



STAFF DISCIPLINARY PROCEDURE

At Culverstone Nursery it is hoped that any disciplinary procedures can be dealt with promptly and discreetly. We have regular staff meetings at which most issues can be addressed before they become problems.

In the event of the occurrence of a dispute which cannot be resolved informally the following criteria will be met:

KEY PRINCIPLES:

- Employees are expected to understand the expected levels of professional conduct.
- In the event of a disciplinary procedure being undertaken, the employee in question will receive a statement of the case prior to the meeting.
- Employees are entitled to be accompanied by a person of their choice when attending a disciplinary hearing.
- The Committee will give employees who have committed an isolated minor infringement access to informal advice, coaching or counselling.
- In the event that the employee's conduct does not improve having been offered the above or the offense is of a more serious nature, the disciplinary procedure will be applied.
- In the event of a complaint from a parent or other member of staff, a prompt and thorough investigation into the employee's conduct will take place. The employee will be informed of this investigation as soon as possible.
- No employee will be dismissed for a first offence except in cases of gross misconduct.

ACTIONS CONSTITUTING GROSS MISCONDUCT

- Theft, fraud or deliberate falsification of records.
- Physical violence.
- Bullying or harassment of either children or adults.
- Serious insubordination.
- Misuse of the setting property or name.
- Incapability as result of alcohol or drug consumption.
- Infringement of Health and Safety policy.
- Failure to comply with policies, procedures and legal requirements with regard to safeguarding children.
- Serious breach of the Early Years Setting statutory policies.
- Serious breach of confidentiality under the terms of the Public Interest (Disclosure) Act 1988.

BEFORE TAKING DISCIPLINARY ACTION:

In the event of an allegation of possible misconduct, negligence or poor performance, the Manager will establish the facts and decide whether there is a need for further action. In the event of the Manager's absence the Deputy Manager will make this decision.

Where appropriate/possible a signed written statement will be obtained as quickly as possible from all individuals concerned which should include dates, times, details of those present and the issue of concern.

Should the Supervisor decide that a Disciplinary Procedure needs to be effected; the following procedure will be used:

PROCEDURE

- At the earliest opportunity the Manager will inform the Academy Head Teacher that an allegation/incident has occurred and that an investigation is to take place.
- The Manager will inform the employee that an investigation is to be carried out following an allegation or incident.
- Following an appropriate investigation, the Manager will prepare a written statement of the circumstances which have led to the instigation of the disciplinary procedure which will then be submitted to the Academy Head Teacher.
- The Manager will then send copies of this report to the employee. The report will contain copies of any witness statements and any evidence that will be relied upon at the meeting.
- The employee will be invited to attend the meeting having been given an appropriate amount of time in which to prepare a response and contact any witnesses he/she may wish to call to give evidence.
- This meeting must take place before any disciplinary action can be taken. The only exception to this is in the event of the employee having been suspended pending the investigation.
- At the meeting the chairperson will ensure that the complaint against the employee is fully discussed and the employee will be given ample time to make a response.
- The final decision rests with the Academy Head Teacher as to whether disciplinary measures are appropriate.
- The outcome of the disciplinary meeting must be confirmed in writing within 10 working days of the meeting and must include the right to appeal the decision.

APPEAL

Any employee who wishes to submit an appeal to a decision made at the disciplinary meeting should do so in writing within 7 working days of the date on the letter informing of the Committee's decision.

Normally an appeal meeting will be arranged with the employee together with the Manager and Academy Head teacher within 15 working days of the employee's request.

DISCIPLINARY PENALTIES

THE HEADTEACHER WILL NEVER ISSUE ANY DISCIPLINARY PENALTIES BEFORE A FORMAL MEETING HAS BEEN HELD.

There are 5 disciplinary penalties resulting from misconduct:

- Formal verbal warning (first formal warning)
- Written warning
- Final written warning
- Dismissal with notice
- Summary dismissal

The gravity of the offense will determine which penalty is issued.

FORMAL VERBAL WARNING

A formal verbal warning will be issued for minor breaches of organisational discipline, misconduct, bad time keeping or failure to meet performance criteria. The Chairperson may give this at a disciplinary meeting and will be confirmed in writing. If the warning relates to unsatisfactory performance it will include:

- The performance required
- The improvement required
- The timescale for improvement
- The review date
- Any support to assist the employee to make these improvements.

If the warning relates to conduct then nature of the misconduct and the change of behaviour required will be set out in the confirmation letter.

The employee may be accompanied by a person of their choice at the verbal warning.

The warning will be placed in their personnel file for a period of three months...if after this period no further disciplinary action has been necessary and the minor breach has been resolved, the warning will expire and will be removed.

WRITTEN WARNING

If the infringement or accusation is regarded as more serious or the employee's conduct has not improved after the three month period after a formal verbal warning, a disciplinary meeting conducted by the Manager and Academy Head Teacher will be held.

The employee will be informed of the nature of the complaint and such evidence that may exist, and will be given an opportunity to respond. The employee will be told of and given a letter of confirmation within 10 working days of the disciplinary meeting.

The written confirmation will state:

- The date and time of the disciplinary meeting and those who will be present.
- The penalty imposed.
- Details of the misconduct, poor performance or poor timekeeping that has occasioned a written warning and the performance required or change in behaviour necessary.
- The timescale for performance improvement.
- Details of any necessary action to remedy the situation, any period of review, any extra training or supervision.
- That any further misconduct will result in a further disciplinary meeting and will normally result in a FINAL WRITTEN WARNING, which if unheeded will result in dismissal with the appropriate notice.
- That there is a right of appeal.

FINAL WRITTEN WARNING

If the employee's conduct fails to improve, or where the infringement is of a more serious nature, the Committee will follow the same procedure as for a Written Warning. If proven, a final written warning will be given to the employee stating that any further misconduct will result in dismissal with appropriate notice.

GROSS MISCONDUCT

An employee may be dismissed with notice if there has been an act of gross misconduct or a major breach of duty which brings the setting into disrepute. Employees dismissed with notice will be paid

for the duration of that notice period while the circumstances of the alleged misconduct are investigated.

A dismissal will be confirmed in writing within 10 working days of the date of the disciplinary review. In addition to stating the main details of the review, the letter will also include details of any outstanding money owed to the employee, how and when it is to be paid and the final date of employment.

In certain cases when a member of staff is dismissed from the setting or internally disciplined because of misconduct relating to a child, we will inform the Independent Safeguarding Authority, other relevant agencies and act within the guidelines of the Local Safeguarding Children Board.

SUSPENSION

Suspension will only be used in circumstances where the Manger needs to conduct an investigation prior to the disciplinary hearing and it is thought that not suspending the employee will be more detrimental than suspension.

Cases which involve potential gross misconduct will usually result in suspension: particularly when relationships within the setting have broken down or the setting's property or responsibilities to other parties are involved.

If suspension had occurred as a result of alleged misconduct relating to a child, all relevant agencies will be informed including: OFSTED, Social Services and if necessary the Police.

Employees are required to make all reasonable arrangements in order to attend a disciplinary hearing. If an employee, their companion or the setting Manager are unable to attend they are required to contact the Academy Head Teacher within 5 days of the letter informing them of the hearing to arrange an alternative date which should fall within 10 days of the original date. These dates can be negotiated to ensure all parties are available by mutual agreement

Signed.....

Date.....

Reviewed January 2016