



DISCIPLINE POLICY

This policy is a framework to ensure the safe and effective operation of the business and the fair and equal treatment of all its employees to ensure continuing high standards. Little Owls Pre-School and Nursery views the Discipline Policy as a positive contribution to the success of the business for both the organisation and its employees. Little Owls Pre-School and Nursery is committed to encouraging its employees to maintain the required standards of behaviour so as to deliver the best service for children and ensure a healthy and productive working environment.

Objectives

- To ensure that managers are aware of the disciplinary process, the sanctions available and the steps to be taken at each stage
- To ensure transparency for staff who are subject to the disciplinary process
- To ensure that any party involved in the disciplinary process considers any alternative sanctions that may be available
- To ensure that Little Owls Pre-School and Nursery follows best practice and acts in accordance with the ACAS code of Conduct when required

Policy

When May Be Action Be Taken Under This Process

Actions will be taken where Little Owls Pre-School and Nursery believes an employee's behaviour, actions or omissions constitute misconduct. The seriousness of the misconduct matter will determine the severity of any sanction imposed. Misconduct can range from minor misconduct through to gross misconduct, the latter justifying dismissal without notice. Little Owls Pre-School and Nursery reserves the right to apply all or part of this policy where the circumstances dictate that this is appropriate.

Minor Misconduct Issues

Minor conduct issues can often be resolved informally between an employee and their line manager. These discussions should be held in private and without undue delay whenever there is a cause for concern. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

Confidentiality

Little Owls Pre-School and Nurseries aim is to deal with disciplinary matters sensitively and with due respect to the privacy of any individuals involved. All employees must treat confidential, any

information communicated to them in connection with an investigation or disciplinary matter. The employee and anyone accompanying them (including witnesses) must not make electronic recording of any meetings or hearings conducted under this procedure.

Investigations

The purpose of the investigation is a fact-finding exercise. It is an opportunity for Little Owls Pre-School and Nursery to establish a fair and balanced view of facts relating to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of an investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.

The employee must cooperate fully and promptly in any investigation. This will include informing Little Owls Pre-School and Nursery of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Before any formal disciplinary action is taken, the relevant person will carry out a full investigation to establish the facts. The investigation will normally include a meeting with the employee. Investigatory meetings are not disciplinary meetings and the employee will not necessarily be offered the right to be accompanied.

Even in the most serious allegations of gross misconduct (see below), a full investigation will be held. In any alleged case of gross misconduct, the employee may be suspended pending the outcome of the investigation if there is no alternative option available to Little Owls Pre-School and Nursery to protect the effectiveness and independence of the investigation.

Before any disciplinary meeting, the employee will be:

- Told in writing of the allegations/complaints against them, and the basis of those allegations
- Given a reasonable opportunity to consider their response to that information
- Offered the opportunity to be accompanied by a work colleague or trade union representative
- The employee must take all reasonable steps to attend the meeting. At the meeting, they will be given a full opportunity to comment on the allegations, to put forward any defence or arguments, and to comment on what disciplinary sanction (if any) is appropriate.

Informal Warning

After establishing facts, Little Owls Pre-School and Nursery may consider that there is no need to resort to the formal procedure, and that it is sufficient to talk the matter over with the employee. A note of the informal warning may be kept on the employee's personnel file. However, the informal warning would not normally be taken into account in the event of subsequent disciplinary procedures. The purpose of an informal warning is to provide an opportunity for improvement or for the matter to be corrected without the necessity for formal disciplinary procedures to be enacted.

Suspension

In some circumstances Little Owls Pre-School and Nursery may need to suspend the employee from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct or so long as is otherwise reasonable while any disciplinary procedure is outstanding. Little Owls Pre-School and Nursery will confirm the arrangements to the employee in writing. Whilst

suspended, the employee should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless they have been authorised to do so by their manager.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive full salary and benefits during the period of suspension.

This policy does not form part of any employee's contract of employment and it may be amended at any time. Little Owls Pre-School and Nursery may also vary this policy, including any time limits, as appropriate in any case.

