

Disciplinary and Dismissal

Policy Statement

This procedure is to set out the standards of conduct expected of all team members and to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

It is our policy to ensure that any disciplinary matter is dealt with fairly and consistently. We will take the necessary steps to establish the facts and to give employees the opportunity to respond before taking any formal action. This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

The procedure applies to all employees regardless of length of service.

Minor conduct issues can often be resolved informally. These discussions will be held in private and without undue delay whenever there is a cause for concern. Where appropriate a note of any such discussions may be held on the relevant persons personnel file but will be ignored for the purpose of future disciplinary issues.

Formal steps will be taken under this procedure if the matter is not resolved or if informal discussion is not appropriate (due to the serious nature of the allegation against you).

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.



Procedures

Stage 1

Our aim is to deal with disciplinary matters sensitively and fairly. All employees must treat all information in connection with the disciplinary and its investigation as confidential. Where there has been a serious allegation of misconduct or gross misconduct and/or there are serious concerns regarding the employee's capability, we aim to establish the facts quickly and no disciplinary action will be taken until the matter has been fully investigated. You will be informed if a formal complaint is made against you and if necessary, you may be suspended on full pay pending the outcome of the investigation and disciplinary.

We will investigate any allegations/concerns quickly and thoroughly to establish whether a disciplinary hearing should be held.

The purpose of the investigation is to establish a balanced view of the facts relating to the allegations against you. The amount of investigation will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses and/or reviewing relevant documents.

If the investigations lead us to reasonably believe there are grounds for disciplinary action, we will write to you outlining the allegations against you, the basis of the allegations and the potential consequences. You will be invited to a disciplinary hearing to discuss the matter. You will be sent any copies of evidence which may be referred to in the hearing (e.g. witness statement).

Stage 2

We will hold a disciplinary meeting to discuss the allegations. You will have the right to bring a companion to the meeting and a companion may be a work colleague or trade union representative. You must inform us prior to the meeting who your chosen companion is. If your companion is unreasonable (for example there may be a conflict of interest), we may require you to choose someone else.

If you or your companion is unable to attend the meeting you should inform us immediately and we will arrange an alternative time and date. You must make every effort to attend the meeting and failure to do so without good cause may be treated as misconduct in itself.

If you persistently fail to reply to invitations or persistently fail to attend the arranged hearing without good cause, it may be carried out in your absence and you will be notified of the decision in writing. You will retain the right to appeal.

During the meeting we will go through the allegations against you and the evidence that has been collated. You will be able to state your case and call relevant witnesses (provided you provide advance notice and we agree to their attendance) to support your case.

We may adjourn the disciplinary meeting if we need to carry out further investigations and you will be given reasonable opportunity to consider new information.

You will be notified of the decision in writing, usually within seven working days of the hearing.

You will be given the opportunity to appeal the decision. If you wish to appeal, you should state your full grounds in writing within seven working days from the date of the decision was communicated to you.

Stage 3

The appeal meeting will be conducted impartially by a senior manager. You will be able to bring a companion to the meeting.

We may adjourn the appeal hearing if further investigations need to be carried out and you will be given a reasonable opportunity to consider any new information before the hearing is reconvened.

We will inform you in writing of our final decision as soon as possible, usually within seven working days of the appeal hearing. There is no legal right to appeal beyond this stage. In the first instance, where less serious offences are concerned, the employee concerned is more than likely to receive a verbal warning. This warning will be recorded and a copy maintained in the employee's personnel file with a time scale for improvement or to not re-offend.

If further action becomes necessary and there is already an active warning on your record or the misconduct is sufficiently serious, a written warning will be given. This warning will be recorded and a copy maintained in the employee's personal file for a specified period of time. If the employee continues to fail to meet the required standards and there is already an active written warning on record or the misconduct is sufficiently serious, a final written warning will be issued indicating that further behaviour of a similar nature within a specified time period could result in dismissal. This warning will be recorded and a copy maintained in the employee's personal file for a specific period of time. If the employee continues to fail to meet the required standards and there is already an active final warning on record or the matter amounts to gross misconduct, dismissal may be authorised.

Level of authority gross misconduct duration of warning alternatives to dismissal

We have the authority to suspend an employee pending investigation. In the case of gross misconduct, we reserve the right to dismiss an employee without notice (or payment in lieu of notice) if, after investigation and hearing, the management is satisfied that there is sufficient justification for doing so. Under normal circumstances, warnings will be valid for the following periods of time, although these may vary according to the nature of the occurrence and may therefore be determined by mutual agreement at the time of issue.

Verbal warning- six months

First written warning- six months

Final written warning- 12 months

On expiry, warnings will be disregarded for future disciplinary purpose.

Examples Gross Misconduct

Theft.

Assault on any employee or persons associated with the setting.

Breach of confidence i.e. the divulging of confidential information relating to the setting, its employees or clients or our family.

Dishonesty, including the use of any funds, expenses or allowances for any other purpose than that for which they have been delegated by the setting.

Being under the influence of drugs or alcohol whilst on duty.

Serious or persistent breaches of safety rules.

Fraud including falsification of work records and expense claims.

Physical assault or abuse towards a child e.g. hitting a child in chastisement or hard disciplinary actions.

Discrimination or harassment in any way against a person.

Persistent failure to follow our documentary systems and procedures.

Examples of Misconduct

Minor breaches of our policies (Including the sickness absence policy, mobile phone and social networking policy and health and safety policy).

Minor breaches of your contract.

Damage to, or unauthorised use of, our property.

Poor timekeeping.

Time wasting.

Unauthorised absence from work/unacceptable attendance level.

Refusal to follow instructions.

Excessive use of telephone for personal calls.

Excessive personal email or internet usage.

Obscene language or other offensive behaviour.

Negligence in the performance of your duties.

Smoking in no-smoking areas.