

Disciplinary Procedure

It is Preschool policy that the following procedure should be followed when an employee is being disciplined or dismissed. The procedure provides that, in normal cases, you will be given a series of warnings before discipline or dismissal is contemplated.

Matters which may be dealt with under this procedure include discipline and dismissal for the following reasons:

- Misconduct
- Sub-standard performance
- Harassment or victimisation
- Misuse of company facilities including computer facilities (eg email and the Internet)
- Poor timekeeping
- Unauthorised absences

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is serious enough, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You will be allowed to bring a trade union representative or a colleague. The outcome of the meeting will be communicated to you. There are the following possible outcomes:

Formal Oral Warning

In the case of minor infringements you may be given a formal oral warning. A note of the warning will be kept on your file but will be disregarded for disciplinary purposes after a specified period (e.g. 6 months). You have the right to appeal against a formal oral warning.

Formal Written Warning

If the infringement is more serious or if there is no improvement in conduct after a formal oral warning you will be given a formal written warning. This will give details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the formal written warning will be kept on file but will be disregarded for disciplinary purposes after a specified period (e.g. 12 months).

Final Written Warning

Where there is a failure to improve or change behaviour while a prior formal written warning is still in effect, or where the infringement is sufficiently serious, you may be given a final written warning. This will give details of the complaint, warn that

failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after a specified time (e.g. 12 months).

Dismissal

If your conduct or performance still fails to improve, the final step will be to contemplate dismissal, or taking action short of dismissal, (e.g. demotion). If we are contemplating dismissing you or applying some other disciplinary penalty, we will begin the following procedure.

- Step 1: we give you a written statement and call a meeting to discuss the matter
We will set out in writing your alleged conduct, characteristics or other circumstances which led us to contemplate dismissing or taking disciplinary action against you. We will also set out the basis on which we have made the allegations against you. The employer will invite you to a hearing to discuss the matter.
- Step 2: meeting is held and employer informs employee of the outcome
The meeting will take place before any disciplinary action, other than suspension on full pay, is taken. The meeting will be held without any undue delay but only when you have had a reasonable opportunity to consider your response to our written statement and any further verbal explanation we may give. You must take all reasonable steps to attend the meeting.
After the meeting we will inform you of our decision and notify you of your right to appeal if you are not satisfied with it.
- Step 3: Appeal against the disciplinary decision if necessary
If you wish to appeal, you must inform the Preschool Manager in writing within a reasonable time.
If you do this, we will invite you to attend a further meeting. You must take all reasonable steps to attend the meeting. If practicable, a more senior manager not previously involved in the disciplinary procedure will hear the appeal.
The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing we will inform you of our final decision and confirm it in writing as soon as practicable.

Gross Misconduct

If after investigation, it is confirmed that you have committed one of the following offences (the list is not exhaustive), you will normally be dismissed:

- Theft
- Fraud and deliberate falsification of records
- Physical violence
- Serious bullying or harassment
- Deliberate damage to property
- Serious insubordination
- Misuse of an organisation's property or name
- Bringing the employer into serious disrepute

- Serious incapability whilst on duty brought upon by alcohol or illegal drugs
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious infringement of health and safety rules
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will continue to be paid.

In most cases any decision to dismiss will only be taken after we have fully investigated the matter.

However, in a few cases of gross misconduct we may be justified in dismissing immediately without conducting an investigation. In these cases a two-step procedure will be followed.

- Step 1: We give you a written statement
We will give you a written statement setting out the conduct that has resulted in your immediate dismissal and informing you of the right to appeal against the decision to dismiss.
- Step 2: Appeal against the decision to dismiss
If you wish to appeal you must inform the Preschool Manager. A meeting must be held (in accordance with the general principles below). We will then inform you of our decision as soon as possible after the meeting.

General principles applicable to the procedures

The following principles apply to the dismissal procedure set out above:

1. The person who has authority to discipline you in accordance with this procedure is the Preschool Manager.
2. We will try out each step in the procedure without unreasonable delay and arrange meetings at reasonable times and locations.
3. Meetings will be conducted in a way that allows both parties to explain their case.
4. You have the right to be accompanied to any meeting by a trade union representative or a colleague.
5. We will keep records detailing the nature of any breach of disciplinary rules or unsatisfactory performance, your defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, it's outcome and any subsequent developments. We will keep these records confidential.

This policy was adopted by	Hopscotch Pre-school
On	<u>06/11/2019</u>
Date to be reviewed	<u>06/11/2020</u>
Signed on behalf of the provider	_____
Name of signatory	<u>Lorraine Clark</u>
Role of signatory (e.g. chair, director or owner)	<u>Director</u>
