

# ***Staff Behaviour and Discipline Policy***

Please also see Procedure

## **Statement of intent**

In order to ensure the very best experience for the children and to safeguard their welfare, high standards of behaviour and work performance are expected from our staff at Blakeney Pre-school. In order to ensure that these expected standards are met, they are communicated effectively to staff, along with the procedure that would be followed should the behaviour or performance of any staff member fall below these high standards expected.

## **Aims**

To ensure all new and current staff are aware of the behaviour and work performance standards expected of them. To make ensure that, should the behaviour or work performance of any staff member fall below the high standards expected, then appropriate action be taken. To ensure that policy and procedure in this area is in line with current legislation and the ACAS codes of conduct.

## **In order to fulfil these aims**

- The Disciplinary Procedure and Rules should be sent to new employees as an enclosure with their Statement of Terms and Conditions of Employment (Contract of Employment). The contract refers to this. The Personnel representative (currently Emma Clay) is responsible for this.
- The Disciplinary Rules should also be displayed on the office notice board so that staff can see it at any time to ensure they are aware of acceptable standards of conduct/performance.
- All staff members and volunteers are required to read and follow the document "Guidance for Safer Working Practice for Adults who Work with Children." This document can be found in the staff Child Protection Procedures file. Please see [Safeguarding Children Policy](#)

## **Disciplinary Procedure**

### **1. Purpose and scope**

In most cases, potential issues of misconduct or unsatisfactory performance are dealt with through the normal day to day discourse between managers and staff. However, sometimes it will be appropriate and necessary to use the Blakeney Pre-school Disciplinary Procedure. This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance.

The Disciplinary Rules (a copy of which is displayed in the office), and this procedure, apply to all employees. The aim is to ensure consistent and fair treatment for all at Blakeney Pre-school.

### **2. Principles**

The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken against an employee until the situation has been fully investigated.

At every stage the employee will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied at the disciplinary meeting by a trade union representative or a work colleague.

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.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

### **3. The Procedure**

#### **Stage 1 – First Warning (Improvement Note)**

If conduct or performance is unsatisfactory, the employee will be given a first written warning / improvement note. Such warnings will be recorded on the employee's personnel file but disregarded after 9 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement of change. (Where the first offence is sufficiently serious, it may be necessary to move directly to a final written warning).

#### **Stage 2 -Final written warning**

If the offence is sufficiently serious, or there is further misconduct or a failure to improve performance during the currency of a prior warning, or if a further offence is of a similar kind, a final written warning will be given to the employee. This will include the reason for the warning and a note that if no improvement results within the required timescale action at stage 3 will be taken. A copy of this written warning will be kept by the line manager but will be disregarded for disciplinary purposes after 18 months subject to achieving and sustaining conduct or performance.

#### **Stage 3 – Dismissal or action short of dismissal**

If there is still further misconduct, or failure to improve performance, the final step in the procedure may be dismissal, or some other action short of dismissal, for example demotion or loss of any pay rise for a defined period of time.

The decision to dismiss an employee can only be made by a management team member. Any decision will ideally be taken after consultation with the Management teams Personnel Representative. The employee will be provided in writing with reasons for dismissal and the date on which the employment will terminate.

If some action short of dismissal is imposed, the employee will receive details of the complaint and will be warned that dismissal could result if there is no satisfactory improvement within a defined period of time. A copy of the written warning will be kept by the Line Manager but will be disregarded for disciplinary purposes after 24 months, subject to achievement and sustainment of satisfactory conduct or performance.

#### **Gross Misconduct**

Gross Misconduct is deemed to be misconduct which is so serious as to destroy the trust and relationship between the employee and Blakeney Pre-school, making continuous employment impossible. See Blakeney Pre-school Disciplinary Rules (a separate document) for examples of acts of gross misconduct.

If after investigation it is confirmed that an employee has committed gross misconduct the normal consequence will be dismissal without notice or payment in lieu of notice.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal rate of pay. Any decision to dismiss will only be taken after full investigation.

### **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so in writing, stating the grounds for their appeal. The appeal will normally be heard by a Committee member not previously involved in the case and will be decided as impartially as possible.

### **Disciplinary Rules**

Disciplinary rules and procedures are necessary for promoting orderly employment relations. Rules set standards of conduct and performance at work; procedures help to ensure that standards are followed and provide a fair and consistent method of dealing with alleged failures to observe them. The Disciplinary Procedure is a separate document available to all employees. Please speak to Pre-school Leader for a copy at any time.

These Disciplinary Rules are intended to give all employees of Blakeney Pre-school an indication of action and/or behaviour that is not acceptable. The examples are not exhaustive or exclusive and are by way of illustration only. They should, however, be sufficient to provide an employee with necessary guidance.

