

WRENTHORPE PRE SCHOOL AND EARLY BIRDS

DISCIPLINARY PROCEDURE

1. Purpose and Scope of the Procedure

- 1.1 This procedure is designed to help and encourage all employees to achieve and maintain high standards of professional conduct at work. Its aim is to ensure consistent and fair treatment for an employees and it applies to all employees.

2. Guiding Principles

- 2.1 Any allegations of misconduct will be investigated as promptly and thoroughly as possible and no formal disciplinary action will be taken against any employee until the case has been fully investigated.
- 2.2 At every stage in the procedure the employee will be advised of the nature of the complaint against her/him and will be given the opportunity to state her/his case before any decision is made.
- 2.3 At all stages of the procedure. the employee will have the right to be accompanied by a trade union representative or work colleague (as defined in the Employment Rights Act 1996). Legal representation will not be permitted at internal interviews, hearings or appeals.
- 2.4 No worker will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be summary dismissal without: notice or payment in lieu of notice.
- 2.5 Employees have the right to appeal against any disciplinary decision within seven calendar days of receiving the decision.
- 2.6 The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- 2.7 Employees will be given adequate notice of any disciplinary interview, hearing or appeal - normally not less than seven calendar days.
- 2.8 A note of any formal disciplinary warning will be kept on the employee's file for the period of its duration. Spent disciplinary warnings will normally be disregarded.
- 2.9 Where an allegation is found to have no substance, no record will be kept and every effort will be made to restore working relationships.

3. Minor Matters of Misconduct

- 3.1 It is expected that minor matters of misconduct or breaches of good discipline will be dealt with through discussion, supervision with the Manager and/or the intervention of the Chair of the Parent Management Committee (or nominee).

4. Disciplinary Investigations and Suspension

- 4.1 In a more serious case where an allegation of misconduct is made, the matter will be brought to the attention of the Personnel representative on the Parent Management Committee who will nominate an employee or Committee member (The Investigator) to investigate the allegation(s). The employee will be provided with details of the allegation(s) and will be advised that an investigation is to take place.
- 4.2. The allegation(s) will be investigated as promptly and thoroughly as possible and the Investigator will prepare a report which will be submitted to the Personnel representative of the Parent Management Committee (or nominee). A copy will also be given to the employee against whom the allegation(s) has been made.
- 4.3 It is an essential condition of employment that all employees co-operate, to the best of their ability, with any disciplinary investigation.
- 4.4 If the allegation(s) suggest that the matter is serious, the employee may be suspended from work whilst the investigation is carried out. The need for continuing suspension will be reviewed by the Personnel representative of the Parent Management Committee (or nominee) after two weeks and weekly thereafter.
- 4.5 On receipt of the Investigator's Report, the Personnel representative (or nominee) will determine whether or not there is substance in the allegation(s). Where there is no substance in the allegation(s), no record will be kept and every effort will be made to restore working relationships.
- 4.6 Where the Personnel representative (or nominee) feels that there is substance in the allegation, s/he will determine either :
 - 4.6.1 that the matter can best be dealt with in an informal manner, in which case s/he will deal with the matter accordingly, or
 - 4.6.2 that the matter should be referred to a Disciplinary Hearing for resolution.

5. Disciplinary Hearings

- 5.1 Matters referred to a formal Disciplinary Hearing will be heard by a Panel of three Parent Management Committee Members which will consist of the Chairperson and two other members of the Parent Management Committee
- 5.2 The employee will be given not less than seven calendar days written notice of the Hearing; will be provided with copies of all documentation to which reference will be made at the Hearing; and will be reminded of her /his right to be accompanied by a trade union representative or work colleague.
- 5.3 The employee will provide the Panel with copies of all documentation to which s/he will make reference at the Hearing not less than five calendar days before the date of the Hearing.

- 5.4 The employee and/or trade union representative/work colleague will be offered an opportunity to put forward explanations and any mitigating factors. The trade union representative/work colleague may not, however, answer questions put to the employee.
- 5.5 The Panel will then privately consider all the information put before them and will formulate an appropriate response to the situation.
- 5.6 The employee will be informed orally of the disciplinary decision which will be confirmed in writing within three calendar days.

