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Document.	007	Disciplinary Policy		
Revision	02	Approved By	P Whateley	Approval Date
				02/01/14

Scope

This policy applies to all provision for early years aged children, and also – where appropriate – to before and after school provision and walking bus provided by Duchy Pre-school and Playgroup for primary school aged children attending The Duchy School in Bowley Meadow.

Statement of Intent

The Duchy Pre-school & Playgroup aims to ensure that there will be a fair, systematic and consistent approach in the enforcement of standards of conduct and performance in the workplace.

Aim

We endeavour to resolve any issue quickly, efficiently, fairly and as near as possible to the point of origin.

Introduction

Poor performance can arise out of intentional acts or omissions of wilful actions, which may constitute misconduct or negligence. When misconduct occurs it must be dealt with as a disciplinary matter.

The conduct process is a means by which employees are helped and encouraged to achieve and maintain the required standards of conduct, behaviour and performance. Misconduct is defined as a situation where the employee undertakes intentional acts of omissions or wilful actions or inappropriate behaviour.

Principles of Natural Justice

Essential to the fair and reasonable application of these procedures, is the underlying commitment to the principles of natural justice, namely:

- The employee must know, in full, the allegations made against him/her at the earliest opportunity;
- The employee must have an opportunity to state his/her case before any decision is made;
- The determinations must be unbiased, fair and made in good faith;
- The employee must have the right of appeal;
- The employee has the right to be accompanied.

Defining Inappropriate Conduct:

Misconduct/Negligence

The following list provides examples of what might constitute misconduct or negligence. This list is not exhaustive. However, it should be noted that depending on the seriousness of the circumstances,

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any of these actions may be treated as gross misconduct:

- Refusal to comply with reasonable lawful instructions
- Timekeeping, including failure to remain at work during contracted hours and without permission.
- Smoking, in breach of National Smoke-free legislation introduced in 2007
- Bullying and/or harassment
- Negligent action
- Inappropriate relationships between colleagues
- Inappropriate use of pre-school equipment/property
- Breaches of confidentiality
- Failure to comply with Health and Safety requirements
- Actions that may bring the pre-school into disrepute.
- Discrimination and harassment.

Gross misconduct/gross negligence

There are circumstances when the actions of the employee are serious enough to constitute a breach of trust and confidence and thus destroy the employment contract between the employee and the employer, making further working relationship impossible. When it is found that an employee has committed an act of gross misconduct, summary dismissal (dismissal without notice) is a probable outcome. The following list is not exhaustive but gives examples of offences that could be regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records
- Providing false information in relation to an application for employment, qualifications, etc.
- Fighting, assault.
- Deliberate damage to property of equipment.
- Drunkenness.
- Criminal conviction and/or failure to disclose a criminal conviction.
- Illegal substances or drugs.
- Serious negligence which causes unacceptable loss, damage or injury.
- Serious act of insubordination.
- Physical, sexual, emotional or verbal abuse of pupil, colleagues, parents or committee members.
- A sexual offence.
- Inappropriate contact (either physical or non physical) with a child.
- Possession of, or taking of distributing indecent photographs or publication.
- Serious breach of confidentiality.
- Dishonesty.

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Inappropriate uses of computer and/or communications systems.
 Making of vexatious allegations.
 Discrimination, including harassment and victimisation on the grounds of race, sex, sexuality, disability, pregnancy or religious belief.
 Engaging in unauthorised employment during hours contracted to work for the pre-school or during periods of specially designated leaves e.g. sick leave, special leave, etc.

The above lists are not all-inclusive and there may be several other breaches of conduct that may be deemed to be misconduct or gross misconduct.

Procedure for misconduct/negligence

Stage 1 – Verbal Warning

If conduct or performance does not meet acceptable standards the employee will normally be given a formal VERBAL WARNING by the Managing Supervisor following discussion with the Chair. He/she will be advised of the reason for the warning and that it is the first stage of the disciplinary procedure. A brief note will be kept on the staff member's personnel file but will be spent after 6 months, subject to satisfactory conduct and performance. Personnel sub-committee will be informed that a verbal warning has been issued.

Stage 2 – Written Warning

If the committee regards the offence as a serious one, or a further offence occurs, a WRITTEN WARNING will be given to the employee by the Chair following discussion with the personnel sub-committee. This will give details of the complaint, the improvement required and the time-scale. It will warn that action under stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.

Stage 3 – Final Written Warning or Disciplinary Suspension

If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious (at the discretion of the Chair and personnel sub-committee) to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory immediate improvement and will advise of the right of appeal. A copy of this written warning will be kept but it will be spent after 12 months (in exceptional cases the period may be

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longer) subject to satisfactory conduct and performance.

Stage 4 – Dismissal

If conduct of performance is still unsatisfactory and the employee still fails to reach the prescribed standards, DISMISSAL will normally result through the means of a disciplinary hearing.

Disciplinary Hearing

An investigation is undertaken by the personnel sub-committee.

Allegations are heard by Chair and personnel sub-committee.

The member of staff may be accompanied by a companion if they wish.

A decision regarding dismissal is made.

Appeal (if employee so wishes) is heard in front of a (different) appeal committee (comprising at least 2 trustees), in the presence of the employee and their companion. The decision is then final.

All hearings should be held in a confidential environment, free from interruptions.

Procedure for Gross Misconduct

In the event of an employee accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the committee investigates the alleged offence. If on completion of the investigation, the committee is satisfied that gross misconduct has occurred, the result will normally be summary dismissal (through the process of a hearing) without notice or payment in lieu of notice.

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Responsibility for periodic review	Personnel Sub-committee
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Document History

Rev	Changes	Date	Approval
00	Previous changes incorporated for AGM	17/05/10	AGM
01	Reviewed for AGM	15/11/11	AGM
02	Addition of scope statement	02/01/14	PNW

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