



We demonstrate tolerance and respect through child-led play

Disciplinary Policy

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Disciplinary Policy

1 Scope & Purpose

- 1.1 This procedure applies to all staff employed by the Croft Playgroup.
- 1.2 The purpose of the playgroups disciplinary rules and procedures is to help all employees to achieve and maintain acceptable standards of conduct, attendance and job performance. Examples of conduct that would be considered unacceptable are given at the end of this procedure. The playgroup recognises that disciplinary action should not be viewed solely as a means of imposing sanctions but rather as a means of encouraging improvement.
- 1.3 The procedure follows the principles of the ACAS Code of Practice:
 - A written statement from the employer setting out the grounds for action and inviting the employee to a meeting;
 - A meeting where certain requirements must be observed;
 - The employer's decision and notification to the employee of the right of appeal; and
 - An appeal process.

2 Outline

- 2.2 It is the duty of each employee to conduct him/herself appropriately and avoid acting negligently in carry out his/her work.
- 2.3 No employee will be dismissed for a first breach of discipline except in a case of gross misconduct.
- 2.4 All cases of formal disciplinary action under these procedures will be fully investigated and the investigation findings recorded on the employee's personal file for the duration of any disciplinary sanction imposed.
- 2.5 In the event that, following investigation, a case is withdrawn or not upheld all reference to the alleged disciplinary offence will be removed from the employee's personal file.
- 2.6 At an early stage in the formal procedure employees will be advised in writing of the nature of the complaint against them; of the right to be accompanied by a trade union representative or work-based colleague (companion) of the employee's choosing and will be given the opportunity to prepare for a formal meeting within this procedure and at such a meeting will be given the opportunity to state their case before any decision is made.



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- 2.7 Employees will have the right to appeal against any disciplinary sanctions.
- 2.8 In operating this policy, line managers will apply the playgroups commitment to equality by treating all employees fairly and without discrimination on the grounds of colour, race, ethnic origins, sexual orientation, age, marital status, disability or religious beliefs.
- 2.9 In adopting this procedure Playgroup Committee Members will determine in advance how they will delegate authority for issuing warnings and making initial dismissal decisions in the case of disciplinary cases.

3 Child Protection Allegations

- 3.1 Allegations about safeguarding and protection of children must be handled in accordance with statutory guidance and the procedures of the Local Safeguarding Children Board (LSCB). The role of the Local Authority Designated Office (LADO) is crucial in handling all allegations of this nature and the LADO has a statutory duty to ensure that allegations about safeguarding are handled properly and expeditiously.
- 3.2 A strategy meeting, normally arranged within 2 working days of the allegation, will determine whether the allegation should be investigated by the police or some other agency or by the playgroup under its disciplinary procedure.
- 3.3 If the matter is handed back to the playgroup, whether at the first strategy meeting or at a later stage, the playgroup must take account of the recommendations of the strategy meeting and must liaise with the LADO and HR regarding next steps.

4 Informal Counselling

- 4.1 Informal counselling may be a more appropriate response to minor offences rather than formal disciplinary action. If appropriate, counselling will take the form of a discussion with the object of determining and agreeing the improvement required. A note of the conversation will be sent to the employee and copy kept on file for 3 months. Where this informal approach fails to bring about the desired improvement, the formal procedure will then be followed.

5 Investigations

- 5.1 No action will be taken by the playgroup before a proper investigation has been undertaken.
- 5.2 The investigation will normally be conducted by the Playgroup Manager. As part of the investigation the employee will be given full details of their alleged misconduct and be given the opportunity to explain their actions. Witnesses will be interviewed and statements taken.
- 5.3 If an allegation is made against the Playgroup Manager, the Chair of the Committee will nominate a non-staff committee member to undertake the investigation.



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5.4 Witnesses must be told the following before any investigation meeting:

- The nature and purpose of the investigation;
- That an employee may, if they wish, arrange to be accompanied by a trade union representative or work colleague (companion) during an investigatory interview but this must not cause undue delay to the conduct of the investigation;
- That a factual statement will be taken and may be used at any subsequent disciplinary hearing;
- That a witness may be called to give evidence at any subsequent disciplinary hearing;
- That the employee accused of misconduct may be given a copy of the statement at some point in the future and will be present at the hearing;
- That if the statement is used in any report submitted to the disciplinary hearing that the original statements will also be made available.

