Disciplinary Procedure

Policy and purpose

The Alburgh with Denton Preschool charity is committed to treating all staff fairly and equitably and to helping employees to perform effectively. However, there could be occasions when it may be necessary to invoke a disciplinary procedure. Should the need arise, and in most cases, the employee will be given the opportunity to improve their practice throughout the stages of the procedure.

When work falls below an acceptable standard, help will be given to the employee to improve. If standards of work continue to fall and there is a necessity for action, the process will automatically begin with a pre-disciplinary informal discussion. Similarly, when an employee's behaviour is potentially inappropriate and unacceptable, it will mean the initiation of a pre-disciplinary informal discussion and/or the process for a disciplinary procedure to begin, depending on the severity of the concern.

If disciplinary action should become necessary, each case will be treated consistently and fairly, and the disciplinary process will be observed at all steps. The employee will be given the opportunity to provide their version of events and any extenuating circumstances will be considered. An employee's rights will be upheld at all times, and employees will have the right to:

- know the case against them
- reply
- due consideration of their case
- be accompanied
- appeal.

This policy is adopted on a non-contractual basis and therefore does not make up part of employees' contractual terms and conditions. The disciplinary procedure will not normally apply to employees with less than two years' service. It is therefore possible in these circumstances to informally discuss performance or behavioural concerns with employees and to make a decision about their suitability for continued employment. Further advice will be sought from the HR Consultant before proceeding.

Investigation

Prior to taking the decision to invoke the disciplinary procedure, a nominated person within the Charity e.g. Manager and/or Trustee will ensure that a thorough investigation is carried out. This is a fact-finding process and may necessitate the gathering of detailed information as well as the carrying out of formal interviews, taking of written statements, etc.

A proper investigation is an integral part of the process and, where an allegation of gross misconduct is involved, may require employees to be suspended on contractual pay whilst this is carried out. Suspension on pay is not considered to be a sanction taken under the disciplinary procedure. It is there to ensure that issues are dealt with in a fair and reasonable manner, and adequate protection is given to all employees.

Informal pre-disciplinary discussion
Where appropriate, prior to using the formal aspects of the Charity's disciplinary procedure, a pre-disciplinary discussion will be held with the employee.

Minor misconduct, poor performance or minor breaches of rules will normally result an in informal letter of instruction being given by the Nursery Manager. This will be recorded in writing. If that approach is not successful, the Manager/ Trustee is likely to escalate it to the formal disciplinary procedure.

The disciplinary procedure
This procedure will be used in cases of a breach of the rules or poor performance that have not been remedied by an informal action. Normally, the procedure will follow the steps listed below, although it is acceptable to move directly to steps two or three if a case is sufficiently serious.

From the first formal step of the disciplinary procedure there will be the presence of the Manager in conjunction with the HR Consultant. Employees have the option to have a work colleague or trade union representative present.

At each step in the procedure a disciplinary meeting will be held where all the facts will be considered, and any mitigating circumstances discussed. Where a warning is issued a copy will be placed on the employee's personnel file for the specified period. All warnings issued under this procedure will state clearly that the employee will be liable for further disciplinary action should their performance not improve or should there be a further breach of Preschools rules. In the event of no further misconduct occurring and the performance improving, the warning will be removed, and the employee's file will be clear. The employee will also be advised of their right to appeal against the decision to take disciplinary action.

The steps in the disciplinary procedure are as follows:

First written warning (step one)
A first written warning will be applied where the matters of concern are substantiated. A record of the first written warning will be given to the employee and a copy will be retained on their staff file for 12 months unless there is repetition within this period.

Final written warning (step two)
A final written warning will be applied where the matters of concern are substantiated. A record of the final written warning will be given to the employee and a copy will be retained on the personnel file for 12 months unless there is repetition within this period. The employee will be informed that further misconduct within the specified period may result in their dismissal.

Dismissal or action short of dismissal (step three)
An employee will be dismissed if they have failed to improve during the previous steps. In the event of a gross misconduct allegation, the Manager/Trustee may enter the process at step three and dismissal for first offence may occur. Alternatively, to dismissal, it may be decided that suspension without pay, transfer or demotion are appropriate sanctions.

Gross misconduct
The following offences will be viewed by the organisation as gross misconduct:

- unauthorised use of the Preschool's equipment
- insubordination e.g. refusal to carry out duties or obey reasonable instructions, except where employee safety may reasonably be in jeopardy
- intentional sexual harassment, harassment, bullying or violent, dangerous or intimidatory conduct including acting in breach of the safeguarding policy.
- serious breach of rules, policies or procedures, especially those designed to ensure safe operation
- divulging or misusing confidential information
- theft of fraud
- smoking in the preschool building or grounds
- possession or consumption of alcohol or drugs, or intoxication by reason of alcohol or drugs, which could affect work performance in any way or have an impact on other employees or service users
- unauthorised or inappropriate use of email, internet and/or computer systems
- falsification of any Preschool records including reports, accounts, expenses claims or self-certification forms
- bringing unauthorised person(s) onto Preschool premises.

This list of examples is not exhaustive or exclusive, and offences of a similar nature will be dealt with under this procedure. Gross misconduct will result in the initiation or escalation of the Preschool disciplinary procedure and may result in immediate dismissal without notice or pay in lieu of notice.

Appeals
At every step, the employee has the right to appeal in writing. In all cases of dismissal or demotion, the Chair of Trustees will be considered as the final arbiter. If

you wish to appeal, you should do so in writing within 5 working days of the decision. You will be invited to attend an appeal hearing, after which a decision will be made on whether the disciplinary sanction is to be upheld or overturned.
The decision of the appeal panel will be final.

Third parties
We reserve the right to engage an independent third party to assist at any stage of the disciplinary procedure.