Examples of misconduct include:

- Unreliability involving the employee failing to conform with the requirements as to attendance e.g. unauthorised absenteeism, lateness, leaving work without permission
- Failing to conform to agreed working practices, policies and procedures where these are reasonably and properly required
- Refusing or failing to carry out a reasonable instruction by a manager
- Unsatisfactory work performance
- Misuse of the Internet, Email and other Blakeney Pre-school facilities, including the inappropriate use of Blakeney Pre-school time
- Failing to take reasonable care of Blakeney Pre-school property
- Disclosing confidential information without authorisation
- Smoking on Blakeney Pre-school property
- Rude, abusive or threatening language in the workplace
- Harassment, discrimination or bullying
- Minor breaches of health and safety policies and procedures

Gross Misconduct is deemed to be misconduct which is so serious as to destroy the trust and relationship between the employee and Blakeney Pre-school, making continuous employment impossible. Examples of gross misconduct include:

- Theft or fraud
- Serious damage to property
- Incapacity to work due to being under the influence of alcohol or illegal drugs or possession of these substances at work
- Serious or persistent acts of harassment, discrimination or bullying
- A major and fundamental neglect of duty and responsibility
- Committing physical violence or abuse or engaging in indecent behaviour

- Failure to inform the organisation of changes in personal circumstances that would affect suitability to work with children
- Conviction of a criminal offence which is relevant to Blakeney Pre-school employment
- Gross insubordination
- Bringing the organisation into serious disrepute
- A serious and fundamental breach of health and safety rules
- A serious breach in confidence

## ***Staff Grievance Policy***

### **Statement of intent**

We would hope that any staff concerns could be dealt with through informal conversations with the appropriate line manager or committee member. We wish to ensure that staff know how to and are able to register a formal grievance if their concerns cannot be adequately addressed through these informal means.

### **Aims**

To ensure all new and current staff are aware that they are encouraged to approach either their line manager or appropriate committee member to discuss any concerns. To ensure that all staff are aware of the formal process for registering a grievance.

If any employee is dissatisfied they must have the opportunity for prompt discussion with their manager, if the grievance persists a management panel should be set up for the purpose of further discussion at which an employee may, if they wish, be accompanied by a work colleague or trade union representative.

The aim of the procedure is to settle the grievance fairly and quickly. There is a right of appeal. Employees are entitled to be accompanied at all stages of the grievance procedure

### **Statutory minimum procedure**

The management team must ensure the following statutory minimum procedure is always followed when grievances have been raised by employees; the procedure consists of 3 steps –

#### **Step 1 – statement of grievance**

The employee must set out their grievance in writing, and the basis for it, and send the statement or copy of it to their manager or management team (depending on their role within pre-school)

#### **Step 2 -meeting**

The management team must invite the employee to attend a meeting to discuss the grievance, this must not take place until step 1 has taken place, and the management team has had a reasonable opportunity to consider the information given in step 1 from the employee. The employee must take all reasonable steps to attend the meeting. After the meeting the management team must inform the employee of its response to the grievance, in writing and notify them of their right to appeal against the decision /response. The employee should be notified within 5 working days of the meeting taking place. Should the

employee wish to appeal this must be submitted to the management team within 5 working days of the date of the 'response' letter.

### **Step 3 –appeal**

If the employee wishes to appeal, they must inform the management team within 5 working days of receipt of their written response from the management team. If the employee does appeal the management team must invite them to attend a further meeting. The employee must take all reasonable steps to attend. After the appeal meeting the management team must inform the employee of its final response.

### **Hearing the appeal**

The appeal hearing should be heard if possible within 15 working days of receipt of the employee's written request to appeal. 2 or 3 management team members –if possible different to those involved in the initial grievance meeting –will serve as an appeals committee. If this is not possible, the appeal group may consist of the same people as the previous panel. In this instance, they must make every effort to hear the appeal as impartially as possible. A written record of the meeting will be kept.

### **Variation to the statutory procedure**

A variation to the statutory procedure will apply in the following cases;

- i) The (former) employee is no longer employed by the pre-school
- ii) The standard grievance procedure had not commenced or, if it has commenced, has not been completed before the last day of the employees employment and
- iii) The parties have agreed in writing, after the pre-school became aware of the grievance, that the varied grievance procedure should be followed.

In such circumstances the following will apply –

### **Step 1 – statement of grievance**

the employee must set out their grievance in writing, and the basis for it, and send the statement or copy of it to their manager or management team (depending on their role within pre-school) if the employee wishes for the varied procedure to be followed after the employment has ended, they must state this in their written statement at step 1 of the process. The management team can decide whether to accede to the request to have the employer respond in writing or to insist that a meetings takes place in line with the standard grievance procedure.

### **Step 2 -response**

The management team must set out in writing their response and send it to the former employee.

### **Time scales**

Each step and action under the procedure must be taken without unreasonable delay. Early meetings to resolve grievances will help facilitate the resolution of issues. Consideration should be given to the timings and locations of meetings to ensure that the employee and their representative are able to attend. 2 reasonable attempts by the management team to arrange a meeting are normally sufficient. If an employee is able to attend the first meeting they will be required to provide an alternate date to take place within 5 working days of the original date given. Failure to do so normally results in the grievance process being aborted unless there are extenuating circumstances.

### **In order to fulfil these aims**

- The Grievance Procedure should be sent to new employees as an enclosure with their Statement of Terms and Conditions of Employment (Contract of Employment). The contract refers to this.

### **Grievance procedure**

The Grievance Procedure is issued to all staff at the point of employment.

### **Supporting legislation**

Safeguarding Vulnerable Groups Act 2006

Race Relations Act 1976

Race Relations Amendment Act 2000

Sex Discrimination Act 1995

The Children Act 1989

Asylum and immigration Act 1996

Protection of Children Act 1999

Care Standard Act 2000