# Disciplinary Procedure

## Statement of Intent

At West Wycombe Pre-School it is essential that certain standards of performance and behaviour are maintained in order to ensure the smooth running of our organisation and protect the safety and well-being of our employees, families and children. The Disciplinary procedure details the actions taken if any incidents occur within the setting.

## Aim

This procedure provides for warnings to be given for failure to meet the Pre-School’s standards of job performance, conduct (whether during working hours or not) and attendance or for breach of any of the terms and conditions of employment as per staff contracts. The procedure applies to all employees who should familiarise themselves with its provisions.

## Methods

* Employees are expected to know the standard of conduct or work performance expected of them through the settings policies, procedures, risk assessments and through ongoing training and support from the Manager.
* The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
* At every stage employees will be advised of the nature of the complaint, be given the opportunity to state their case and be represented or accompanied by a fellow employee of West Wycombe Pre-School, a friend, partner or a trade union representative.
* For minor or isolated infringements of rules or expected behaviour, managers and supervisors should give employees informal advice, coaching and counselling as part of their supervisory duties and in order to try to help individuals improve their performance or behaviour.
* Where an employee’s conduct or performance fails to improve as a result of advice, coaching or counselling, or where the offence poses a direct risk to a child/families safety, confidentiality or well-being, then the disciplinary procedure will be applied.
* Employees will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
* Employees will have the right to appeal against any disciplinary action taken against them.

**Stages of the Disciplinary Procedure**

**Informal Discussions**

Before taking formal disciplinary action, the Manager will make every effort to resolve the matter by informal discussions with the employee. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

This meeting will be file noted and a copy of these notes provided to the employee. This warning will be disregarded after 6 months of satisfactory service.

**Verbal Warning**

If conduct or performance does not improve after the informal discussions, an employee will be invited to a disciplinary meeting and may be given a verbal warning. This meeting is considered to be the first stage in the formal disciplinary process.

Such warnings will be recorded, but disregarded and removed from the file after 6 months of satisfactory service. The employee will also be informed that the next stage of the disciplinary process may be invoked if no improvement is seen.

Following this disciplinary meeting the employee will receive from the Manager a letter recording the nature and outcome of the disciplinary meeting. The employee will be asked to sign a copy of the letter to confirm understanding of the terms of the letter. The letter will clearly state any improvement expected, dates for achievement and a copy will be held on the employee’s file.

**First written warning**

This is the appropriate action where there is a repetition of or no satisfactory improvement in the behaviour for which the employee has received a verbal warning, or if the conduct is sufficiently serious to justify a written warning without the previous stage being followed.

Such warnings will be recorded, but disregarded and removed from the file after 9 months of satisfactory service. The employee will also be informed that the next stage of the disciplinary process may be invoked if no improvement is seen.

Following this disciplinary meeting, the employee will receive from the Manager a letter recording the nature and outcome of the disciplinary meeting. The employee will be asked to sign a copy of the letter to confirm understanding of the terms of the letter. The letter will clearly state any improvement expected, dates for achievement and a copy will be held on the employee’s personal file.

**Final written warning**

If the offence is serious, or there is no improvement in standards after the first warning, or if a further offence of a similar kind occurs, a further disciplinary meeting will be held where a final written warning may be given which will include the reason for the warning and a note that if no improvement results with 6 months, actions as set out below will be taken.

Such warnings will be recorded, but disregarded and removed from the file after 12 months of satisfactory service. The employee will also be informed that the next stage of the disciplinary process may be invoked if no improvement is seen.

Following this disciplinary meeting, the employee will receive from the manager a letter recording the nature and outcome of the disciplinary meeting. The employee will be asked to sign a copy of the letter to confirm understanding of the terms of the letter. The letter will clearly state any improvement expected, dates for achievement and a copy will be held on the employee’s personal file.

**Dismissal or action short of dismissal**

If the employee’s conduct or performance fails to meet the standards established in the above stages or, in more serious cases of gross misconduct, the situation will be reviewed with the employee at a disciplinary meeting.

The employee may incur demotion, loss of pay, loss of seniority or dismissal.

Dismissal for misconduct will generally be for the required period of notice and will be paid in lieu. This is not the case for gross misconduct.

