

Disciplinary Procedure

1. Purpose and Scope

This procedure is designed to help and encourage all Fun Foundations Nursery employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees. The aim is to ensure consistent and fair treatment for all Fun Foundations Nursery employees.

2. Principles

Informal counselling will be offered, where appropriate, to resolve problems.

No formal disciplinary action will be taken against an employee until the case has been fully investigated.

At every formal stage in the procedure the employee will be advised in writing of the nature of the complaint against them, will be invited to attend a disciplinary meeting and will be given the opportunity to state their case before any decision is made.

At all formal stages of the procedure the employee will have the right to be accompanied at any disciplinary meeting by a trade union representative, or work colleague. If an employee's chosen companion is unable to attend on the meeting date every effort will be made to reorganise the meeting within a reasonable time frame to enable the companion to attend.

An employee will have the right to appeal against any discipline imposed.

The procedure may be implemented at any of the stages detailed below if the employee's alleged misconduct warrants such action (for example if the misconduct is serious Stage 2 of the procedure may be applied rather than Stage 1). The procedure also may be varied if the employee has a short length of service. However, the following minimum three-step statutory procedures will be followed in any event if an employee faces dismissal or certain kinds of action short of dismissal such as loss of pay or demotion:

- Step one: a written note to the employee setting out the allegation and the basis for it
- Step two: a meeting to consider and discuss the allegation
- Step three: a right of appeal including an appeal meeting.

The employee will be reminded of their right to be accompanied at the disciplinary meeting and appeal.

3. The Procedure

Stage 1 – first warning: unsatisfactory performance

If performance does not meet acceptable standards the employee will normally be invited to a meeting to discuss their performance and the areas of performance that are not meeting the required standards. The employee will be given an opportunity to state their case at this meeting before any decision is made. If the organisation's concerns in this area are not addressed, the employee will be issued with a first warning. This will set out the performance problem, the improvement that is required, the timescale and any help/training that may be given. The employee will be advised that it constitutes the first stage of the formal procedure and will be given the right to appeal. The warning should also inform the employee that further disciplinary action may be considered if there is no sustained satisfactory improvement or change. The first warning will be recorded on the employee's personnel file but will be disregarded for disciplinary purposes after 6 months, subject to achievement and sustainment of satisfactory performance.

Stage 1: first warning: misconduct

If the conduct does not meet acceptable standards the employee will normally be given a written warning. This will set out the nature of the misconduct and the change in behaviour required. The individual will be advised that it constitutes the first stage of the formal procedure and will be given the right to appeal. The warning should also inform the employee that further disciplinary action may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept on the employee's personnel file, but it will be disregarded for disciplinary purposes after 6 months subject to achievement and sustainment of satisfactory conduct.

Stage 2: final written warning

If the offence is sufficiently serious, or there is a failure to improve during the currency of a prior warning for the same type of offence, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It should also warn that failure to improve may lead to action under Stage 3 (dismissal or some other action short of dismissal), and will refer to the right of appeal. A copy of this written warning will be kept on the employee's personnel file but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

Stage 3 - dismissal or other sanction

If there is still a failure to improve, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or transfer. Dismissal decisions can only be taken by a Nursery Director. The employee will be provided, as soon as reasonably practicable, with confirmation of the decision taken, the date on which the employment will terminate/the decision will take effect, and the right of appeal.

Gross misconduct

The following list provides examples of offences which are normally regarded as gross misconduct. This list is not exhaustive and should not be read so as to limit the organisation's right to treat other types of misconduct as 'gross' in appropriate cases. Every case should, and will, be looked at on its merits:

- Unlawful discrimination, violent, abusive, insulting, intimidating, harassing, indecent or unethical behaviour towards another employee, consultant, customer or supplier
- Dishonesty, theft or serious commercial malpractice
- Serious misuse of, or damage to, the resources of or property of the Company or of another employee
- Serious misuse of, or damage to, the Company's systems including
- telephone, internet and e-mail systems
- Deliberate or serious failure to adhere to confidentiality, security, health, safety, or other Company rules or procedures
- Making statements prior to commencing employment that are subsequently discovered to be false
- Refusal to carry out duties or failure to observe a reasonable management instruction
- Serious breaches of professional conduct
- Any criminal conviction other than minor motoring offences
- Falsification of records including but not limited to expense claims and self-certification forms
- Unauthorised absence, gross negligence in performance of duties or gross incompetence
- Unauthorised acceptance of gifts
- Intoxication by reason of drink or non-prescribed drugs
- Unauthorised presence on the Company's premises

If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so in writing within five working days, clearly stating the grounds on which they wish to appeal. A Nursery Director will hear all appeals and their decision is final. The employee will have the right to be accompanied at the appeal by a trade union representative or work colleague. At the appeal any disciplinary penalty imposed will be reviewed.

Date of Review	Changes Made	Signatures	Date of Next Review
15/01/15	None	A. Ferguson	January 2016
19/04/2016	None	A. Ferguson	April 2017
05/04/2017	None	A. Ferguson	April 2018

