



## Staff Disciplinary Procedures

*Reference: Statutory Framework for the Early Years Foundation Stage: Section 3 – The Safeguarding and Welfare Requirements.*

Whitchurch Pre-School has a great reputation within the community, and firmly believes in maintaining a professional and highly skilled staff team. However, we accept it will occasionally be necessary to encourage improvement in individual conduct or performance.

Whitchurch Pre-School aims to set out clear guidelines for staff and committee, for a fair and consistent approach

- The incident will be fully investigated to establish facts quickly.
- Investigations will be non-discriminatory and apply equally to all staff, irrespective of gender, pregnancy/maternity status, religion, age, marital status, sexual orientation, race or disability.
- At every stage, the member of staff concerned will be informed of the nature of the complaint.
- Staff will be given the opportunity to state their case, and be represented or accompanied by a colleague or Trade Union representative of their choice, during any part of the process.
- Staff will have the right to appeal against any disciplinary action taken against them.

Investigations will be conducted by the Manager and/or Committee Chairperson unless it is a safeguarding concern then advice will be sought from the Local Authority Designated Officer (LADO) and/or Ofsted.

The Disciplinary Procedure is as follows;

### **Informal Discussion**

Before taking any disciplinary action, the Manager will make every effort to resolve the issue through informal discussions with all parties concerned. If they are unable to bring about a satisfactory conclusion/outcome for all parties, or where the nature of the allegation involves a child, disciplinary procedures will be formally implemented. Informal discussions will be recorded as part of the staff supervision process.

### **Oral Warning**

If conduct or performance is unsatisfactory, the employee will be given a first warning. The member of staff will be informed of this, and given an explanation for the warning. They will also be informed of their right to appeal. Such warnings are recorded, but disregarded after 6 months of satisfactory conduct and/or performance.

### **First Written Warning**

If, following a formal oral warning, there is insufficient improvement in standards, professional conduct or a further incident occurs, a first written warning will be issued. The written warning will explain the reason for the warning, and that if there is no satisfactory improvement in conduct or performance, a final written warning will be considered. The member of staff will also be informed of their right to appeal. Such warnings are recorded and a copy kept in the staff file, but it will be disregarded after 12 months, subject to satisfactory improvement in conduct and/or performance.

### **Final Written Warning**

If the conduct or performance of the staff member has failed to improve and remains consistently unsatisfactory, or if the misconduct is sufficiently serious, a final written warning will be given. This will inform the staff member that any further breach of standards, professional conduct or other serious misconduct may result in the employee's dismissal. A copy of the warning will be held on file, but disregarded after 12 months subject to satisfactory improvement in conduct and/or performance.

In exceptional circumstances, a member of staff may receive a Final Written Warning that will remain on records indefinitely. This course of action will follow when a member of staff has only avoided dismissal due to extenuating or mitigating circumstances.

### **Dismissal or other serious action**

This stage will normally result when a member of staff fails to act upon the requirements of behaviour and conduct made in the previous stages of the warning procedure, or simply due to the seriousness of the incident or the behaviour that has arisen. Dismissal will usually be effective immediately without the requirement to work a notice period. However, in some circumstances we may not decide to dismiss you but apply another serious sanction such as demotion with loss of pay, or suspension without pay. You will not usually be dismissed for your first breach of conduct unless it is gross misconduct

### **Gross Misconduct**

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), dismissal will be the normal outcome.

- Any action or behaviour which may endanger the Health and Safety of any child, employee or committee member at Whitchurch Pre-School
- Inappropriate behaviour towards any of the children, employees or committee members at Whitchurch Pre-School
- Taking photographs of the children without their parents/carers consent (please note this is a criminal offence, and as such would be reported to the Police)
- Abusive behaviour

- Inappropriate behaviour towards any of the children or employees at the pre-school
- Theft or unauthorized possession of any property belonging to someone else (staff, parents, children or Whitchurch Pre-School)
- Serious deliberate or reckless damage to property
- Falsification of reports, accounts, expense claims, timesheets or self-certification forms
- Intoxication by reason of alcohol or drugs or any illegal substance
- Possession of illegal drugs
- Serious breach of rules or policies
- Fighting or other violent, dangerous or intimidating conduct
- Bullying, sexual, racial or other harassment of a fellow employee or committee member
- Gross negligence or incompetence
- Conviction on a criminal charge
- Receiving any sentence of imprisonment
- Bringing Whitchurch Pre-School, it's business, reputation or good name into disrepute
- Sending abusive, scandalous, obscene or defamatory communications of any kind including email with the setting, on the internet, text messages or any other media or social networking site.
- Accessing or downloading rude or obscene images or other material from the internet or by e-mail or otherwise being in possession of rude or obscene material or publications or images in any media at Whitchurch Pre-School, or during your working hours

While the alleged gross misconduct is being investigated, the employee will be suspended, during which time he or she will be paid their normal pay rate. Suspension is not regarded as a form of disciplinary action and will be for as short a period as possible. Any decision to dismiss will be taken only after a full investigation.

If the staff member is found to have committed an act of gross misconduct, dismissal will be effective immediately without the requirement to work a notice period.

### **Allegations against staff**

All staff are advised to minimise time spent alone with children and to be aware of the potential risks in doing so (for further details, staff should refer to the Safeguarding and child protection policy)

If an allegation of abuse has been made against a member of staff, the Manager will follow the procedures of the Safeguarding and Child Protection Policy, which includes liaising with the Local Authority Designated Officer (LADO).

If an allegation of abuse is made against the Manager, then the Deputy Manager Becci Garner or Lauren Cole will report the matter directly to the Registered Person, LADO and Ofsted.

**Appeals**

Staff wishing to appeal against the disciplinary decision must do so to the Pre-School Committee Chairperson within 10 working days of the decision being communicated. Appeals will be dealt with as quickly as possible and within at least a further 10 days. If possible, the Registered Person, or a senior member of the committee who was not involved in the original disciplinary action, will hear the appeal and impartially adjudicate the case.

At all stages of the procedures, the right to appeal will be confirmed as part of the warning, suspension or dismissal letter.

This policy is reviewed annually, or as deemed necessary.

Policy reviewed and updated      SEPTEMBER 2017