



FOREST ROW COMMUNITY PRE-SCHOOL

30 Disciplinary Procedure

Minor Disagreements

Minor Disagreements among pre-school staff, or between staff and committee, can usually be resolved at the regular staff management meeting or informally by discussion.

Disciplinary Procedure

When a dispute cannot be resolved, or when the committee is dissatisfied with the conduct or activities of an employee:

- At all stages the employee will be told what the complaint is against them.
- The employee will be informed of the range of possible sanctions that may be taken.
- At any hearing or disciplinary meeting, the employee has the right to choose another member of staff to accompany them.
- Both the employee and the chosen staff member will have the right to ask questions and present evidence.
- At every stage the employee will be given reasonable notice (5 days) that a disciplinary hearing is due.
- The disciplinary panel should consist of the pre-school chair and two nominated committee colleagues, who should ensure that confidentiality is maintained within the panel.

First Step – Details the grounds for action and invitation to meeting

- a) The committee must prepare a statement of the employee's alleged conduct or characteristics, or other circumstances, which have led to the contemplation of dismissing or taking disciplinary action against the employee.
- b) The statement and date of the disciplinary meeting must be sent to the employee prior to the meeting
- c) The employee should be provided with a reasonable amount of time to consider their response to the statement

Second Step – The Disciplinary Meeting

- a) A disciplinary meeting must take place before action is taken, (except where the disciplinary action in question consists of suspension). At the meeting, the committee should ensure that the circumstances of the complaint against the employee are discussed.
- b) The committee must write to the employee to explain the conduct or capability which may result in dismissal or other disciplinary action.
- c) The outcome of the disciplinary meeting must be confirmed in writing, to include the employee right of appeal against the decision.

Third Step – The Appeal

- a) At each stage of the disciplinary procedure the employee must be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Chair within five days of a disciplinary interview.
- b) The employee will have the opportunity to appeal against any penalty issued at the disciplinary meeting. If the employee wishes to appeal then s/he should submit their appeal in writing within 5 days of receiving the letter confirming the outcome of the disciplinary meeting, giving full details of the grounds of appeal.

Gross Misconduct

In very exceptional circumstances it may be necessary to dismiss an employee without holding a disciplinary meeting i.e. where instant dismissal is justified and necessary. Such cases are rare (because even in most cases of gross misconduct, investigation is usually justified coupled with suspension) and will normally only apply to cases of gross misconduct, where the conduct or breach of duty brings the organization into disrepute.

In such circumstances the following procedure will apply:

First Step – Details the grounds for action and invitation to meeting

- a) The committee must set out in writing the employee's alleged misconduct which has led to the dismissal, the basis for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and the employee's right to appeal against dismissal within 5 days. This statement or a copy should be sent to the employee.

Second Step – The Appeal

- a) If the employee does wish to appeal, s/he must inform the Chair in writing.
- b) If the employee informs the Chair of their wish to appeal, the committee must invite them to attend a meeting. The employee must take all reasonable steps to attend the meeting. After the appeal meeting, the committee must inform the employee of their final decision.

The Penalty System

The pre-school committee can issue a range of penalties depending on the circumstances of the case. However, an employee should not be dismissed for a first offence unless it constitutes gross misconduct.

Verbal Formal Warning

- a) The employee will be interviewed by the disciplinary panel who will explain the complaint.
- b) The employee will be given full opportunity to state their case.
- c) After careful consideration by the disciplinary panel, and *if a formal warning is considered to be appropriate*, the employee needs to be told:
 - 1. The nature of their failings
 - 2. What action should be taken to correct the conduct or performance
 - 3. A reasonable amount of time will be given to rectify matters
 - 4. What training needs and / or support has been identified and timescales for implementation.
 - 5. What mitigating circumstances have been taken into account in reaching the decision.
 - 6. That if the employee fails to improve then further action will be taken.
 - 7. That a record of the warning will be kept.
 - 8. That the employee has a right to appeal against the decision.

Formal Written Warning

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning:

- a) The employee will be interviewed by the disciplinary panel who will explain the complaint and given the opportunity to state their case.
- b) If a further formal warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.

The letter will:

- 1. Contain a clear reprimand and the reasons for it.
- 2. Explain what corrective action is required and what reasonable time is given for improvement
- 3. State what training needs and / or support have been identified
- 4. Make clear what mitigating circumstances have been taken into account in reaching the decision
- 5. Warn the failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice.
- 6. Explain the employee has a right to appeal against the decision.

Final Written Warning

If the employee fails to correct their conduct and further action is necessary, or if the original offence is considered too serious to warrant any initial warnings:

- a) The employee will be interviewed by the disciplinary panel who will explain the complaint and given the opportunity to their case.
- b) If a final warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.

The letter will:

1. Contain a clear reprimand and the reasons for it
2. Explain what corrective action is required and what reasonable time is given for improvement
3. State what training needs and / or support have been identified
4. Make clear what mitigating circumstances have been taken into account in reaching the decision
5. Warn the failure to improve will result in further disciplinary action which could result in dismissal.
6. Explain the employee has a right to appeal against the decision.

Dismissal

If the employee still fails to correct their conduct, then:

- a) The employee will be interviewed as before.
- b) If the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons for dismissal and giving details of the right to appeal.

If the progress of the employee is satisfactory within the time given to rectify matters, the record of warnings will be removed from the employee's personal file.

Suspension

If the circumstances appear to potentially warrant dismissal or the circumstances of the case are considered to constitute gross misconduct, an employee may be suspended with pay while investigations are being made. These should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. Obviously these investigations should be carried out within as short a time as possible.

Hearing Appeals

The appeal hearing should be heard, if possible within 10 days of receipt of the appeal. In a community group, two or three committee members – not, if possible, those involved in the initial disciplinary procedures – will serve as an appeals committee. If this is not possible, the appeal group may consist of the same people as the original panel and they must make every effort to hear the appeal as impartially as possible. The employee may take a work colleague or trade union official to speak for them.

- a) The employee will explain why they are dissatisfied and may be asked questions.
- b) The Chair will be asked to put their point of view forward and may be asked questions.
- c) Witnesses may be heard and may be questioned by the appeals committee and by the employee and the Chair.

A written record of the meeting will be kept.

Time Scales

Each step and action under the disciplinary procedure must be taken without unreasonable delay. Consideration should be given to timings and locations of meetings to ensure that the employee and their representative are able to attend. For cases which result in dismissal, two reasonable attempts by the pre-school to arrange a meeting are normally sufficient if they prove abortive because of the employee's non-attendance. If an employee is not able to attend the first disciplinary meeting arranged then they will be required to provide an alternative date to take place within 5 days of the original date given by the pre-school.

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