



Disciplinary Policy & Procedure

1. INTRODUCTION

This document details Stretton Pre-School's disciplinary policy and the procedure to be followed in the event of it proving necessary to take disciplinary action against any member of staff. This procedure is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct, attendance and job performance. They apply to all employees and the aim is to ensure consistent and fair treatment for all. The procedure is a statement of the Stretton Pre-School's policy and commitment to operate a fair disciplinary procedure in relation to all its employees taking into account the recommendations of ACAS.

The ACAS code of practice does not provide a requirement for employers to use verbal warnings as a first stage disciplinary measure. Therefore, in the case of minor offences, the staff member may be given an informal verbal warning and this can be issued outside of the formal disciplinary process. A brief note of the verbal warning will be kept on his/her personnel file but will be 'spent' after 6 months, subject to satisfactory conduct and performance during that period. The employee is required to read and sign the note detailing the circumstances of the informal verbal warning.

The intention is that potential disciplinary cases be dealt with at an early stage with a view to resolving problems as quickly as possible. The point at which disciplinary action is entered into or the omission of any of the warning stages will depend entirely on the nature and seriousness of the offence. Thus, a series of minor offences or a repetition of one such offence may involve the entire warning process whilst a more serious offence may call for a final warning. Gross Misconduct will lead to instant dismissal.

All managers and supervisors have a responsibility to maintain discipline. Confidentiality will be maintained and information will only be shared on a 'need to know basis'.

In the implementation of this policy, Stretton Pre-School may process personal data and/or special category personal data collected in accordance with its GDPR and data protection policy. Data collected from the point at which this policy is invoked will only inform Stretton Pre-School for the benefit of implementing this policy. All data is held securely and accessed by, and disclosed to, individuals only for the purposes of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Stretton Pre-School's GDPR and data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under Stretton Pre-School's disciplinary procedure.

2. INVESTIGATION

2.1 When it is considered that an employee's attendance, conduct or performance is unsatisfactory, normally the employee's immediate line manager will discuss the matter with the employee asking for an explanation. If it is necessary, a more detailed investigation will be conducted. The

nature of the investigation will depend on the case, but it may include fact-finding interviews and examination of relevant documents.

- 2.2 When dealing with absence, distinction will be made between lateness, short-term sporadic, unrelated and disruptive absences and longer-term continuous periods of absence due to physical or mental illness.
- 2.3 In matters of substandard work, distinction will be made between capability or competence levels associated with lack of skills and knowledge and sub-standard work relating to negligence, poor attitude or commitment.
- 2.4 On receipt of the information about an alleged incident, the Management Team/Committee will decide who is the most appropriate person to carry out the investigation.
- 2.5 Where the appointed investigating manager decides that the matter is serious and there is a case to answer, he/she will follow the procedure below:
 - The appointed investigating manager will communicate with the employee in question and advise that a complaint has been received.
 - The nature of the complaint.
 - That an investigation into the allegation is underway.
 - A time and date when the investigating manager can interview the employee about the allegation. There is no statutory right to be accompanied at an investigatory meeting.
 - The anticipated investigation outcome date and the possibility that the disciplinary procedure may be invoked and if the investigating manager considers dismissal is a possible penalty, he/she will make this clear to the employee at the earliest practicable opportunity.
- 2.6 For repeated minor breaches of discipline and more serious offences, on completion of investigation, the matter will be considered at a formal disciplinary hearing. In exceptional circumstances, it may be appropriate to proceed directly to a disciplinary hearing, or jump a stage in the disciplinary process.
- 2.7 Various actions may occur as a result of a disciplinary hearing and these include:
 - Written Warning, stating consequences of any further breach.
 - Final Written Warning, stating that any further breach of discipline will result in dismissal.
 - Suspension pending further investigation and action.
 - Dismissal.

It is recommended by the ACAS Code of Practice that wherever possible the investigating manager should be different to the disciplinary manager.

3. THE PROCEDURE

The following procedure will be followed for all disciplinary situations involving employees.

- 3.1 The member of staff will be sent a letter inviting them to attend a disciplinary hearing. The letter will state:
- Date and time when the hearing will take place.
 - Who will be present at the hearing.
 - Nature of the complaint.
 - The possible outcome of the disciplinary hearing.
 - That the employee has the right to be accompanied by a work colleague or Trade Union representative.
 - Confirmation of the right to appeal against the outcome of the disciplinary hearing.
 - Any evidence bundle.
- 3.2 A disciplinary hearing will be held. At this meeting both the employer and the employee will be given the opportunity to state their case. No decisions will be communicated during the meeting. Notes will be kept of the meeting.

Following the hearing the employee will be notified in writing of the outcome of the hearing and of their right to appeal any decision made.

Where the decision is to issue a warning, at any level, the letter will include details such as;

- the level of warning.
- what improvements need to be made.
- the timescale given for such improvements to be met and sustained.
- what support or training will be provided.
- the consequences of there being no improvement.
- details of the appeals procedure.

Where the decision is dismissal a letter of notice will be issued, setting out the reasons in full and details of notice periods if applicable.

- 3.2 An appeals hearing will be held if requested by the employee. The hearing will be held in accordance with point 5 of the disciplinary procedure.

