



Panda Playgroup, Sticky Mitts and Tiny Tots

WI Hall, Station Road, Copmanthorpe, YO23 3SX

Member of the Pre-School Learning Alliance

Registered charity number 1035584

Ofsted number 321619

Employment

Employee Disciplinary Procedures

Policy Statement

This procedure applies to all employees at Panda Playgroup and is designed to help and encourage employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all.

Every effort will be made to deal with matters as quickly as possible.

Procedures

Principles

- No disciplinary action will be taken against an employee until the case has been fully investigated.
- At every stage in the procedure the employee will be advised of the nature of the complaint against him or her.
- The employee will be given reasonable notice (5 days) that a disciplinary hearing is due to take place to enable the employee to prepare his/her case.
- The employee will be given the opportunity to state his/her case before any decision is made.
- At all stages the employee will have the right to be accompanied by fellow worker or a trade union official during the disciplinary interview.
- The disciplinary panel shall consist of the pre-school chair and two Committee colleagues, nominated by the committee, who shall ensure that confidentiality is maintained within the panel.
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- The employee will be given an explanation for any penalty imposed.
- The employee will have the right to appeal against any disciplinary penalty imposed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- All records relating to the proceedings will be kept confidential.



Informal Procedure

- Minor disagreements among pre-school staff or between staff and Committee can usually be resolved at an arranged meeting or informally by discussions and will be dealt with informally but where the matter is more serious or when the Committee is dissatisfied with the conduct or activities of an employee the formal procedure will be used.

Formal Procedure

Investigation

- If the Chair or the Leader considers that formal proceedings are to be taken against an employee then the Vice-Chair or another committee member (not the secretary, as may be needed in disciplinary hearing) will conduct a formal investigation into the alleged misconduct. This investigation is to establish whether or not there is a case to answer.
- If there is an allegation of abuse by a member of staff the Local Authority Safeguarding board would be contacted and the investigation will be carried out by the LADO (see Safeguarding Policy).
- The purpose of the investigation is to ascertain the facts and to judge whether any further in the procedure is appropriate.
- The investigation is to be thorough and will include the employee's version of events. The employee has the right to be accompanied during any meeting held in respect of the investigation. Any information obtained during the meeting may be presented at any disciplinary interview.
- Prior to the meeting the employee must be informed in writing of the nature of the meeting.
- The investigation will be carried out as quickly as possible after the employee has been notified of the investigation.
- If there is no evidence of misconduct after the investigation then no further action will be taken and all persons involved will be notified of this.
- If after the investigation there appears to be a case to answer then a disciplinary hearing will be conducted by the Chair of the Committee.



Disciplinary Hearing

- Before any disciplinary action is taken a hearing will be held with the employee where they will be given the opportunity to comment on the complaints made against him/her. Written notice of the date, time and place of the hearing will be sent out in advance. This notice will also include details of the alleged conduct.
- The employee will also be notified that:
 - the hearing is formal in nature
 - the possible sanctions
 - the right to call witnesses
 - the right to produce documents/statements
- If documents/statements are to be provided then they should be produced at least three days in advance of the hearing to allow further investigation to take place if there are any discrepancies in the evidence.
- The employee shall make all reasonable efforts to attend the hearing. If the employee does not attend without good reason then the hearing will be held and action taken in their absence.
- An employee may be accompanied by a chosen companion, the Chair will be accompanied by another member of the Committee and the Secretary to take notes of the hearing (not to be the Vice-Chair or other member who carried out the investigation).

Types of Disciplinary Action

- If the case is unfounded then all parties will be informed in writing which will be delivered either by hand or by first class post.
- If the case is substantiated then one of the following sanctions should be imposed:
 - Formal Verbal Warning
 - Written Warning
 - Final Written Warning or
 - Dismissal
- Before choosing the most appropriate sanction consideration will be given to:
 - seriousness of the misconduct
 - previous disciplinary record (excluding “spent” warnings)
- Where dismissal is possible the employee must be informed in writing as soon as possible.



Formal Verbal Warning

- This is given to indicate that continued or repeated misconduct or poor performance may result in further disciplinary action. A written record of the warning will be placed on file but will be disregarded for disciplinary purposes after 6 months subject to satisfactory conduct and performance.

Written Warning

- If an oral reprimand or formal verbal warning have already been given and misconduct continues or is an offence of serious misconduct then the employee is informed that a Written Warning will be given.

This will include:

- nature of misconduct
 - that the warning is given under the disciplinary procedure
 - what is expected in the future
 - the date the action will be reviewed (if appropriate)
 - the timescale for appeal
- A warning of this nature remains on file for 12 months.

Final Written Warning

- If misconduct is sufficiently serious or is a further incident of misconduct after a Written Warning has been issued then a Final Written Warning will be given. This will include:
 - nature of misconduct
 - that the warning is given under the disciplinary procedure
 - what is expected in the future
 - if no improvement is made or further misconduct then a further disciplinary hearing would be held to consider dismissal
 - the date the action will be reviewed (if appropriate)
 - the timescale for appeal.
- A warning of this nature remains on file for 12 months and in some circumstances it may be appropriate for it to remain longer.

Dismissal

- Only the Chair of the Committee may dismiss an employee. The disciplinary hearing must be chaired by the Chair of the Committee when the matter is one of gross



misconduct, gross negligence or incompetence or there has been a recurrence of misconduct after a Final Written Warning was issued.

- Where dismissal is considered appropriate then the employee must be notified within three days of the hearing. The notice will include:
 - reasons for the decision
 - that dismissal will take effect at the end of any notice period unless dismissal is for gross misconduct gross negligence of incompetence in which case the Chair may dismiss without notice
 - the timescale for appeal

Appeals

- There is a right to appeal. Appeals are to be made to the full Committee including if appropriate a representative from the Pre-School Learning Alliance to chair the hearing (excluding the Chair if they conducted the hearing) There is only one right to appeal.
- The appeal must be received within 5 days of receiving the decision of the hearing. It must be in writing and include:
 - whether the appeal is against the findings of the hearing that the allegation was sustained or against the sanction imposed or both
 - the grounds of the appeal
 - the names of any witnesses and copies of any documentation to be called or relied upon.
- An appeal should be heard within 14 days of the receipt of the notice of appeal from the employee.
- The employee will be notified of the date time and location of the appeal hearing and should make all attempts to attend. They may be accompanied to the hearing by a companion.
- The decision of the Committee on hearing the appeal is final.

Examples of Gross misconduct

- The following list provides examples of offences which are normally regarded as gross misconduct:
 - theft, fraud, deliberate falsification of records
 - physical violence
 - abusive conduct
 - serious bullying or harassment of other employees or children



- deliberate damage to property
 - serious act of insubordination
 - misuse of the organisation's property or name
 - bringing the employer into serious disrepute
 - serious incapability through alcohol or being under the influence of illegal drugs
 - serious negligence which causes unacceptable loss, damage or injury
 - serious infringement of health and safety rules
 - serious breach of confidence
 - falsification of information on any application form or CV
 - deliberate falsification of accounts, expenses or time sheets
- The above list is not exhaustive and offences of a similar nature will be dealt with under this procedure as appropriate

This policy was adopted at a meeting of Panda Playgroup held on:
Date to be reviewed:

Signed on behalf of the management committee:
Name and role of signatory:

Signed on behalf of the staff team:
Name and role of signatory:

