



## Disciplinary Policy & Procedure

### Disciplinary Policy Statement

Frenchay Pre-School aims to operate an open and honest method of working with employees. Difficulties experienced by both employees and the management should be raised at the earliest opportunity, with the aim of reaching a resolution informally by way of a full and frank discussion. In order to carry out its function, the organisation is obliged to comply with statutory regulations and policies. It is the responsibility of the organisation to ensure that management and all employees adhere to these statutory provisions. Failure to comply with such procedures and any other breaches will be dealt with in accordance with the following disciplinary procedure:

### Disciplinary Procedure

The disciplinary procedure is not intended to form part of the contract of employment. The procedure may be varied from time to time in accordance with the needs or practicalities of the organisation, or a given situation.

### Minor Breaches

Employees committing what are deemed to be minor breaches of discipline, will normally be approached by their supervisor and spoken to

informally about the matter. Employees experiencing any sort of difficulty either personally or at work are encouraged to raise the matter with their supervisor as the issues arise, and will be given the opportunity to do so at such an informal meeting. It is hoped difficulties may be resolved informally where possible and a further meeting will be arranged to review the situation within a reasonable time.

### Stage 1: Oral Warning

If matters are not resolved, or the breach is felt to be sufficiently serious, an oral warning may be issued. In most cases this will be dealt with by the employee's supervisor. Where this is not possible the management may be nominated to carry out the disciplinary meeting. Should an oral warning be issued it will be kept on the employees personnel record for three months, after which, following satisfactory improvement, it will be removed permanently.

### Informing the employee of a disciplinary meeting:

Where a disciplinary meeting is held the employee will be:

- 1 informed that they are required to attend a meeting, the time and place and with whom they will meet;

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| Written by:                                       | Lucy Foley                |
| This policy was adopted by the pre-school on:     | 25 <sup>th</sup> Feb 2014 |
| Signed off by the Director of Frenchay Pre-School | Lucy Foley                |
| Next Review Date                                  | January 2019              |
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- 2 given sufficient notice of the meeting;
- 3 made aware that the meeting is of a disciplinary nature;
- 4 informed of the subject of the disciplinary meeting;
- 5 informed of the right to be accompanied by a trade union official or a work colleague;
- 6 informed of the possible outcomes of the meeting;
- 7 informed of the right to appeal any decision, the need to make the appeal in writing, to whom the appeal should be made and the timescale for so doing.

If an oral warning is issued, this should be confirmed to the employee in writing. The letter should establish the fact of the oral warning, explain the reason that it was issued, set out the timescale for it to remain on record and explain the timescale in which any improvement is expected and the consequences of a failure to improve.

### Stage 2: First Written Warning

If matters are not resolved, or the breach is deemed to be sufficiently serious, a first written warning may be issued. In most cases the matter will be dealt with by the employee's immediate supervisor. Where this is not possible, the manager may be nominated to carry out the disciplinary meeting. Should a first

written warning be issued, it will remain on the employee's personnel record for six months, after which, following satisfactory improvement, it will be removed permanently.

*Employees required to attend a disciplinary meeting will be informed as in Stage 1 above.*

If a first written warning is issued, this should confirm that such a warning has been issued, explain the reason that it was issued, set out the timescale for it to remain on record and explain the timescale in which any improvement is expected and the consequences of a failure to improve.

### Stage 3: Final Written Warning

If matters are not resolved, or the breach is deemed to be sufficiently serious, a final written warning may be issued. In most cases the matter will be dealt with by the employee's immediate supervisor. Where this is not possible the management may be nominated to carry out the disciplinary meeting. Should a final written warning be issued it will remain on the employee's personnel record for twelve months, after which, following satisfactory improvement, it will be removed permanently.

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*Employees required to attend a disciplinary meeting will be informed as in Stage 1 above.*

If a final written warning is issued, this should confirm that such a warning has been issued, explain the reason that it was issued, set out the timescale for it to remain on record and explain the timescale in which any improvement is expected and the consequences of a failure to improve.

### Stage 4: Dismissal

If matters are not resolved, or the breach is deemed to be sufficiently serious, dismissal of the employee may result. In such cases the employee will be asked to attend a meeting with their supervisor and the manager. In cases where dismissal is the result of persistent lack of improvement, following several warnings issued by the supervisor, it may be deemed appropriate for the supervisor to be substituted by the manager.

*Employees required to attend a disciplinary meeting will be informed as in Stage 1 above.*

If a decision is reached to dismiss an employee, the employee should be informed at the conclusion of the meeting of the decision to dismiss and the date from which the decision is

effective.

The decision will be confirmed in writing and sent to the employee as soon as possible. The letter will contain the fact of the dismissal, the right of the employee to appeal in writing against the decision and the time within which they should do so.

### Suspension

In cases of serious breaches of discipline it may be deemed necessary to suspend the employee in order to carry out a full investigation. If this occurs, the employee will be requested not to attend work for a specified period. The request and the reason for it will be confirmed in writing. The employer will only suspend the employee for a time deemed reasonable in order to carry out an investigation, but in all cases the period will not exceed five days.

### Gross Misconduct

In cases of very serious breaches of discipline, it may be appropriate to summarily dismiss an employee without following the above stages. Such cases of gross misconduct may include:

- 1 Breaches of the organisation's Child Protection Policy
- 2 Breaches of the Children Act 1989

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- 3 Serious breaches of health and safety
- 4 Dishonesty
- 5 Fraud
- 6 Assault of a work colleague, manager or a user of the service
- 7 Damage to the organisation's property
- 8 Breaches of the confidentiality policy

*Please note: this list is not exhaustive.*

### Appeals

At all stages of the disciplinary procedure, the employee will have the right to appeal against a disciplinary decision where the employee feels the decision was unfair or unjust in some way. The employee will have the right to be accompanied at these hearings.

### Appeals from Stage 1 to Stage 3:

From stage 1 to stage 3 of the procedure, where the employee's supervisor has taken the disciplinary decision, the employee may make an appeal by written notification to the management.

### Appeals against Dismissal:

Employees will be given the right to appeal against a decision to dismiss them. The appeal must be in writing to the manager and must be

made within seven days of receipt of the letter confirming dismissal.

The manager should select a panel, of two/three employees where possible, who have had no, or as little as possible, involvement in any disciplinary action connected to the dismissal. The panel should have no less than two employees and should have at least one employee with no prior involvement.

If this is not possible, panel members should endeavour to act impartially. In all cases accurate, contemporaneous notes should be kept.

The decision of the panel will be final. The decision of the panel will be delivered verbally at the end of the hearing and notified in writing and sent to the employee as soon as possible.

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