

2.07 Disciplinary policy

Minor disagreements

Minor disagreements among Preschool staff or between staff and committee can usually be resolved at the regular staff management meeting or informally by discussion.

Disciplinary procedure

A more serious situation arises when a dispute cannot be resolved, or when the management committee is dissatisfied with the conduct or activities of an employee.

Any disciplinary matter will normally be dealt with using the following procedure.

At every stage the employee should be given reasonable notice (five days) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and s/he should be offered the opportunity to be accompanied by a colleague or friend if s/he wishes. The disciplinary panel in the committee would consist of the Preschool chair and two nominated committee members, who should ensure that confidentiality is maintained within the panel.

1. Verbal warning

- The employee will be interviewed by the disciplinary panel who will explain the complaint.
- The employee will be given full opportunity to state his/her case.
- After careful consideration by the disciplinary panel, and if the warning is considered to
- be appropriate, the employee needs to be told:
 - What action should be taken to correct the conduct
 - That s/he will be given reasonable time to rectify matters
 - What training needs have been identified, with timescales for implementation
 - What mitigating circumstances have been taken into account in reaching the decision
 - That if s/he fails to improve then further action will be taken
 - That a record of the warning will be kept
 - That s/he may appeal against the decision within a limited time period (five days)

2. Formal written warning

This is given 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 verbal warning.

The employee will be interviewed by the disciplinary panel, who will explain the complaint, and will be given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case)

Disciplinary and Grievance Procedure for Preschool Employees

- 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:
 - Contain a clear reprimand and the reasons for it
 - Explain what corrective action is required and what reasonable time is given for improvement

- State what training needs have been identified, with timescales for implementation
- Make clear what mitigating circumstances have been taken into account in reaching the decision
- Warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, lead ultimately to dismissal with appropriate notice
- Explain that s/he has a right to appeal against the decision
- The notification should also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.

Hold a meeting with the employee to discuss the problem

- The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.
- Employers and employees (and their companions) should make every effort to attend the meeting.
- At the meeting the employer should explain the complaint against the employee and go through the evidence to support the case.
- The employee should be allowed to set out their case and answer any allegations that have been made. The employee should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses.
- They should also be given an opportunity to raise points about any information provided by witnesses.
- Where an employer or employee intends to call relevant witnesses they should give advance notice that they intend to do this.
- Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:
 - o a formal warning being issued; or the taking of some other disciplinary action; or the confirmation of a warning or some other disciplinary action (appeal hearings).
 - o The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. To exercise the statutory right to be accompanied workers must make a reasonable request.
- After the meeting the employer will make a decision on whether or not disciplinary or any other action is justified and will inform the employee accordingly in writing.
- Where misconduct is confirmed or the employee is found to be performing unsatisfactorily the employer will give the employee a written warning. A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning.

3. Final written warning

This is given 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 any initial warnings.

- The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case)
- 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:
 - Contain a clear reprimand and the reasons for it
 - Explain what corrective action is required and what reasonable time is given for

- improvement
- State what training needs have been identified, with timescales or implementation;
- Make clear what mitigating circumstances have been taken into account in reaching the decision;
- Warn that failure to improve will result in further disciplinary action which could result in dismissal; and explain that s/he has a right to appeal against the decision.

4. Dismissal

If the employee still fails to correct his/her conduct, then:

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

If the progress is satisfactory within the time given to rectify matters, the record of warnings in the individuals file will be destroyed.

Suspension

If the circumstances appear to warrant instant dismissal, 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.

Instant dismissal is possible only in circumstances of gross misconduct. Examples of such misconduct would be:

- Theft or fraud
- Ill-treatment of children
- Assault
- Malicious damage
- Gross carelessness which threatens the health and safety of others
- Being unfit through use of drugs or alcohol
- Otherwise, an employee should not be dismissed without the appropriate warnings

Appeals

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 Preschool chair within five days of a disciplinary interview.

The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. Two or three committee members (if possible, not, those involved in the initial disciplinary procedures will) serve as an appeals committee. The employee may take a colleague or friend to speak for her/him.

- The employee will explain why s/he is dissatisfied and may be asked questions
- The leader, Supervisor or chair will be asked to put his/her point of view and may be asked questions
- Witnesses may be heard and may be questioned by the appeals committee
- The committee will consider the matter and make known its decision. A written record of the meeting will be kept

Time Limits on Warnings

Except in agreed circumstances any disciplinary action taken should be disregarded for disciplinary purposes after a specified period of satisfactory conduct. This period should be clearly established when the disciplinary procedure is being drawn up.

Normal practice involves different periods for different types of warnings. In general, warnings for minor offenses may be valid for up to six months, whilst final warnings may remain in force for twelve months or more. Warnings should cease to be 'live' following the specified period of satisfactory conduct and should be disregarded for future disciplinary purposes. There may, however, be occasions where an employee's conduct is satisfactory throughout the period a warning is in force, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of abuse, the employee's disciplinary record should be borne in mind when deciding how long any current warning should last.

Exceptionally, there may be circumstances where the conduct is so serious – verging on gross misconduct - that it cannot realistically be disregarded for future disciplinary purposes. In such circumstances it should be made very clear that the final written warning can never be removed and that any recurrence will lead to dismissal.

Date to be reviewed – by end March 2023