



## **Disciplinary Policy and Procedure**

Old Rayne Preschool aim is to encourage improvement in individual conduct or performance. This procedure sets out the action that will be taken when disciplinary rules are breached.

### **Principles**

The procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently. No disciplinary action will be taken until the matter has been fully investigated. The employee will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing.

The employees will have the opportunity to state their case at every stage at a disciplinary hearing and be represented or accompanied, if they wish, by a trade union representative or a work colleague.

An employee has the right to appeal against any disciplinary penalty. An appeal meeting will be arranged as soon as possible and will be conducted by a more senior manager if possible.

### **Informal warnings**

It will usually be appropriate for an employee to receive an informal warning prior to formal disciplinary action being taken. This will be for the purpose of allowing the employee a chance to address the issue without formal proceedings. An informal warning is not recorded in writing.

### **Examples of Minor Misconduct**

Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor time-keeping.
- Absence from work, including going absent during work, without valid reason, notification or authorisation.
- Smoking within unauthorised areas.
- Failure to work in accordance with prescribed procedures.
- Incompetence.
- Unreasonable standards of dress or personal hygiene.

- Failure to observe preschool regulations and procedures.

### **The formal procedure**

At the conclusion of the disciplinary hearing, any of the following actions may be deemed to be appropriate.

#### ***Stage 1 – First Written Warning***

If conduct or performance is unsatisfactory, the employee will be given a formal disciplinary warning. Such warnings will be recorded but disregarded after (six months) of satisfactory service.

#### ***Stage 2 - Final written warning***

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within nine months action at Stage 3 will be taken.

#### ***Stage 3 - Dismissal or action short of dismissal***

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

### **Gross misconduct**

If an employee has committed an offence of the following nature (this list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft, including unauthorised possession of preschool property.
- Breaches of confidentiality, prejudicial to the interest of the preschool,
- Being unfit for duty because of the misuse/consumption of drugs or alcohol.
- Refusal to carry out a management instruction which is within the individual's capabilities and which would be seen to be in the interests of the preschool.
- Breach of confidentiality / security procedures.
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe;
- Physical assault, breach of the peace or verbal abuse.
- False declaration of qualifications or professional registration.
- Failure to observe preschool rules, regulations or procedures.
- Wilful damage of property at work.
- Incompetence or failure to apply sound judgement.

**NOTE:** The employee may be suspended while the alleged gross misconduct is being investigated. During this time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer after full investigation. When this investigation has been completed the employee will be invited to attend a disciplinary meeting (at which s/he will be entitled to representation) to respond to the allegations.

In cases of misconduct (situations less serious than gross misconduct) it might also be appropriate to suspend the employee if this assists with the investigation.

## **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so within five working days. The employer will hear the appeal and decide the case as impartially as possible. Any disciplinary penalty imposed will be reviewed at the appeal and the result will be confirmed in writing.