

The Nursery follows a number of policies and procedures that set out standards of performance and acceptable behaviour. These rules have been drawn up in the best interests of both the nursery as the employer, and the staff member as the employee, and aim to ensure fairness and consistency for all.

Every effort will be made to ensure that any action taken under this procedure is fair, with all individuals being given the opportunity to state their case and appeal any decision that they consider to be unjust.

A Designated Safeguarding Lead will make contact with LADO if applicable. If the threshold hasn't been met and it is deemed suitable for the nursery to undertake an internal investigation the procedure will go along the lines outlined in this policy.

An individual will only be disciplined after careful investigation of the facts and the opportunity to present their side of the case. On some occasions, temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place. This should not be regarded as disciplinary action or a penalty of any kind.

Other than informal verbal warnings, individuals have the right to be accompanied by a fellow employee, who may act as a witness or speak on their behalf, at all other stages of the formal disciplinary process.

Individuals will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct.

If an individual is disciplined, they will receive an explanation of the penalty imposed and they will have the right to appeal against the decision.

IMPROPER CONDUCT

The following sections of this Policy outlines examples of conduct which is not acceptable, and which are classified as i. Misconduct ii. Serious Misconduct and iii. Gross Misconduct offences.

Capability

Unsatisfactory standards of work will be addressed with coaching and mentoring. If they persist after help is given, then the Disciplinary Procedure can be applied along the lines outlined in the Disciplinary Grid shown below to introduce more formality and focus to the required improvement.

Misconduct (this is not an exhaustive list)

- Failure to abide by the general health & safety rules and procedures
- Smoking in uniform
- Consumption of alcohol on the premises
- Persistent absenteeism and/ or lateness
- Rudeness towards other employees/parents/carers and children
- Unauthorised use of email and internet
- Breach of Social Media policy
- Unauthorised use or negligent damage or loss to nursery property
- Unprofessional conversations about the nursery with parents or external parties.

Serious Misconduct

Where one of the misconduct rules has been broken and if, upon investigation, it is shown to be due to an individual's extreme carelessness or has a serious or substantial effect upon the nursery's operation or reputation; said individual may be issued with a final written warning in the first instance.

Gross Misconduct (this is not an exhaustive list)

- Fighting, physical assault or dangerous horseplay.
- Physical sexual harassment and other instances of gross immorality.
- Gross insubordination or the use of aggressive behaviour or excessive bad language.
- Failure or refusal to carry out a direct instruction given by a manager or member of the SMT during duty hours.
- Theft of, or wilful damage to, any property belonging to the nursery, a child, visitor or other employee.
- Deliberate fraud, including fraudulent abuse of the Statutory Sick Pay Scheme.
- Abandoning contracted duties without notification or prior permission.
- Consuming alcohol while on duty. Arriving at work intoxicated will also lead to summary dismissal.
- Abuse of drugs, solvents and other mind-altering substances.
- Breach of safety rules and/or other actions which places at serious risk the health and safety of another person.
- Abuse or maltreatment of children.
- Deliberately falsifying written records in the nursery.
- Unauthorised disclosure of confidential information.
- Making accusations, claims, and statements about the nursery to parents or external 3rd parties that are liable to damage the reputation of the nursery (this excludes employee whistleblowing to appropriate authorities).

DISCIPLINARY PROCEDURE

The Disciplinary Procedure has been designed to provide employees with every opportunity to justify their actions which may have been interpreted as a breach of rules.

Where it is considered that disciplinary action is justified, it is intended that such action should be remedial and designed to explain and prevent a recurrence of such actions.

The nursery will endeavour to address conduct issues with staff on an informal basis without the need to begin a formal disciplinary process. In discussion between a member of staff and any member of the Senior Management Team related to a concern or incident an informal verbal warning may be given to clarify for that member of staff areas for improvement. Where appropriate this should be followed up in a regular review such as a supervision, a room observation, staff meeting, probation review without the need for recording in the staff member's personal file.

All cases requiring disciplinary action will be judged according to circumstances. The action to be taken will depend upon:

- The severity of the offence.
- The employee's record, if any, of previous offences.
- Any mitigating circumstances.

Any disciplinary action taken will always be preceded by a careful and fair investigation into the circumstances of the offence. Persistent breaches of rules, or the same rule, will increase the severity of the action which can lead ultimately to summary dismissal.

Disciplinary Grid:

OFFENCE	1 st OCCASION	2 nd OCCASION	3 rd OCCASION
Misconduct	1 st WRITTEN WARNING	FINAL WRITTEN WARNING	DISMISSAL
Serious Misconduct	FINAL WRITTEN WARNING	DISMISSAL	
Gross Misconduct	DISMISSAL		

Warnings on file will lapse if no further infringements occur after 12 months from being given.

APPEALS PROCEDURE:

All Employees have the right to appeal against any formal disciplinary action taken against them. This must be done within 3 working days of the decision taken against them.

Appeals must be made in writing, explaining why it is felt that the decision is inappropriate in the circumstances.

Where possible, an appeals hearing will be conducted by an independent third party, i.e., by somebody not connected with the original case. At the appeals hearing, employees have the right to call on witnesses or to introduce any other information felt to be of value. By the same token the independent third party ruling on the matter, has the right to call on the person who took the disciplinary action and other individuals who may have been involved in the disciplinary process.

Staff may be accompanied at any stage of the appeal hearing by a fellow employee or other representative who may act as a witness or speak on their behalf. The result of the appeal will be made known in writing within 5 working days after the hearing.

The results of the hearing will be considered final.

GRIEVANCE PROCEDURE:

Nothing in this procedure is intended to prevent an employee from informally raising any matter they may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if an employee wishes to raise a formal grievance they should normally do so in writing from the outset. Whilst the SMT will give the same consideration to any grievance that an employee may raise verbally, provided they make it clear that they wish to be treated formally, they should be aware that, in most circumstances, the law requires them to provide the nursery with written details of their grievance before taking certain types of legal action.

Staff raising a formal grievance will be invited to a meeting at a reasonable time and location at which their grievance will be investigated fully. They must take all reasonable steps to attend this meeting.

Employees have the right to be accompanied at any stage of the procedure by a fellow employee or other representative who may act as a witness or speak on their behalf to explain the situation more clearly.

They will be notified of the decision, in writing, normally within 5 working days of the meeting, including their right to appeal.

If an employee wishes to appeal, they must inform the SMT within 3 working days. They will then be invited to a further meeting, which they must take all reasonable steps to attend. As far as reasonably practicable, the organisation will be represented by a different member of the SMT from the first meeting.

Following the appeal meeting the employee will be informed of the final decision, normally within 5 working days, which will be confirmed in writing.