



<b>Name:</b>	<b>Date written:</b>
Disciplinary Policy	14/2/22
<b>Written by:</b>	<b>Date of Revision:</b>
Emma Holmes/ Louise Lloyd-Evans	17/7/23

**Policy Statement**

The Nursery requires rules and procedures to be complied with to ensure a good and transparent relationship between employees and their managers. It is hoped that there will be no need to use the disciplinary procedure. However, should such action be deemed necessary, this policy should allow all relevant issues to be dealt with reasonably and fairly.

**Aims and Purpose**

Employees will only be disciplined or dismissed after the Manager and the Deputy has confirmed the decision to take disciplinary action. An attempt should first be made to resolve the problem informally. In the event of a misconduct incident or staff neglecting to adhere to policies or their job role they will be invited to an investigation meeting. During this meeting any issues of concern will be clarified, extenuating circumstances will be listened to and the disciplinary procedure will be explained. After careful consideration of the facts, if the issue warrants disciplinary action the employee will be invited to a disciplinary meeting. The outcome of this meeting is dependent on the concerning issue. Meetings will be conducted in a professional, but sensitive way; adult to adult.

**Applicability**

Staff

**Definition of Terms**

Misconduct - Every organisation needs rules. They set the standards of conduct and performance at work. Rules cover things like timekeeping, absence, discrimination, and gross misconduct. An employee who does not adhere to the rules could be accused of misconduct.

**Gross Misconduct** - Very serious misconduct such as theft, physical violence, safeguarding breach or significant failures to uphold health and safety rules can be referred to as Gross Misconduct. If an employee commits gross misconduct, it means the employer may be permitted to dismiss the employee immediately. However, the full three-stage standard statutory procedure should be used before deciding whether to dismiss someone.

**Overview**

- This Policy Covers:**
- Investigation
  - Invitation to Disciplinary Hearing

- 🟡 Disciplinary Hearing
- 🟡 Confirmation
- 🟡 Appeal
- 🟡 Types of Disciplinary Outcomes
- 🟡 Gross Misconduct
- 🟡 Allegations of Child Abuse against a member of staff
- 🟡 Grievance Procedure
- 🟡 Disciplinary Overview

## Procedures

### **Investigation (template on OneDrive):**

- 🟡 Investigation hearing to look into allegations / issue
- 🟡 Should be timely and thorough
- 🟡 Notes should be taken at meetings
- 🟡 Get employee's statement
- 🟡 All relevant documents / statements gathered
- 🟡 Is there an established case to be answered?
- 🟡 Decide next stage:

#### **Options**

- Disciplinary Hearing (consider if paid suspension is necessary to protect business)
- Further investigation
- Informal i.e., performance management
- No action.

### **Invitation to Disciplinary Hearing (template on OneDrive):**

- Employee will be sent an email detailing:
  - Who will be attending
  - Date of meeting - give reasonable notice to allow employee to prepare
  - Their right to be accompanied by a work colleague
  - The allegation / nature of complaint / be specific – what / when / where / who / how
  - A copy of our disciplinary policy

### **Disciplinary Hearing (template on OneDrive):**

- 🟡 Clarify purpose of hearing
- 🟡 Notes will be taken
- 🟡 Confirm employee is aware of procedure; evidence; potential seriousness (ie if gross misconduct)
- 🟡 To confirm NO decision will be made until disciplinary hearing been concluded and employee has had opportunity to put forward case / defence
- 🟡 Outline what has happened i.e., allegations / misconduct / failure to reach standards etc
- 🟡 Ensure evidence that employee has been asked directly of the allegation/s against them – i.e. did you falsify your time sheet; did you take money from the till?
- 🟡 Hear employee's side / defence / mitigation / any special issues
- 🟡 Anything to be further investigated?

- Sum – up / Confirm all pertinent points
- Confirm anything employee wants to put forward in defence before meeting is adjourned to make decision
- Formally adjourn hearing to review and make decision. Allow plenty of time to review what has been said, take advice, and carry out further investigation if necessary – perhaps several hours or until next day.
- Re-convene disciplinary hearing to give decision (ideally to be done face to face, but can be given verbally and followed-up in writing)

### **Confirmation (template on OneDrive):**

- Details of disciplinary hearing
- Decision – level of warning etc
- Allegation / Issue
- Employees defence
- Why decision made
- How long warning will be in force
- Improvement expected – Action Plans etc
- Consequences if failure to improve or future occurrence
- Appeal – who / when etc

### **Appeal:**

- Staff may appeal against disciplinary action taken against them by applying within 5 working days in accordance with the Appeal Procedure
- Hold Appeal Hearing meeting
- Ideally more senior manager than person disciplining or dismissing
- Right to be accompanied by work colleague
- Notes will be taken
- 1 of 3 decisions can be made following appeal hearing (to uphold, reverse or reduce decision)
- Hear grounds for appeal
- Pay particular attention to new issues
- Sum – up / Confirm pertinent points
- Appeal Hearing can be used to rectify any procedural errors in previous disciplinary process
- Close meeting to review and make decision
- Inform employee in writing of decision

### **Types of Disciplinary Outcomes:**

#### **Verbal Warning**

If the misconduct or performance issue was found to be small and not serious, management will have an informal talk with the employee.

#### **Written Warning**

A written warning is a formal warning that Young Friends Kindergarten can give the employee at the end of the disciplinary procedure. There are two types of written

warnings: First and Final. They each remain on the employees file for 1 year and will be noted on any references during this time, if requested.

- First Written Warning

A first written warning is normally the first step Young Friends Kindergarten will take when misconduct or poor performance is confirmed. It should be taken as supportive and a way for the employee to learn and grow within their role.

