



Policies

DISCIPLINARY POLICY

1. Purpose

Hatch Warren Under Fives and Kempshott Under Fives Preschool, hereafter referred to as the “Preschool”, expects all employees to conduct themselves in an appropriate manner when at work or on Preschool business, or in any situation where they could be identified as an employee of Preschool and their behaviour reflects on the Preschool and its reputation.

This policy provides a clear framework to ensure fair and effective management of employees who are falling below the expected standards of conduct or where there are behavioural concerns. The policy will be applied fairly, according to the particular circumstances and the impact of the employee’s behaviour and/or conduct, and is designed to ensure that employees are treated consistently.

2. Scope

This policy applies to employees of Hatch Warren under Fives and Kempshott Under Fives Preschool where the employee’s conduct is in breach of Company rules, practice, policies or regulations.

The application of this policy is discretionary and does not form part of the employee’s contract of employment. The Preschool reserves the right not to apply the Disciplinary Policy, or to apply it in a modified form, in particular circumstances.

Preschool reserves the right to amend this policy at any time and in line with any changes to legislation.

3. Policy Details

Disciplinary action may be taken in respect of an employee’s conduct at work and also in circumstances where an employee’s conduct outside of work is relevant to employment and/or reflects on the employee’s suitability for employment, on the Preschool and/or its reputation.

3.1 Preschool policies, rules and procedures

It is an employee’s responsibility to regularly read all of the Preschool’s policies and procedures and comply with them. Employees should also be aware of the Preschool’s rules and the terms and conditions which govern their employment of which a breach may lead to disciplinary action.

3.2 Misconduct

Misconduct is conduct that is considered unacceptable but is not sufficiently serious to be dealt with as Gross Misconduct (detailed below). Should an employee repeatedly commit misconduct or have a live final written warning on file, any subsequent misconduct may be dealt with as Gross Misconduct.

Examples of Misconduct may include the following, although this is not an exhaustive list:

- Absence from work, including going absent during work without valid reason, notification or authorisation.

- Failure to adhere to the absence reporting procedure.
- Persistent poor time keeping including leaving work early or without permission.
- Neglect of duties, poor quality of work or low output that is not considered appropriate to manage through the Performance Improvement Policy.
- Minor breaches of Preschool rules, regulations or policies or minor breaches of the employee's contract of employment.

3.3 Gross Misconduct

Gross Misconduct is conduct that is so serious that immediate dismissal may be the outcome even where it is a first offence and there are no live warnings on file.

Examples of Gross Misconduct may include the following, although this is not an exhaustive list:

- Gross negligence, carelessness and/or failure to follow procedures, which result in or might result in significant financial loss, injury to a person, significant damage to Preschool reputation or serious damage to property.
- Theft, fraud and/or attempted theft or fraud and/or falsification of records.
- Actual or threatened physical violence, verbal abuse, bullying or harassment.
- Serious acts of discrimination or harassment on the grounds of any 'protected characteristic' prescribed by law, including (but not limited to) sex, race (including colour), nationality, ethnic or national origin, disability, sexual orientation, age, religion or belief.
- Deliberate and serious damage to property.
- Serious insubordination.
- Conduct which brings or might bring the Preschool into serious disrepute.
- Impairment of ability whilst on duty brought on by alcohol, substance or illegal drug abuse
- Possession of illegal drugs
- Serious infringement of health and safety rules.
- Submitting a false, vexatious or malicious grievance
- Serious breaches of data protection regulations.
- Unauthorised disclosure of any confidential information relating to the Preschool, any associated business, or any customer or supplier.
- Giving false information or documents in support of a job application.
- Serious breach of the Safeguarding Policy.
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3.4 Investigation

Where there is evidence or a reasonable belief that misconduct has taken place, a fact finding investigation will be instigated to determine whether to proceed with a disciplinary hearing. This may involve reviewing relevant documents, interviewing the employee and taking witness statements. The amount of investigation required will depend on the nature of the allegation and will vary from case to case.

The outcome of the investigation will be confirmed to the employee verbally.