This policy applies to employees only. It does not apply to casual workers, self-employed contractors or other third parties.

Procedure

Formal Disciplinary Process

If Little Owls Pre-School and Nursery considers there are grounds for taking formal action, the employee will be required to attend a disciplinary hearing. The employee will be provided with a notification of the hearing and the following information:

- A summary of the evidence gathered as part of an investigation
- A copy of all relevant documents to be used at the hearing: and
- Copies of any witness statements

As part of the disciplinary hearing, Little Owls Pre-School and Nursery will look to confirm the following with the employee:

- Details of the conduct issues and the evidence which suggests the conduct or behaviour has fallen below the standards required
- Provide the employee with an opportunity to ask questions and to present evidence on their own behalf
- Establish the likely causes of the conduct issues
- Identify whether any further measures can be taken to assist with the conduct issues
- Discuss the standard of conduct expected: and
- Issue the employee with an appropriate warning

Right to be Accompanied

At all stages of the formal disciplinary process, the employee has the right to be accompanied by a single companion who is either:

- A work colleague: or
- A full-time official employed by a trade union

The representative has the right to explain and sum up the employee's case, and to respond to any views expressed at the hearing. They may not answer questions on the employee's behalf. If the representative cannot attend on the date Little Owls Pre-School and Nursery has set for the hearing, the employee must inform us immediately and we will arrange an alternative time for the hearing to take place. A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, Little

Owls Pre-School and Nursery may ask the employee to choose someone else. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason or is persistently unable to do so (for example for health reasons), Little Owls Pre-School and Nursery may have to take the decision based on the available evidence.

Procedure at the Disciplinary Hearing

The hearing will be chaired by the Pre-School and Nursery Manager, or a trustee. A note-taker will also be present and this person will be confirmed prior to the hearing date.

At the disciplinary hearing the chair of the meeting will go through the allegations and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own. The companion may make representations to us and ask questions but should not answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the hearing. Little Owls Pre-School and Nursery may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in light of any new points raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Little Owls Pre-School and Nursery will inform the employee in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing.

Stage 1: Written Warning

If it is decided that the employee's conduct or performance is unsatisfactory, the disciplinary officer may give a written warning.

This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that further disciplinary action will follow if the required standards are not met or if there is further misconduct.

The employee will be informed of their right to appeal, and how and where this should be made. A record of the warning and related discussions will then be placed on their personnel file. It will normally cease to have effect after 12 months.

If the employee's conduct is sufficiently serious, Little Owls Pre-School and Nursery may omit stage 1, and proceed straight to stage 2.

Stage 2: Final Written Warning

For more serious matters, or where the employee has failed to meet the required standards after already receiving a formal warning which has not yet expired, they may be given a final written warning. This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that the employee will be dismissed if these standards are not met or if there is further misconduct.

Again, the employee has the right to appeal. A record of the warning and a note of all related discussions will be placed on the personnel file. A final written warning will normally cease to have effect after 12 months.

Stage 3: Dismissal

If there is still no improvement in conduct, where further misconduct occurs whilst the final written warning is active, or the employee's conduct amounts to gross misconduct, they may be dismissed. The employee will be invited to a stage 3 disciplinary hearing and Little Owls Pre-School and Nursery will discuss a range of options including dismissal, redeployment or extension of a final written warning. Where dismissal is appropriate, this will normally be on full notice and/or payment in lieu of some or all of the employee's notice unless conduct amounts to gross misconduct, in which circumstance, the employee will not be entitled to notice or payment in lieu of notice.

This will be confirmed in writing and will include details of the appeals procedure.