- Final Written Warning

Young Friends Kindergarten will give a final written warning if, within a set timeframe, the employee either:

- repeats or commits another misconduct
- does not improve performance
- In cases of serious misconduct or poor performance, Young Friends Kindergarten give a first written warning and will instead go straight to a final written warning. For example, where the employee's actions have, or could, cause serious harm to the business.

If an employee does not meet the requirements of their final written warning in the timeframe set, it could lead to dismissal.

A first or final written warning will say:

- what the misconduct or performance issue is
- the changes needed, with a timescale
- what could happen if the changes are not made or if there is further misconduct or no improvement to performance
- how long the warning will stay in place
- in performance cases, any support or training Young Friends Kindergarten will provide

Employees on a written warning will be asked to attend monthly support meetings with management their room leader.

### Dismissal

Young Friends Kindergarten might end the employee's contract ('dismissal') in either of these cases:

- gross misconduct (see below)
- the disciplinary procedure has had to be repeated and the employee previously had a final written warning

Dismissal will only be decided by the manager and owner, who have the authority to do so.

The employee should be told as soon as possible:

- the reasons for the dismissal
- the date the employment contract will end
- the notice period
- their right of appeal

To avoid the risk of an 'unfair dismissal' claim, Young Friends Kindergarten will always follow a full and fair disciplinary procedure before deciding on dismissal. Ofsted will be informed within 14 days of dismissal if due to a safeguarding incident.

### **Gross Misconduct:**

Gross Misconduct is an instance 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.
- Misconduct out of work that is considered of a nature as to cause alarm or concern.
- Physical assault/fighting in or out of work.
- Deliberate damage or misuse of Young Friends property.
- Serious accidental damage to the nursery's property.
- Drunkenness or being under the influence of illegal drugs whilst at work.
- Failure to disclose medication being taken which may affect their ability to care for the children or to store medication safely (see staff medication policy).
- Possession or control of illegal drugs on the nursery premises.
- Serious breach of Health and Safety Policy.
- Serious Breach of Confidentiality Policy.
- Gross Negligence.
- Serious breach of Safeguarding Policy.
- Serious breach of Staff Code of Conduct.
- Serious breach of Online Safety relevant Policies.
- Conviction of a criminal offence that is relevant to the employee's employment.
- Conduct that brings the nurseries name into disrepute in or out of nursery time/location.
- Discrimination, harassment, abuse or bullying of a fellow team member, or anyone connected with the nursery.
- 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 proceedings being taken against the employee if in the managements 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 nursery.

- Failure to disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children (whether received before or during their employment at the Nursery)

## Allegations of Child Abuse Against a Member of Staff

Where an allegation of child abuse is made against a member of staff that causes concern, or that they have behaved in a way that has harmed a child, or may have harmed a child, possibly committed a criminal offense against or related to a child, or behaved towards a child or children in a way that indicates she/he is unsuitable to work with children, we will:

- Cooperate fully with any enquiry.
- Take detailed records of any information and investigations.
- Make a timeline of events.
- The setting disciplinary procedure will be followed where necessary.
- Ofsted will be informed within 14 days.
- We will need to contact the Local Authority Designated Officer (LADO) for Managing allegations
- Contact Front Door for Families where appropriate
- Suspension will not be an automatic response to an allegation, but we will need to consider the seriousness and plausibility of the allegation, the risk of harm to children and the possibility of tampering with evidence, as well as the interests of the person concerned and the setting.
- If the allegation is of a serious nature, then the management team will decide if the employee should be suspended with pay, whilst investigations are being made.

## Grievance Procedure

The following procedure applies should a member of staff/management have a grievance with a colleague:

N.B: There is no definition for a grievance and only an individual can determine whether they feel aggrieved.

- All Staff have a right of appeal if they think they have been unfairly treated.
- Staff with a grievance should first inform their Manager, if that person is not the subject of the grievance, or the next higher level.
- If the grievance is not satisfactorily dealt with at the first formal stage, staff should raise a formal appeal against the outcome of the first stage by putting their grievance in writing to Management team.
- Young Friends encourages in the first instance to try and resolve the problem informally with the person with whom you have the grievance.
- If the issue cannot be resolved informally, staff should raise a formal grievance with the Manager and/or Director (not involved in the grievance).

The following stages apply:

Stage One:

- If the matter is not resolved informally, the matter should be raised in writing with your Manager. If the grievance is with the Manager, you should refer to stage two of the grievance procedure.
- The Manager will deal with your grievance as quickly as possible and normally you should expect to receive a verbal and written response within 7 days.

**Stage Two:**

- If the matter is not resolved at Stage one or the grievance is about the Manager or Director, the matter should be raised in writing with the other.
- The manager or deputy will address your grievance as quickly as possible and a meeting arranged where you will have the opportunity to present your grievance.
- You should expect to receive a written and verbal response within 7 days.

**Complaints:**

- Any member of staff who believes that they have been adversely affected by unfair discrimination or harassment should raise the issue via the Grievance Procedure.
- Staff will not be victimized or bullied for making a complaint and any occurrence of alleged victimization will be
- treated very seriously.
- The management team will deal with all complaints promptly and sensitively

**Disciplinary Overview (template on OneDrive):**

**This is filled out to ensure all steps of this policy has been adhered to and employees have had a fair experience.**

**External Links and Organisations**

ACAS: [Acas | Making working life better for everyone in Britain](#)

**Relevant Policies and Documents**

- Safeguarding Children
- Staff Code of Conduct
- Supervision and Appraisal

**Authorisation**

Signature:



Louise Lloyd-Evans  
Owner and Director

Young Friends Nature Nursery  
89 Holland Road  
Hove  
East Sussex  
BN3 1JP