6 **Disciplinary Measures**

6.1 Informal Reprimand or Admonishment

- 6.1.1 The employee may be informally reprimanded or admonished; advised of the Panel's concerns; and cautioned as to the potential consequences of any further act of misconduct or breach of good discipline.

6.2 Oral Warning

- 6.2.1 In a case of a less serious nature, the employee may be given a formal oral warning; advised of the reason for the warning and that it constitutes the final stage of the disciplinary procedure; and cautioned that the warning will be taken into account in the event of any further, or similar, act of misconduct during its currency.
- 6.2.2 A note of the oral warning will be kept on file for a period of six months after which time, and subject to satisfactory conduct it will be deemed to be spent. The employee will be given a copy of that note which will also inform the employee of her/his right of appeal.

6.3 First Written Warning

- 6.3.1 In a case of a more serious nature, or where a further act of misconduct has occurred during the currency of a previous oral warning., the employee may be given a formal written warning. The employee will be advised of the reason for the warning and cautioned that the warning will be taken into account in the event of any further, or similar, act of misconduct during its currency. The written warning will also inform the employee of her/his right of appeal.
- 6.3.2 A copy of the written warning will be kept on file for a period of twelve months after which time, and subject to satisfactory conduct, it will be deemed to be spent

6.4 Final Written Warning

- 6.4.1 Where a further act of misconduct has occurred during the currency of a previous oral warning, or if the initial misconduct is sufficiently serious, the employee may be given a final written warning. The employee will be advised of the reason for the warning and cautioned that any further, or similar, act of misconduct during its currency will result in immediate referral into Stage 6.5 of this procedure with the potential for dismissal. The written warning will also inform the employee of her/his right of appeal

6.4.2 A copy of the written warning will be kept on file for a period of twelve months after which time, and subject to satisfactory conduct, it will be deemed to be spent

6.5 Dismissal

6.5.1 If further serious misconduct occurs during the currency of a final written warning, the employee may be dismissed and a payment in lieu of notice made.

6.5.2 The employee will receive a letter setting out the reasons for dismissal and advising her/him of the right of appeal.

6.6 Gross Misconduct

6.6.1 In cases of gross misconduct, use of a series of warnings will not be appropriate and the employee may be summarily dismissed without notice or payment in lieu of notice.

6.6.2 The employee will receive a letter setting out the reasons for dismissal and advising her/him of the right of appeal

7. **Appeals**

7.1 An employee has a right of appeal against any form of disciplinary finding or action. Any appeal must be made, in writing and within seven calendar days of notification of the disciplinary action to the Chair of the Parent Management Committee.

7.2 The appeal hearing will normally take place within four weeks of the appeal being registered and will be heard by in the matter.

7.3 The provisions of Paragraphs 5.2 to 5.6 of this procedure shall apply equally to Appeal Hearings.

8 **Disciplinary Rules**

8.1 All employees of the Wrenthorpe Preschool and Early Birds are expected to conduct themselves in a professional manner consistent with the aims, objectives, ethos and standing of the Pre school and Early Birds

8.2 Employees are expected to;

* attend for work punctually;

* use Pre school and Early Birds facilities responsibly;

* exercise due care and professionalism in their dealings with each other and the children in their care;

* comply with the requirements of all relevant legislation, including that relating to health and safety, and the decisions, policies and procedures of the Parent Management Committee;

* act in a manner that recognises and values diversity amongst the Parent Management Committee, its workforce and the children and parents who use the Preschool and Early Birds.

8.3 Failure to comply with these requirements, or any act with the potential to damage the reputation and good standing of the Pre school and Early Birds will be deemed to be a breach of good discipline and may result in disciplinary action being taken against the employee(s) concerned.

8.4 The following acts constitute gross misconduct;

- * theft., fraud and deliberate falsification of records
- * physical violence
- * ill-treatment of children
- * serious bullying or harassment
- * wilful damage to property
- * serious insubordination
- * misuse of the Pre school and Early Birds property or name
- * bringing the name and good standing of the Pre school and Early Birds into serious disrepute
- * serious incapability on duty brought on by alcohol or proscribed drugs
- * serious carelessness or negligence with the potential to cause unacceptable loss, damage or injury

This list is neither exhaustive nor exclusive.

November 2004