Dismissal Without Notice ('Summary Dismissal')

Little Owls Pre-School and Nursery regards certain issues as serious enough to warrant 'summary dismissal' without prior warning. These issues would constitute gross misconduct, that is a single act of misconduct that is sufficiently serious to break the employment contract between us. Matters that may justify summary dismissal, include, but are not limited to:

- Actions which may harm the well-being of a child ("abuse")
- Acts of dishonesty where the employee's conduct affects their ability or sustainability for continued employment, for example, theft, fraud, the deliberate falsification of records or expense, a relevant criminal warning or conviction, or inclusion in the DBS register
- Serious insubordination or rudeness to customers or suppliers
- Deliberate damage to property
- A serious breach of Health & Safety policies
- Physical violence or aggressive behaviour
- Indecent or immoral acts
- Being under the influence of, or possessing, alcohol or illegal drugs during employment hours
- Bringing Little Owls Pre-School and Nursery into serious disrepute
- Any breaches of confidentiality requirements in the employee's contract of employment, other than minor breaches
- Harassment or bullying, other than minor breaches
- Wilful misrepresentation at the time of appointment, including:
 - Previous positions held
 - Qualification held
 - Falsification of date of birth
 - Declaration of health: and
 - Failure to disclose a criminal conviction/caution within the provision of the Rehabilitation of Offenders Act
- Abuse of the protected disclosure provisions
- Deliberate disclosure of privileged confidential information to unauthorised people
- Serious breach of data protections and/or failure to adhere to the policy
- Failure to notify Little Owls Pre-School and Nursery of an actual or suspected data breach: or
- Covertly recording internal meetings with Little Owls Pre-School and Nursery without consent

Other Disciplinary Matters

Matters which may justify invoking the disciplinary procedure but which do not amount to gross misconduct include, but are not limited to, the following:

- Refusal to obey a legitimate instruction
- Refusal to answer a question during the course of a properly constituted investigation

- One occasion of absence without permission, or persistent absence
- Poor timekeeping
- Failure to report damage to the property of Little Owls Pre-School and Nursery
- Failure to carry out duties adequately
- Breach of our policies, procedures and practices
- Continued poor work performance, or a persistent failure to keep up to date with technical developments
- Improper use of our equipment
- Harassment or bullying (in ways that are not deemed serious enough to constitute gross misconduct): and
- Actions bringing Little Owls Pre-School and Nursery into disrepute (in ways that are not deemed serious enough to constitute gross misconduct)

Alternatives to Dismissal

In some cases, Little Owls Pre-School and Nursery may at its discretion, consider alternatives to dismissal. These may be authorised by the manager or trustees and will usually be accompanied by a final written warning. Examples include:

- Demotion
- Transfer to another job
- A period of suspension without pay
- Loss of seniority
- Reduction in pay
- Loss of future pay increment or bonus: and/or
- Loss of overtime

Right to Appeal

If the employee is not satisfied with a disciplinary decision, they may appeal, in writing, within five working days. Arrangements to hear the appeal will normally be made within five working days of receiving a written request. If the decision being appealed was a decision to dismiss, the appeal may be heard after the dismissal has taken place.

All appeals must set out the grounds on which the appeal is being made.

Little Owls Pre-School and Nursery will invite the employee to an appeal hearing and remind them of their right to be accompanied.

The appeal hearing will, where possible, be held by someone other than the person who held the original hearing.

The outcome of the appeal will be confirmed in writing and will take one of three forms:

- The original decision will be upheld, in which case any disciplinary action will be confirmed
- The original decision will be overruled, in which case any disciplinary sanction will be rescinded: or
- The original decision will be substantially confirmed but a less severe sanction will be substituted for that originally imposed (usually in cases of appeals based on extenuating circumstances)

There is no further right of appeal.

In the event that the employee has been dismissed, the date of dismissal will not be delayed pending the outcome of an appeal. In the event that the appeal is successful and the decision to dismiss is revoked, the employee will suffer no loss of continuity or pay.

If an Employee has Less than 2 Years' Continuous Service

If an employee has less than 2 year's continuous service, Little Owls Pre-School and Nursery retains its discretion to vary or to not follow the above process.

If Little Owls Pre-School and Nursery decides to terminate a short serving employee's employment without any prior written warnings, Little Owls Pre-School and Nursery will write to the employee confirming the reasons for dismissal.