4. DISCIPLINARY ACTION AVAILABLE

- 4.1 First Written Warning (for repeated minor offences or a more serious offence). If a more serious offence occurs or another minor offence occurs after the issue of the verbal warning during the duration of the existing warning, the member of staff will be given a first written warning. A copy of the written warning will be placed in his/her personnel file but it will be considered 'spent' after twelve months, subject to satisfactory conduct and performance during that period. The employee is required to read and sign the formal written warning.
- 4.2 Final Written Warning (for repeated minor offences and very serious offences). If another offence occurs after the issue of a first written warning, or if there is an action which the employer considers is a very serious offence, a final written warning may be issued. A copy of this final written warning will be placed in his/her personnel file but will be considered 'spent' after twelve months (in exceptional cases the period may be longer, subject to satisfactory

conduct and performance thereafter). The employee is required to read and sign the formal warning.

- 4.3 Dismissal is regarded as the ultimate step, and in cases other than gross misconduct, will take place where on a former occasion, the person concerned has been issued with a final written warning in respect of a similar matter or other cause of complaint.

Except in cases of gross misconduct warranting summary dismissal, all employees are entitled to the appropriate contractual notice or termination as specified in their written statement of terms and conditions of employment. An employee who is dismissed will receive a letter stating:

- The reason for their dismissal.
- Their right of appeal.
- The date of termination of employment.
- Details of any monies due to them.

All dismissal must be authorised by the Board of Trustees.

- 4.4 Stretton Pre-School reserves the right to suspend any staff member with pay for a period not exceeding [ten] days, and for a longer period with pay should further suspension be necessary in circumstances where:-

The action complained of requires the immediate removal of the staff member from their place of work pending a decision concerning any disciplinary action to be taken, and/or

The action complained of/alleged requires investigation and it is considered by the employer that it is undesirable for the person concerned to remain on duty.

A member of staff suspended shall be advised that they should have no contact with members of staff of Stretton Pre-School.

If the Management Team/Committee decides to suspend an employee from duty the following will be undertaken:

- (i) Confirm the suspension in writing to the employee immediately; and
- (ii) Inform the employee in writing of the reasons for the suspension (unless the giving of reasons at this stage is not appropriate), without unreasonable delay.

It will be made clear to the employee that the suspension is not a disciplinary action and does not involve any prejudgment.

Suspension should only be imposed after careful consideration and the Chair of Committee should be consulted prior to any such decision.

Suspension without pay is an option available but one which would only ever be enacted in exceptional circumstances i.e. where an employee has been arrested or charged relating to an

offence that makes it inappropriate or impossible for them to work, and consequently means their absence from work may be protracted and disciplinary investigations cannot proceed.

5. APPEAL

The employee has the right to appeal against any disciplinary action taken against him or her. Any employee who has been given a warning or dismissed has the right to appeal to a level of management senior to the one which took the disciplinary action. Appeals relating to written warnings will be heard by the Management Team/Committee. Appeals relating to dismissals will be heard by the Committee Chair. The appeal should be made in writing within five working days of the disciplinary action taking place and should state the grounds for the appeal. At the Appeal hearing the employee has the right to be accompanied by a work colleague or Trade Union Representative. The Appeals Manager decision shall be final and binding. The Appeals Manager will not have been involved in the disciplinary action taken.

6. MEDIATION

In some circumstances it may be possible to resolve a disciplinary matter using an independent third party to help. This third party may be an internal member of staff who is not involved in the disciplinary procedure or they may be an external mediator.

7. POLICE INVOLVEMENT

The operation of this disciplinary procedure need not necessarily be delayed because of an offence that may be under police investigation or subject to legal proceedings.

8. RECORD KEEPING

Copies of all correspondence and notes taken at meetings will be stored and kept on file for record purposes. Records will be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain data.

9. BREACHES OF DISCIPLINE

Below are examples are general breaches of discipline where the disciplinary system should be implemented:

Misconduct

- Absenteeism or Poor Timekeeping (persistent lateness, early leaving etc).
- Poor standards of work, negligence or inadequate attention at work.
- Refusal to obey a reasonable instruction.
- Unauthorised /unreasonable absence from work.
- Unacceptable personal appearance and/or hygiene at work.
- Minor breach of organisational rules.
- Failure to return to work on due date, following additional maternity leave.

Gross Misconduct

Serious breaches may constitute Gross Misconduct and can lead to dismissal without notice. Examples are below:

- Theft of the organisation's property and that of other employees or clients.
- Fraud, misappropriation of Stretton Pre-School's property. Deliberate falsification of records or any deliberate attempt to defraud the Stretton Pre-School or its clients or other employees.
- Unauthorised use, misuse or removal of Stretton Pre-School property or that of other employees
- Deliberate damage to Stretton Pre-School property or that of other employees.
- Serious breaches of Health & Safety rules.
- Breach of confidentiality.
- Physical violence or sexual assault upon another employee, client, volunteer.
- Incapacity as a result of alcohol or substance abuse, possession of illegal substances.
- Incidence of bullying, discrimination or harassment of any kind, or victimisation.
- Serious negligence which causes unacceptable loss, damage or injury.
- Gross disobedience or serious acts of insubordination.
- The use of internet and/or e-mail to send or download profane or obscene language/pictures/text, sending or handling data of a sexual, racist or defamatory nature or which might otherwise be considered offensive to recipient; the use of internet/e-mail for purposes which would be damaging to Stretton Pre-School.

These lists are intended to provide examples of breaches of discipline and are NOT meant to be exhaustive.

This policy was adopted by	Stretton Pre-School
On	30 November 2022
Date to be reviewed	Annually
Signed on behalf of the provider	<i>E. Greenfield</i>
Name of signatory	Emily Greenfield
Role of signatory	Chair person