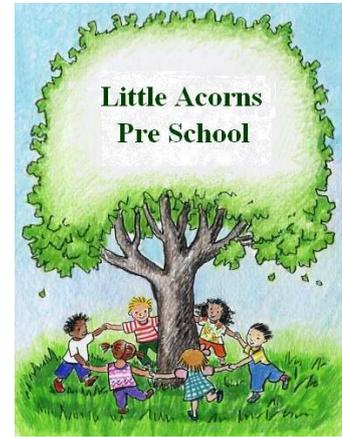


Staff

7.4 Discipline Policy



Statement of Intent

All employees are expected to perform their duties with professionalism, care and competence; to behave towards their colleagues and the children in their care with courtesy and consideration, not to misuse, damage or misappropriate Little Acorn's property and not to cause offence to colleagues, parents/carers and children.

Aim

This procedure is designed to help and encourage all employees to achieve and maintain a satisfactory standard of conduct, attendance and job performance. This policy is written in line with ACAS Code of Practice on Discipline and Grievance.

Methods

1. No disciplinary action will be taken against an employee until the case has been fully investigated.
2. At every stage of the procedure, the employee will be advised of the nature of the complaint against them and will be given the opportunity to see the evidence against them and to state his/her case before any decision is made.
3. At all stages the employee will have the right to be accompanied either by a trade union representative or another person of his/her choice during the disciplinary interview and/or appeal.
4. No employee will be dismissed for a breach of discipline until the case has been fully investigated. However, in the case of alleged gross misconduct or gross negligence, when the penalty could be summary dismissal without notice or pay in lieu of notice, then the employee will be suspended from duty (on full pay), while an investigation is carried out.
5. An employee will have the right to appeal against any disciplinary penalty imposed at any stage of the procedure
6. The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action,
7. Where appropriate, counselling and/or training will be provided for the employee concerned.

The procedure

Employees are encouraged to resolve minor disagreements informally whenever possible but where the matter is more serious, or problems are not resolved then the following procedure should be used. Both employers and employees are expected to raise and deal with issues promptly.

The chairperson will normally be responsible for all stages of the disciplinary procedure. In the absence of the Chairperson, or where the Chairperson has had a personal involvement in the matter, the committee, or a person nominated by the committee shall exercise the powers of the Chairperson with respect to disciplinary matters.

In addition, the early stages may be omitted if the breach of conduct or standards of performance is very serious, i.e. gross misconduct.

Informal Verbal Warning

Where misconduct is deemed to be of a non-serious nature an informal verbal warning will be given and a letter confirming this will be sent to the employee. A note of the informal verbal warning will be kept on the employees personnel files for the period specified.

If the matter is more serious, or the informal warnings do not bring about an improvement in the employees conduct or work performance, the formal procedure will be used.

Disciplinary Hearing First stage of Formal Procedure

Following an investigation, if the decision has been made that disciplinary action may be required the employee will be invited in writing to attend a disciplinary meeting.

The settings HR representative may be involved at all stages of the procedure and present at all disciplinary hearings.

Following the hearing the chairperson will consider all of the matters discussed and will issue a written decision within five working days.

Possible Outcomes

- No case to answer
- Formal written warning
- Final written warning
- Gross Misconduct/Dismissal

Appeals

An employee who wishes to appeal against a disciplinary decision at any stage of the process should do so in writing to the Chairperson within five working days of receipt of the decision. At the appeal any disciplinary penalty imposed will be reviewed and may be varied but it cannot be increased. If possible, the Registered Person (committee) or a senior member of staff who was not included in the original disciplinary action will hear the appeal and impartially adjudicate the case.

Gross Misconduct

An employee accused of an act of gross misconduct will be suspended from work on full pay while the alleged offence is fully investigated.

The employee will be notified of any suspension verbally by the committee and, as soon as reasonably practicable, will be provided with written reasons for the suspension, including evidence presented against them, the date on which the suspension commenced, and details of the right of appeal.

If the committee after hearing the case is satisfied that gross misconduct has occurred the result will normally be summary dismissal without notice or pay in lieu of notice. The employee will be provided as soon as reasonably practicable, with written reasons for the dismissal, including evidence presented against them, the date on which employment was terminated and details of the right of appeal.

The following are examples of conduct that will be regarded as gross misconduct.

- Theft, embezzlement or unauthorised possession of any property or facilities belonging to the setting, employee or visitor.

- Deliberate falsification of the settings documents.

- Deliberate damage to employer's property.

- Bribery or corruption.

- Refusal to carry out duties or reasonable instructions or to comply with setting rules, policies and procedures.

- Gross insolence.

- Gross negligence that either causes or might cause injury, loss or damage to persons or property.

- Possession or incapability to work due to being under the influence of alcohol or drugs.

- Violent, dangerous, aggressive or intimidatory behaviour towards other people.

- Violation of the settings rules and procedures concerning operational requirements and/or health and safety at work.

- Bullying, sexual or racial harassment to another person.

- A criminal offence which may (whether committed during or outside the employees hours of work for the setting) adversely affect the settings reputation.

- Improper behaviour which may (whether committed during or outside the employees hours of work for the setting) adversely affect the settings reputation.

- Use of foul or abusive language in any circumstances.

- Possession of offensive weapons.

- Dangerous or irresponsible driving of a vehicle on or off setting premises.

- Distribution of offensive material of any means including email or the internet.

- Unauthorised access to social media networking sites, blogs, chat rooms or messaging sites.

- Unauthorised access to confidential computer/written records.

- Unauthorised copying of data or software including operating systems from, to or via a computer.

- Unauthorised modification of software, including operating systems or passwords.

- Unauthorised medication to computer hardware.

- Abuse of a child.

- Being an unfit person under the terms of the Care Standards Act 2000 or the Children's Act 1989.

This is not however exhaustive and each reported case of gross misconduct will be considered individually although all cases will be consistently dealt with.