The decision to dismiss an employee must have the agreement of the Chairperson, prior to implementation. The decision will be confirmed to the employee in writing and this letter will also confirm to whom any appeal should be made and details of the procedure to be followed.

**Statutory Discipline and Dismissal procedure**

If an employee faces dismissal or action short of dismissal such as loss of pay or demotion, the minimum statutory procedure will be followed. This involves:-

**Step One:** A WRITTEN NOTE TO THE EMPLOYEE SETTING OUT THE ALLEGATION AND BASIS FOR IT.

* This letter will include a copy of the disciplinary procedures, any evidence that will be relied upon at the meeting, an invitation to attend a disciplinary meeting and confirmation of the right to be accompanied.
* Employees will be given an appropriate amount of notice of the meeting in order to prepare.

**Step Two:** A MEETING TO CONSIDER AND DISCUSS THE ALLEGATION

* This must take place before any disciplinary action is taken
* At the meeting the supervisor should ensure that the circumstances of the complaint are fully discussed and that the employee is provided with an opportunity to respond to the management case
* The outcome of the disciplinary meeting must be confirmed in writing, where possible, in 5 working days, to include the right of appeal and to whom to address any appeal letter.

**Step Three:** A RIGHT OF APPEAL INCLUDING AN APPEAL MEETING

* Any employee who feels they have been disciplined unfairly may appeal in writing to the person named on the disciplinary letter.
* All appeals must be submitted in writing, clearly setting out the grounds for appeal, within 10 working days of the date of the disciplinary decision being given.

**Summary dismissal**

If, after investigation, it is confirmed that an employee has committed an offence considered as gross misconduct (the list is not exhaustive) the normal consequence will be dismissal without notice or payment in lieu of notice. Examples of actions which are likely to be treated as gross misconduct include: *smacking a child, dishonesty, failure to comply with relevant statutory or regulatory requirements, theft, damage to property, fraud, unauthorised disclosure of confidential information, action bringing the pre-*school *into disrepute, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.*

When gross misconduct is suspected, the employee will normally be suspended on full pay. Suspension in itself is not a disciplinary sanction but its purpose is to allow a full investigation to take place. This investigation will be handled in as timely a manner as is possible and will be conducted by a member of the committee to ensure impartiality. This investigation may include meetings with the employee and any other individuals who are believed to have been aware of the alleged incident/s. Following the investigation, the employee will be asked to attend a meeting with either the head of Pre-School and/or a member of the committee. The decision will be confirmed to the employee in writing and this letter will also confirm details of the appeal procedure.

**Appeals**

1. If the employee wishes to appeal against any disciplinary decision, they must appeal, in writing, within ten working days of the decision being communicated. The purpose of an appeal meeting is not to rehear the original case but can be raised where an employee believes that:-
* All the facts to the disciplinary case were not uncovered, or,
* The disciplinary procedures were not followed correctly, or,
* The decision made at the disciplinary meeting was unreasonable, i.e. out of proportion to the offence.
1. An appeal should be made in writing to the Chair of West Wycombe Pre-School Committee, stating the reasons for the non-acceptance of the warning. The chair will carry out a full review of the facts, which may include a further meeting with the employee, other staff and/or management.
2. Following this review, the employee will be invited to an Appeal meeting, where possible, within 15 days of the employee’s request.
3. The employee will be reminded of their right to be accompanied.
4. A letter detailing the outcome of the appeal should be issued within 10 working days of the appeal meeting.

If possible, a member of the committee who was not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.

**Notifications**

* Where a member of staff is dismissed from the pre-school or internally disciplined because of misconduct relating to a child, we inform the Department for Children, Schools and Families and other relevant agencies and follow Local Safeguarding Children Panel guidelines.
* Employees must inform the Pre-School manager if they are arrested or cautioned in respect of any offence. Where this offence is not related to their employment, disciplinary action will not necessarily be implemented however the circumstances would be investigated by the manager and committee chairperson. Payment will not normally be paid to employees who are absent on remand.

Employees will be annually required to complete a declaration form and inform management if they have been involved in any criminal activity within the last 12 months. Failure to declare any involvement to the Pre-School Manager or Committee Chairperson will result in disciplinary action being taken.

This policy was adopted by West Wycombe Pre-school Playgroup in October 2010. Policies are updated when necessary and reviewed on a yearly basis.

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