The outcome may be the initiation of formal action or the employee may receive a verbal warning or letter of concern.

If the allegation(s) are entirely unsubstantiated, no further action may be taken.

3.5 Suspension

It may be necessary, depending on the seriousness of the allegation, to suspend an employee whilst an investigation is carried out and/or formal action is taken. The suspension will be for no longer than is necessary. The suspension may remain in place until the process is complete and a decision made. Whilst the employee is suspended they will remain on full pay. It should be noted that suspension is not a form of disciplinary action or a predetermined outcome.

During a period of suspension, regular contact will be maintained with the employee.

3.6 Informal stage

Minor misconduct issues may be dealt with informally on the first occurrence by the Preschool Manager or another suitable member of staff. The employee will normally receive a verbal warning and be informed of the expectations going forward. Any verbal warning will not form part of an employee's disciplinary record.

If, after receiving a verbal warning the employee's conduct and/or behaviour does not improve, they will be managed in line with the formal stage of the policy.

In cases where the conduct is considered to be too serious to be dealt with informally, the Preschool reserves the right to move straight to the formal stage of the policy.

3.7 Formal stage

The formal stage will be applied where an employee does not respond appropriately or adequately to the verbal warning given at the informal stage, or it is considered that the breach of conduct that is believed to have occurred is too serious to be dealt with informally.

The employee will be invited to a formal disciplinary hearing in writing. The letter will detail the nature of the allegation(s) and include a summary of the relevant information gathered during the investigation, a copy of the relevant documents that will be used at the disciplinary hearing, a copy of any relevant witness statements (as far as confidentiality restrictions allow), and the range of potential outcomes.

The disciplinary hearing will be chaired by a member of the Management Team other than the one who conducted the investigation ('the Hearing Manager'). The employee will be given the opportunity to comment on the evidence against them and explain their case. If appropriate, witnesses may be called to give evidence.

If an employee wishes to call witnesses, it is their responsibility to arrange this and give the Hearing Manager notice of their attendance.

In the event that the employee is unable to attend the scheduled hearing date, they should notify the Preschool immediately, explaining the reasons why they are unable to attend. If the employee is unable to attend a hearing through circumstances outside of their control the Preschool will normally re-arrange the hearing.

The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself.

If the employee does not attend the rescheduled hearing without a good reason, a decision may be taken in the employee's absence.

As a small business there may be some occasions on which the same member of the Management Team conducts the investigation as well as the hearing. This will always be avoided where possible.

3.8 Right to be accompanied

At the formal stage the employee has the right to be accompanied by a workplace colleague or Trade Union. The employee should not request accompaniment by a colleague whose presence could prejudice the hearing or who might have a conflict of interest. The Preschool may request the employee to choose a different companion where it believes this could be the case.

If the appointed work colleague or Trade Union cannot attend the hearing on the date arranged, the employee should notify the Hearing Manager of an alternative date as far in advance of the hearing as possible. Provided that the alternative date is reasonable, the Preschool will, as far as reasonably practicable, re-arrange the hearing for that date.

3.9 Disciplinary penalties

The outcome following a formal disciplinary hearing will usually be confirmed to the employee verbally and followed up in writing. A written warning will set out the nature of the misconduct, the change in behaviour required (with timescale) and the consequences of further misconduct.

Possible disciplinary sanctions are:

- Written warning (this will normally remain live for 12 months).
- Final written warning (this will normally remain live for 12 months).
- Dismissal with or without notice.

The appropriate sanction and length of time applied will be at the discretion of the Preschool and will reflect the circumstances and the severity of the offence. In cases of Misconduct, sanctions do not have to be invoked sequentially. The normal sanction for Gross Misconduct is summary dismissal – that is dismissal without notice or pay in lieu of notice.

3.10 Salary review

Employees who have a live disciplinary sanction will not receive an annual pay review increase for the year that the sanction is live.

3.11 Appeal

Where a formal sanction is issued or dismissal is the outcome, the employee has the right to appeal in line with the Appeal Policy.

This policy was adopted at a meeting of the Preschool held on:

Signed on behalf of the Preschool _____