6 Suspension

6.1 If appropriate the playgroup may suspend the employee from work on full pay for a specified period during which time such an investigation will be undertaken. Suspension may be imposed by the Playgroup Manager or Chair of the Committee but may only be lifted by the chair of the committee following an investigation. Suspension should be confirmed in writing explaining the reasons for the suspension. During the period of suspension, the employee will not be entitled to access the playgroups premises, except with prior consent from the Playgroup Manager and subject to such conditions as the playgroup impose.

6.2 Suspension would normally be imposed only if;

- The allegations are of serious or gross misconduct such that dismissal is a possibility;
- The suspension is required to enable an investigation to proceed unimpeded;
- The employee is the subject of police investigation or has been charged with a criminal offence.

7 Disciplinary Hearing

7.1 If, under these procedures, the playgroup decides after an investigation has been concluded to hold a disciplinary hearing in relation to the matter complained of, the employee will, in accordance with the statutory discipline and dismissal procedure, be given details of the complaint against them at least five working days before any disciplinary hearing takes place.

7.2 Offences under the playgroup's disciplinary procedures fall into two main categories;

- a) Misconduct – misconduct is defined as wrongful, improper or unacceptable conduct.



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- b) Gross Misconduct – gross misconduct is generally defined as misconduct serious enough to cause a fundamental breakdown of trust and confidence between employer and employee.
- 7.3 Examples of what constitutes misconduct and gross misconduct are given at the end of this policy.
- 7.4 In accordance with the statutory discipline and dismissal procedure, disciplinary hearings will be convened in writing giving at least 5 working days' notice, giving details of the complaint against the employee. Documents to be referred to during the hearing should be made available to all parties at least five working days in advance. These timescales may be varied with the agreement of all parties.
- 7.5 When an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the employer should make a decision on the evidence available in the absence of the employee.
- 7.6 At any disciplinary hearing the employee or their companion will, in accordance with their statutory discipline and dismissal procedure, be given an opportunity to state their case.
- 7.7 Following the disciplinary hearing a decision will be taken as to whether the complaint against the employee is upheld. In accordance with the statutory discipline and dismissal procedure, this decision will be confirmed in writing.
- 7.8 The following sanctions may be applied as a result of a disciplinary hearing concluding that the complaint against the employee has been upheld;
- (a) Stage 1 – Oral Warning
If conduct or performance is unsatisfactory, the employee will be given a formal oral warning which will be recorded and will remain on the employees file for a period of 3 months.
 - (b) Stage 2 – First Written Warning
If the offence is of a serious nature or if, following an oral warning, the employee's conduct is still unsatisfactory, a first written warning will be given to the employee, which will state the reason for the warning and will require an improvement in the employee's conduct, failing which further disciplinary action will be taken. The written warning will remain on the employee's file for a period of 6 months but, subsequently conduct and performance will not be referred to in any subsequent disciplinary case following the expiry of that period.
 - (c) Stage 3 – Final Written Warning
If the offence is considered serious enough to warrant consideration of dismissal if there is a repetition but does not amount to gross misconduct, or if following a first written warning the employee's conduct is still unsatisfactory, a final written warning will be given which will state the reason for the warning and will require an improvement in the employee's conduct, failing



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which further disciplinary action will be taken, which could ultimately lead to dismissal. This warning will remain on the employee's file for a period of 12 months.

(d) Stage 4 – Dismissal

If following a final written warning there is no satisfactory improvement in the employee's conduct within the specified time period, the employee may be dismissed. At this stage the Local Education Authority will be informed of the case and be given the opportunity to advise at the hearing.

- 7.9 The playgroup reserves the right to make a payment of lieu of notice on the termination of the employee's contract, other than in cases of gross misconduct.
- 7.10 These warnings are normally offered in sequence, however in cases of serious or gross misconduct or where there is a pattern of persistent misconduct, the sequence of warnings outlined above may not be followed. The procedure may be instigated at any stage felt appropriate by the playgroup.
- 7.11 Warnings issued under this procedure will remain on the employee's file for the life of the warning. If there is no further instance of misconduct the warning will be removed from the file when it expires. No reference will be made to expired warnings in subsequent disciplinary proceedings.
- 7.12 In addition to the disciplinary warnings outlined above, in cases of serious or gross misconduct further disciplinary measures may be invoked. These alternative measures include: demotion to a lower grade, or reasonable deductions from salary to cover repayment for loss or damage to playgroup property.
- 7.13 If it is established, after investigation and disciplinary hearing at which the employee's explanation of the matter is heard, that the employee has committed an act of gross misconduct the employee will be summarily dismissed, i.e. without notice and/or any pay in lieu thereof. While the alleged gross misconduct is being investigated the employee may be suspended in accordance with the provision set out above. If the playgroup takes the decision to dismiss the employee will be advised of the reason for the dismissal and the date upon which the employee's employment will be terminated. In cases of gross misconduct this will usually be the date that the letter is sent.

8 Appeals

- 8.1 An employee may appeal against any disciplinary sanction imposed against them, with the exception of an informal oral warning. Appeals should be made in writing to the Chair of the Committee who will then appoint an appropriate appeal manager.



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- 8.2 Wherever possible, the appeal will be heard by a senior manager who has not been involved in the decision to impose the disciplinary sanction on the employee. If this is not possible a member of the Committee will be selected to hear the appeal.
- 8.3 The appeal manager is obliged to consider any representations made by the employee, the employee's companion and those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction.
- 8.4 Should any new evidence be introduced on appeal, the employee will be given the opportunity to consider it and raise comments. Once the relevant issues have been thoroughly explored, the appeal manager will decide whether or not to uphold the disciplinary sanction. In the event that the appeal manager finds for the employee, the appeal manager shall allow the appeal and shall remove all records of the disciplinary sanction from the employee's record.
- 8.5 In the event that the appeal manager does not find for the employee, the senior manager must uphold the disciplinary sanction. In the event that the appeal manager partially finds for the employee, the appeal manager shall partially allow the appeal and impose a lesser disciplinary sanction.
- 8.6 When lodging an appeal, the employee should state:
 - a. the grounds of appeal; and
 - b. whether they are appealing against the finding that they committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.
- 8.7 The employee must provide written notice of the appeal within five working days of being informed of the disciplinary sanction being imposed against them.
- 8.8 Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.
- 8.9 Upon completion of the appeal, the appeal manager will convey their decision to the employee. The decision will be confirmed in writing within one week. The appeal manager's decision at the appeal is final.
- 8.10 Where there is an appeal against a dismissal, an employee will not be entitled to be paid or reinstated (unless they are entitled to notice) between the date of dismissal and the conclusion of the appeal process. In the event however that the decision to dismiss is overturned on appeal, the employee will be reinstated with immediate effect and they will be paid for any period between the date of the original dismissal and the successful appeal decision. Their continuous service will not be affected.



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9 Referrals

9.1 If a case includes allegations against an employee that involves both misconduct and safeguarding (i.e. the risk of harm, or actual harm to a child) the playgroup will contact the Disclosure and Barring Service (DBS).

9.2 EXAMPLES OF DISCIPLINARY OFFENCES

1 MISCONDUCT

Offences that might be regarded as misconduct:

- Poor timekeeping
- Rude or offensive behaviour
- Unauthorised absence from playgroup
- Failure to obey a lawful or official instruction including failure to observe an operational requirement of the playgroup.
- Unauthorised use of equipment on playgroup premises.

2 GROSS MISCONDUCT

Gross misconduct is generally defined as misconduct serious enough to destroy the employment contract between the employer and employee and to make any further working relationship and trust impossible.

Offences that might be regarded as gross misconduct include:

- Unauthorised removal, theft or use of school property/assets
- Fighting/physical assault of another person or intimidation
- Abuse, misuse or damage to playgroup property;
- Incapability through or being under the influence of alcohol or drugs.
- Wilful act of omission that causes unacceptable risk of loss, damage or injury (gross breach of safe working practices)
- Criminal activity through the course of employment
- Off-duty conduct that has a direct adverse effect on the employment
- Sexual harassment of, or sexual misconduct with colleagues or children
- Discriminatory behaviour on the grounds of sex, age, marital status, race, religion or belief, ethnic origin, sexuality or disability.



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- Serious harassment or bullying of colleagues.

These lists of offences are not intended in any way to be exhaustive or prescriptive.

The second list does, however, illustrate the types of cases where dismissal without notice - SUMMARY DISMISSAL (after full and detailed investigation and consideration of the facts) can be justified.

9.3 Each instance must be addressed on the nature of the conduct and behaviour within the context of the nature of the job, the employee's record and other relevant circumstances.

This policy was adopted by Croft Playgroup

Signed on behalf of the Croft Playgroup

Croft Playgroup Committee

Croft Playgroup Manager

Print Name: Katherine Chan

Print Name: Michelle Barrow, Helen Dearlove

Signed.....

Signed.....

Dated.....

Dated.....

Date policy to be reviewed: November 2023 or earlier if required