



Disciplinary Procedure for Pre-school Employees

It is hoped that there will be no need to use the disciplinary procedure as attempts should first be made to resolve any problems informally or at the regular staff management meetings. However, should such action be deemed necessary, this procedure is designed to ensure discipline issues are handled fairly, promptly and consistently. It is also intended to ensure compliance with the ACAS code of practice on Disciplinary and Grievance Procedures.

Ditton Church Pre-school requires rules and procedures to be complied with to ensure a good relationship between employees and their Managers. Disciplinary situations include misconduct and/or poor performance. This procedure is primarily a means of helping and encouraging improvement amongst employees whose conduct or performance is unsatisfactory.

Ditton Church Pre-school is committed to dealing with issues promptly and consistently. Employees will be informed of the basis of the problem and have the opportunity to put their case in response before any decisions are made.

All employees have the right to be represented by a fellow employee or union representative at any disciplinary/dismissal meeting.

Establish the facts

- Establishing the facts will sometimes require an investigatory meeting with the employee before proceeding to any disciplinary hearing. An employee may be accompanied at this meeting. In other cases the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

Statement of grounds for action and invitation to meeting

- The Pre-school Committee Chair Person (or Vice Chair in his absence) will be informed of the circumstances that have led to the instigation of the disciplinary procedure.
- Ditton Church Pre-school will set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead them to contemplate dismissing or taking disciplinary action against the employee.
- The employer will send the statement or a copy of it to the employee and invite the employee to attend a meeting, in writing, to discuss the matter.

Hold meeting

- The meeting should be held without unreasonable delay but allow the employee reasonable time to prepare.
- The employee has the right to be accompanied by a fellow worker, a trade union representative or an official employed by a trade union.
- The employer will be represented on the disciplinary panel by the Pre-school Chair and one nominated Committee colleague. The employer will explain the complaint and go through the evidence that has been gathered.
- The employee will be allowed to set out their case, ask questions and answer any allegations.

Decide on appropriate action

- The employee will be advised in writing of the disciplinary panel's decision and included will be confirmation of the employee's right to appeal.



Verbal warning

- A verbal warning may be given at this stage, with agreement from the Chair (or Vice Chair in his absence) A record of this will be kept on the employee's staff file.

First Written Warning

- If a disciplinary warning is deemed to be necessary, a first written warning will usually be given and a record of this will be kept on the individual's personal file and will not be considered spent until twelve months have elapsed.
- This warning will detail the reason, the expected improvements, and the time scale within which the improvements should occur and the names of the persons present during the meeting.

Final Written Warning

- If a disciplinary warning is deemed necessary following the investigation and usually after the period of review outlined following a first written warning, a final written warning will be given. On occasion, a final written warning may be issued in the first instance if the employee's first misconduct or unsatisfactory performance is sufficiently serious. A record of this will be kept on the individual's personal file and will not be considered 'spent' until twelve months have elapsed.
- This warning will detail the reason, expected improvements, the time scales within which the improvements should occur, and the names of the persons present during the meeting.
- The warning will also confirm that further breaches of discipline may lead to termination of employment.

Dismissal

- If disciplinary action is deemed necessary following the investigation and usually after the period of review outlined following a final written warning, dismissal may be considered appropriate. A meeting will be held to explain the reasons for dismissal to the employee. This will be conducted, where possible, by the Committee Chair or their representative if necessary.
- If the proposal to dismiss is endorsed, the Management Committee will serve notice of termination of employment on the employee in writing, advising of the date on which the employment contract will end, the appropriate period of notice and their right of appeal.
- In case of gross misconduct, employees may be summarily dismissed without notice and without issuing warnings as detailed above. (See Gross Misconduct.)

Ditton Church Pre-school reserves the right to use or omit any steps in the procedure should it consider it appropriate and also reserves the right to have a flexible yet fair standard of disciplining employees if required, while maintaining compliance with the ACAS code of practice on Disciplinary and Grievance Procedures.



Appeal Procedure

- If you feel that the disciplinary action taken against you is wrong or unjust then you have the right to appeal. This must be made in writing within five working days to your Line Manager/Committee member detailing the grounds of your appeal.
- A formal meeting will be held within 10 working days in receipt of the appeal.
- You have the right to be accompanied by a colleague or trade union representative at an appeal hearing.
- The meeting should be conducted, wherever possible, by a manager or Committee member not previously involved in the process. The employee will be advised in writing of the final decision.
- The outcome of the appeal will be communicated in writing as soon as possible after the hearing and the decision will be final.

Safeguarding Children

See Safeguarding policy.

Gross Misconduct

Gross misconduct is where an employee carries out or fails to carry out an action that is so serious as to justify summary dismissal. Summary dismissal means the employee will not receive notice or any payment in lieu of notice. The following list provides examples of Gross misconduct but is by no means exhaustive:

- Stealing/Dishonesty.
- Falsification of a qualification that is a requirement of the employee's employment conditions or which results in financial gain to the employee.
- Falsification of records, reports, accounts, expenses.
- Sexual misconduct/indecent behaviour at work.
- Physical assault/fighting.
- Deliberate damage or misuse of the Pre-school's property.
- Serious damage to the Pre-school's property.
- Drunkenness or being under the influence of illegal drugs whilst at work.
- Possession or control of illegal drugs on the Pre-school premises.

- Serious breach of Health and Safety.
- Serious Breach of Confidentiality.
- Gross Negligence.
- Conviction of a criminal offence that is relevant to the employee’s employment.
- Conduct that brings the Pre-school’s name into disrepute.
- Discrimination, harassment, abuse or bullying of a fellow worker.

If a member of staff is dismissed or has left because they have harmed a child or put a child at risk of harm, a referral will be made to the DBS.*

You may appeal against disciplinary action taken against you by applying within five working days in accordance with the Appeal Procedure.

*In accordance with - Safeguarding Vulnerable Groups Act 2006

Criminal Conduct outside work

- Criminal charges or convictions for offences committed outside working hours which include dishonesty or violence may result in disciplinary proceedings being taken against the employee up to and including summary dismissal for Gross Misconduct.
- Criminal charges or convictions for any other type of offence may result in disciplinary procedures being taken against the employee if in the management’s opinion the conviction is such as to affect or likely to affect the suitability of the employee for the position in which they are employed, or likely to damage the reputation of the Pre-school.

This policy was adopted by the Ditton Church Pre School Management Committee

Date January 2024

Signed on behalf of the Management Committee

Role of Signatory

Next Review Date: January 2025

