**Disciplinary Procedure**

**This policy should be read in conjunction with the: Staff Behaviour Policy, Data Collection Policy, Grievance Policy, Health and Safety Policy, Public Disclosure Policy and Performance Management Policy. Also correlates with the EYFS April 2017 – sections: 3.9, 3.11, 3.14, 3.77 of which all set out the frameworks for supporting staff, parents, carers and children.**

**Statement of intent**

This procedure is designed to help and encourage all employees of Patcham Village Pre-school to achieve and maintain standards of conduct, attendance, punctuality, well-being and job performance. This procedure applies to all staff and volunteers.

**Aim**

Our aim is to ensure consistent and fair treatment for all staff and volunteers at Patcham Village Pre-school. We aim to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when rules are breached.

**Method**

a) This 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.

b) At every stage employees will have the opportunity to state their case and be represented or accompanied, if they wish, at the hearings by a friend.

c) An employee has the right to appeal against any disciplinary penalty.

**The Procedure**

**Stage 1 - first warning**

If conduct or performance is unsatisfactory/reoccurring the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful impact on a person or effect on Patcham Village Pre-school, it may be justifiable to move directly to a final written warning.)

**Stage 2 - final written warning**

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 3 months, action at Stage 3 will be taken.

**Stage 3 - dismissal or action short of dismissal**

If the conduct or performance has failed to improve, the employee may suffer demotion, or dismissal.

**Statutory discipline and dismissal procedure**

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

- 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.

**Gross misconduct**

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Any action which is detrimental to a child’s health, safety or well-being, Theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination, neglect leading too or potentially too danger or injury to other persons.

While the alleged gross misconduct is being investigated, the employee may be suspended. Any decision to dismiss will be taken by the employer only after full investigation.

**Appeals**

An employee who wishes to appeal against any disciplinary decision must do so to Janet Hornsby within five working days. The employer will hear the appeal and decide the case as impartially as possible.

This policy was reviewed on 28th July 2020 and replaces that which was adopted by Patcham Village Pre-school on 5th July 2019

Signed by

Manager(Janet Hornsby)

Date: