



## 11.11 DISCIPLINARY AND DISMISSAL Policy

### **Disciplinary**

Faringdon Pre-school supports the principles laid out in the ACAS Code of Practice regarding disciplinary procedures. The setting's rules and employment policies are clearly set out in the Employees handbook, they detail what is expected of all staff. By not adhering to these rules and policies, employees may become involved in disciplinary action.

Faringdon Pre-school's management committee have a responsibility to lead on and ensure that disciplinary procedures are fair and consistent for all employees, as well as the reasons for following these procedures being explained to employees. If disciplinary procedures are to be used for any of these lead roles, an alternative senior role within the setting will lead on these procedures.

Faringdon Pre-school will strive to resolve most conduct or capability issues informally before resorting to disciplinary procedures. A note will be placed in the employee's file for these informal meetings for record purposes. However if the issue is then not resolved or no improvement is made the disciplinary procedures laid out below will be followed:

**Stage 1:** A full investigation will be carried out for any potential disciplinary matter before deciding whether to proceed with disciplinary action. An investigatory meeting may be held with the employee in question to collate evidence. For serious offences, an employee may be suspended on full pay whilst the investigation takes place.

For disciplinary action against performance, following investigation, the manager and employee will meet to agree an improvement plan, including timescales for improvement and the support that will be offered by the manager. A further performance review meeting will be organised following the deadline for the improvement plan, if there has been a marked improvement in the employee's performance, no further action will be taken; however, if further improvement is needed, a verbal warning will be issued and further review meetings will be organised.

Following these review meetings and further warnings, if no improvement is made disciplinary action will be taken.

For disciplinary actions against gross misconduct, Faringdon Pre-school may dismiss immediately without giving notice or pay in lieu of notice. However this will be

following the incident being fully investigated. The employee will be suspended on full pay during the investigation.

Examples of gross misconduct include:

- Theft of property belonging to the setting, employees or customers
- Assault on any employees or persons associated within the setting
- Dishonesty such as use of funds for any other purpose other than it was intended for in the setting
- Being under the influence of drugs or alcohol whilst on duty
- Serious or consistent breach of safety rules
- Fraud
- Physical or verbal assault towards a child
- Discrimination against a person
- Failure to follow policies and procedures
- Certain criminal offences

Please note, this is not a full list and should be used as an example only, other offences may also be deemed as gross misconduct by the setting.

Stage 2: Following any necessary investigations, if disciplinary action is required, the employee will be informed in writing of the need to attend a disciplinary hearing, including details of why a meeting is required, the procedure that will be followed and the potential consequences of the disciplinary. Alongside the manager who is conducting the hearing, another senior member of staff (or committee member, owner) will be present to ensure the appropriate conduct is followed; witnesses or witness statements regarding the disciplinary will also be invited. The employee will be given the opportunity to present their own evidence, call witnesses and give their case during the hearing. The employee has a right to be accompanied by another member of staff or union representative at all meetings.

Stage 3: Following the disciplinary hearing, the manager will then decide what action to take. If the employee gives satisfactory explanations during the hearing, no further action will be taken. However if the decision is made to proceed with the disciplinary, the following outcomes may be considered:

- A written warning or final written warning
- Further counselling or training to resolve the matter
- Apply a disciplinary penalty, such as dismissal, transfer to another job or demotion

The decision will be given in writing within (10) working days of the hearing and will detail the decision, reasoning for that decision, any specific improvement that may be required, how long the warning will remain in force, what will happen if no improvement is made and the right for the employee to appeal, including how they can do this.

Stage 4: Employees have the right to appeal the decision, this should be given in writing giving the grounds of their appeal and should be submitted without unreasonable delay and within (10) working days. Following any further necessary investigations, a disciplinary appeal hearing should be held. The appeal will be dealt with impartially and wherever possible by a manager who has not previously been involved in the case.

Stage 5: Following the disciplinary appeal hearing, the manager will write to the employee with a final decision and reason within (10) working days, stating clearly that the decision is final.

All steps will be taken to organise hearings which allow an employee to attend, however if an employee is persistently unable to attend the disciplinary hearings or expresses they are unwilling to attend, a decision will be made based on the evidence available.

All stages of the disciplinary procedures, including investigations will be documented and kept confidentially. These details will remain in an employee's personnel file for up to (12) months following the final hearing or (6) years if the employment ceases.

### **Dismissal**

Faringdon Pre-school regards dismissing any employee as a last resort. However should a decision to dismiss be made, Faringdon Pre-school will always ensure it follows fair dismissal procedures, only dismissing for fair reasons. This will be after following the appropriate disciplinary procedure or in circumstances where a statutory requirement cannot be met by an employee or the setting faces a redundancy situation.

Faringdon Pre-school management committee have a responsibility to lead on and ensure that dismissal procedures are fair and consistent for all employees, as well as the reasons for following these procedures being explained to employees.

An employee will be informed in writing of their dismissal, detailing the reasons for the dismissal, the date their employment will end including the appropriate notice (as stated in the employee's contract of employment), details of their final payment, their right to appeal and details of how long the dismissal record will be kept by the setting. However in circumstances of summary dismissal, an employee will not be granted any notice or pay in lieu of notice.

For any employee who has worked 12 months or more at the setting, they can make a request for further details on the reasons for the dismissal. This will be given in writing to the employee within 14 days of the request.

For all dismissals other than summary dismissals, a final payment will include the employee's pay up to the date of termination of contract, pay for any untaken accrued annual leave and all overtime and benefits calculated up to the date of termination.

If it is agreed that an employee is not required to work their notice, they will be given permission to leave immediately and given a payment up to the date their notice would have ended.

All stages of the dismissal, including any investigations and disciplinary procedures will be documented and kept confidentially. These details will remain in an employee's personnel file for up to (6) years following the termination of contract.

This policy was adopted by	Faringdon Pre-School	<i>(name of provider)</i>
On	25 <sup>th</sup> May 2018	<i>(date)</i>
Date to be reviewed	25 <sup>th</sup> May 2019	<i>(date)</i>
Signed on behalf of the provider	<i>Laura Murray</i>	
Name of signatory	Laura Murray	
Role of signatory (e.g. chairman, director or owner)	Chairperson	