



## Employment – 4.5 Disciplinary Procedure

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### Policy Statement

The Disciplinary Procedure exists to maintain standards of conduct and performance and to ensure that when problems arise, they can be resolved quickly in a fair and reasonable way.

Where an employee's conduct or performance is unsatisfactory, improvements should be encouraged through the normal supervision process. This Disciplinary Procedure should be invoked only where such efforts have not achieved improvements.

The primary aim of taking disciplinary action is to improve standards of conduct and performance. This procedure provides for disciplinary measures to be taken which will be regarded normally as a series of steps, though the action taken in each case will depend upon the circumstances.

### Fact finding

When the Chair of the Committee becomes aware of alleged or suspected misconduct it is imperative that he/she gathers all the relevant facts concerning the matter. From an initial investigation if he/she considers the matter to be potential gross misconduct then he/she will take necessary steps to ensure that any risk of danger to people or property is avoided through consideration of suspension from duty or temporary re-organisation of the working arrangements and will undertake the rest of the fact finding and decision-making role. Suspension will be on full pay and will be reviewed on a weekly basis.



The fact-finding process will involve interviews with the employee concerned and any other persons who may be able to clarify the circumstances relating to the alleged or suspected misconduct.

In all cases the Manager should complete the fact finding as quickly as possible.

Upon completion of the fact finding process the Manager will evaluate whether or not there is a case to hold a Disciplinary Hearing.

Examples of misconduct include:

1. Persistent absence or lateness.
2. Failure to produce work of a satisfactory standard.
3. Failure to follow a reasonable instruction.
4. Inappropriate behaviour resulting in loss of clients.
5. Unprofessional behaviour at all times, e.g., inappropriate actions/discussions in front of clients, failure to give professional advice and service to clients.
6. Failure to adhere to the dress code and workplace rules.
7. Persistent failure to achieve performance targets.

This list is illustrative and by no means exhaustive.

Examples of gross misconduct include:

1. Fraud or theft
2. Ill-treatment of a children
3. Inappropriate use of client information
4. Breach of client confidentiality
5. Bullying harassment of a client or colleague
6. Attendance at work under the influence of alcohol or drugs  
Deliberate damage to company property or that of colleagues
7. Insubordination and/or deliberate refusal to follow a reasonable instruction from a supervisor or manager.

This list is illustrative and by no means exhaustive.



## **Disciplinary Proceedings**

The employee will be informed in writing that a Disciplinary Hearing is to take place. The letter should include:

- The time, date, and venue of the hearing
- The nature of the hearing and, in the case of gross misconduct, the possible consequences.
- Full details of the alleged misconduct
- The right to be accompanied by a representative/work colleague.
- The right to call any witnesses and produce relevant information.

Any documentary evidence to be produced by either party must be made available at least one working day prior to the hearing.

At the hearing, the employee will be advised again of the details of the alleged misconduct/evidence of poor performance and the results of the fact-finding process. This will be supported by written documentation and witnesses as appropriate. The employee will be given the opportunity to present evidence and call a witness either in connection with the allegations or in mitigation.

The Manager will consider all available information and decide what action will be taken which may be any of the following:

1. Misconduct has not been proven and no further action will be taken.
2. A written warning, which will remain on the employee record for 12 months.
3. A final warning, which will remain on the employee record for 18 months. A final warning will also be issued when an employee is in receipt of a written warning and commits further misconduct.
4. Dismissal, in the case of gross misconduct, will be effective immediately. An employee will also be dismissed when they commit misconduct and are already in receipt of a final written warning. In such cases the employee would be dismissed but would receive contractual notice.
5. We reserve the right to consider demotion as an alternative to dismissal.



The employee will be advised of the decision in writing and advised of the right of appeal.

### **THE APPEALS PROCESS**

An employee has the right to appeal against any formal disciplinary action, which will be considered by a minimum of two members of the Management Committee. To exercise the right of appeal the employee must do so in writing within 5 working days of receipt of the written notification of disciplinary action, stating the grounds upon which the appeal is made.

The employee or their representative will put forward his/her evidence as to why the action is inappropriate. Both sides may use written documentation, records of the disciplinary hearing and witnesses where relevant to their case.

The decision of the Management Committee in resolution of an appeal will be final. It will be notified in writing to the employee within 5 working days of the hearing appeal and is final.

### **Guidance**

ACAS

<https://www.acas.org.uk/disciplinary-and-grievance-procedures>

**This policy was adopted by Starlings Preschool**

**On 6<sup>th</sup> September 2021**

**Date to be reviewed**

**Signed on behalf of the management committee**

**Name of signatory Tricia Hunt**

**Role of signatory Chair Person**