

Staff Discipline Policy



EYFS Key Themes and Commitments

<u>A Unique Child</u>	<u>Positive Relationships</u>	<u>Enabling Environments</u>	<u>Learning and Development</u>
1.2 Inclusive Practice	2.1 Respecting Each Other 2.2 Parents as Partners	3.2 Supporting Every Child 3.4 The Wider Context	

Policy Statement

Warwick Community Playschool prides itself on having a strong, committed, professional team of staff who work together well in harmony to provide good quality child care where priority is given to creating a happy, caring and stimulating environment that is safe and secure. However, should an Employee breach any protocol within the Playschool the following procedures will take place.

- ☀ Employees are expected to know the standard of conduct or work expected of them.
- ☀ Employees will be provided with details of the allegations and any evidence in support of this prior to the meeting and they will be given the opportunity to state their case
- ☀ An employee is entitled to be accompanied by a trade union representative or work colleague at the meeting
- ☀ No employee will be dismissed for a first breach of discipline, except in cases of gross misconduct
- ☀ Employees have the right to appeal against any disciplinary action taken

Procedure

Informal discussions

Before taking formal disciplinary action, the manager will make every effort to resolve the matter by informal discussion with the employee. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

First or formal verbal warning

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded but disregarded after **three months** of satisfactory service, providing there have been no subsequent disciplinary issues.

Written warning

If the conduct is regarded as more serious or the employees work or conduct are considered unsatisfactory after they have received a formal verbal warning, a disciplinary meeting may be called. After a period of **six months**, if no further disciplinary action has been found necessary and the minor breach has been resolved, the warning will expire.

A disciplinary interview conducted by the Manager will be held. The employee may

be accompanied by a colleague if he/she so chooses. Notes of the meeting will be taken. The employee will be informed as to the nature of the misconduct/breach of discipline and any evidence that may exist which substantiates offence. The employee will then be invited to give an explanation of the matter. If after establishing all the facts it is decided that disciplinary action should be taken, the employee will be told of the decision and later given a letter of confirmation of the decision.

The written confirmation will state:

- a) Details of the misconduct/breach of discipline that has resulted in the warning.
- b) Details of the necessary action to remedy the situation and the time scale set for the improvement to occur/be maintained.
- c) Clarification that if the improvement does not occur within an agreed time scale a further disciplinary interview will occur resulting in a possible final warning which, if unheeded, may result in dismissal with appropriate notice.

A copy of the letter will be held in the Employees' Personal File.

Final written warning

If the employee's work or conduct fails to improve, or where the allegation is particularly serious, the manager will follow the same procedure for a written warning. If proven, a final warning, will be given to the employee warning that any further misconduct will result in a dismissal with appropriate notice. Employees will be paid for this notice period.

After a period of **six months**, if no further disciplinary action has been found necessary and the issue has been resolved, the warning will expire.

A second disciplinary interview conducted by the Manager will be held. The employee may be accompanied by a colleague if he/she so chooses. Notes of the meeting will be taken.

The employee will be reminded as to the nature of the misconduct/breach of discipline and the previously agreed actions to remedy the situation. The employee will then be invited to give an explanation as to why the agreed action did not achieve the required improvement. If after establishing all the facts, it is decided that the employee has not achieved the required improvement or has not demonstrated the required commitment to improve a decision will be made as to the required act and consequences should the required improvement still not occur. The employee will be told of the decision and later given a letter of confirmation of the decision.

The written confirmation will re-state:

- a) Details of the misconduct/breach of discipline that has resulted in the final written warning.
- b) Details of the necessary action to remedy the situation and any time scales set for the improvement to occur/be maintained.
- c) That any further misconduct may result in dismissal with appropriate notice.

The final decision to dismiss can only be taken by the Manager and Chair of the Committee when satisfied with the facts of the case, the appropriateness of any mitigating circumstances and that the matter cannot be resolved through formal/informal counselling.

The employee may appeal in writing to the Manager/Chair of the Committee against any disciplinary action being taken within seven calendar days of that action being taken

Dismissal

If there is no satisfactory improvement or if further serious misconduct occurs, the Employee will be DISMISSED without notice on the advice of Lawcall at the Preschool Learning Alliance.

Dismissal without Warning

In rare circumstances, an employee 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 the Playschool into disrepute.

Examples of the above are:

- ☀ Insubordination.
- ☀ Serious breach of health and safety rules involving injury or potential injury to a child or work colleague.
- ☀ Theft
- ☀ Being under the influence of drink or drugs during work hours.
- ☀ Breach of duty regarding non-disclosure of confidential information.
- ☀ Deliberate damage to Playschool or another employee's property.
- ☀ Disorderly or indecent conduct.
- ☀ Fighting on Playschool property.
- ☀ Threatening physical violence to children or other members of staff.
- ☀ Acts of incitement.
- ☀ Acts of discrimination on the grounds of sex, race, religion, colour or ethnic origin.

The employee may be suspended with pay for up to fourteen days whilst the circumstances of any offence or complaint are investigated.

The final decision to dismiss can only be taken by the Manager and Chair of the Committee when satisfied with the facts of the case, and the appropriateness of any mitigating circumstances.

The employee may appeal in writing to the Manager/Chair of the Committee against any disciplinary action being taken within fourteen days of that action being taken.

The right to appeal

If the employee wishes to appeal against any disciplinary decision, they must appeal, in writing to the Manager/Chair of the Committee, within five working days of being notified of the decision. The appeal should be made in writing, stating the grounds

upon which the disciplinary decision should be reviewed. The appeal hearing will normally be held within seven working days of receipt of the letter by the Manager/Chair of the Committee.

An employee will have the right to be accompanied at the appeal to keep a record of proceedings. The meeting will be led by the Manager and Chair of the Committee. The employee will be given the opportunity to state the grounds on which the appeal is made. Manager will then have the opportunity to explain the reason why the decision to issue a final written warning or dismissal was made. When all the evidence has been heard, the hearing will be adjourned to allow a decision to be reached. The Manager/Chair of the Committee will inform the employee orally of the decision reached and confirm this in writing no longer than seven calendar days after the hearing. When an appeal against dismissal fails, the effective date of termination of the employee's contract will be the date on which the employee was originally dismissed.

This policy was adopted at a meeting of: Warwick Community Association

Reviewed on: May 2017

This policy will be reviewed annually in December.

This policy will be reviewed annually, with changes made as required. The manager of the setting will be responsible for maintaining this and sharing with the committee members of Warwick Community Association to be verified. This will be shown in the minutes of the meeting.