1998).

Suspension

1. The employee may, at the employer's discretion, be suspended with pay while the circumstances of any complaint or allegation are investigated.
2. In cases of potential gross misconduct, suspension with pay will be automatic.
3. Such suspension does not constitute a disciplinary sanction but is instigated in order to allow the care service to investigate the conduct in question properly.

Appeal

To further this aim, where an employee has received a formal oral or written warning or has been dismissed, the appeals procedure will apply.

1. An appeal against a written warning, or dismissal should be made within 7 working days of receipt of the disciplinary or dismissal letter. An appeal may be considered outside this time limit if the employee has good reasons for the delay which were outside his or her control.
2. The employee must state the specific grounds for the appeal in writing.
3. An appeal hearing will be held.
4. The employee will have the right to be accompanied at the appeal hearing by a work colleague of his/her choice or a companion. It should be noted that neither spouse/partner nor solicitor are suitable companions
5. Following the hearing, the appeal decision will be confirmed in writing.
- d. When all the evidence has been heard, the appeal hearing will be adjourned. The Manager or the owner conducting the appeal will consider the merits of the appeal, in private, before reaching a decision.
- e. The manager of the appeal hearing will, whenever possible, inform the employee orally of the decision reached, and the reasons for it. The decision will be confirmed in writing, no later than 7 days after the hearing. If the decision is final, then this will be made clear to the employee.
- f. The manager of an appeal hearing has the authority to quash or reduce a disciplinary penalty.
- g. Employees should note that an appeal hearing is not intended to repeat the detailed investigation of the disciplinary hearing, but to focus on specific factors which the employee feels have received insufficient consideration, such as:



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- an inconsistent, inappropriate or excessively harsh penalty
- extenuating circumstances
- bias of the disciplining manager
- unfairness in the conduct of the hearing

6. The decision at the end of the appeal is final.

7. The decision may include:

- the original decision is upheld
- the original decision is withdrawn
- suspension without pay
- demotion
- re-instatement where the employee has been dismissed.

Reviewed Miss Sandhya Jan 2019