



## **Staff Disciplinary Policy**

Date: 07/05/2021

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This Policy applies to all staff employed and is designed to offer a fair and prompt method of dealing with disciplinary matters. It is the responsibility of all staff to be acquainted with this Policy.

### **Aim**

- To ensure maintenance of a safe and effective operation of our establishment and a fair and consistent treatment of individual employees.

### **Minor Disagreements**

Minor Disagreements among the staff of Pippins Pre-School or between staff and management can usually be resolved at regular staff meetings, 1 to 1 supervisions, appraisals or informally by discussion with all involved parties.

### **Disciplinary Procedure**

A more serious situation arises when a dispute cannot be resolved, or when the management is dissatisfied with the conduct or activities of an employee.

Any disciplinary matter will normally be dealt with using the following procedure.

At every stage, the employee should be given reasonable notice (5 days) that a disciplinary hearing is due to take place to give them the opportunity to prepare their case, they also will be offered the opportunity to be accompanied by a colleague or another representative if they so wish.

The Disciplinary Panel of the committee consists of the Preschool Manager/Owner and the Deputy Manager, both of whom will ensure that confidentiality is maintained within the panel.

### **Verbal Warning**

- The employee will be interviewed by the Disciplinary Panel who will explain the complaint;
- The employee will be given a full opportunity to state his/her case;
- 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 she/he 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 in reaching the decision;
- That if she/he fails to improve then further action will be taken, a record of the warning will be kept and entered into their file;
- That she/he may appeal against the decision within a limited time period (5 days).

### **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 then:-

- 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);
- 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;
- The letter will:
  - Contain a clear reprimand and the reasons for it;
  - Explain what corrective action is required and what reasonable time is given for improvement;
  - State what training needs have been identified, with timescales for implementation;
  - Make clear what mitigating circumstances have been taken into account in reaching the decision;
  - Warn that failure to improve will result in further disciplinary action which could result in a final written warning and if unheeded, ultimately to dismiss with appropriate notice;
  - Explain that she/he has a right to appeal against the decision.

### **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 then:-

- 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);
- 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. The letter will:
  - Contain a clear reprimand and the reasons for it;
  - Explain what corrective action is required and what reasonable time is given for improvement;
  - State what training needs have been identified, with timescales for implementation;
  - Make clear what mitigating circumstances have been taken into account in reaching the decision;
  - Warn that failure to improve will result in further disciplinary action which could result in dismissal;
  - Explain that she/he has a right to appeal against the decision.

### **Dismissal**

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

- The employee will be interviewed as before;
- 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 progress is satisfactory within the time given to rectify matters, the record of warnings in the individual's file will be destroyed after a discussed period of time.

### **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 time as possible.

### **Instant Dismissal**

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

- Theft or fraud;
- Ill-treatment of children;
- Assault;
- Malicious damage;
- Gross carelessness which threatens the health and safety of others;
- Being unfit through use of drugs or alcohol;
- The case of an updated DBS being unsatisfactory.

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

### **Allegation of abuse against a member of staff**

- A member of staff would be suspended immediately following an allegation of abuse against another member of staff, while investigation takes place;
- Ofsted and the Child Safeguarding team would be informed. They would start an investigation;

- The Allegations Against Staff Policy would be adhered to;
- The LADO team at Kent County Council will be contacted and a referral form completed;
- Written statements from staff members and any witnesses would be gathered;
- Staff may have to report on a colleague in order to safeguard children;
- Parents / Carers would be kept informed;
- Staff would return to work if allegation is unfounded.

### **Appeals**

At each stage of the Disciplinary Procedure, the employee must be told they have the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Preschool Manager within five days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. The employee may take a colleague or another representative to speak for her/him. All findings will be entered onto a record form.

- The employee will explain why they are dissatisfied and may be asked questions;
- The Chair will be asked to put their point of view and may be asked questions;
- Witnesses may be heard and may be questioned by the Committee and by the employee;
- The Committee will consider the matter and make known its decision;
- A written record of the meeting will be kept.