



## Policy statement

Foxglove Violet Hill wants everyone to meet our standards and follow the rules so that we can run successfully and treat staff members fairly and respectfully. When breaches of discipline happen, the disciplinary and appeals process is used to help correct them in a fair and consistent way.

## Who is this policy for?

All members of staff.

## When does this policy apply?

For any staff member who is involved at any stage in the disciplinary or appeals process.

## Included in this policy

- What is the disciplinary process?
- What is informal guidance and coaching?
- What is gross misconduct?
- When do we use the disciplinary process?
- How does the disciplinary process work?
- Who is involved in the disciplinary meeting?
- What happens at the disciplinary meeting?
- Can I appeal against the result of the disciplinary meeting?

## What is the disciplinary process?

If, despite informal guidance and coaching, you continue to fail to maintain or achieve the nursery rules and standards of reasonable behaviour, or if the breach is deemed serious enough, you will normally be issued with a disciplinary sanction. The level will normally run in the order below, however if the breach is deemed serious enough, one stage or more stages may be omitted. In cases of gross misconduct, stages 1 and 2 may be omitted and you may be dismissed without prior warnings.

Stage 1- Formal Written Warning

Stage 2- Formal Final Written Warning

Stage 3- Dismissal

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### What is informal guidance and coaching?

Foxglove Violet Hill School will use informal guidance and coaching wherever possible to help you meet our standards and rules. Sometimes we are able to work with you in this way to address a less serious issue before we have to take it through our formal disciplinary process.

If we offer you informal guidance and coaching we will have a private one to one conversation with you. This will involve discussing the areas of concern and we will talk to you about any causes that can be tackled, like a lack of training or a misunderstanding of your responsibilities. You can agree how the concerns should be corrected and the next steps forward towards improvement.

Your Manager will not write up the discussion in a formal way but they will make a note that the conversation has taken place. This will be placed on your personal file as a summary of the discussions. You can have a copy of it to help you to remember the targets/actions required for improvement. You do not need to sign it.

### What is Gross Misconduct?

Gross misconduct means a breach of the nursery's standards or rules that is so serious that it can lead to summary dismissal, when you are dismissed immediately without any notice. Here are some examples of gross misconduct:-

- Theft or attempted theft of either from the company, other staff members or customers such as money, products or property
- Consuming company products without permission or prior payment
- A serious failure to follow company health and safety procedures
- Breaching food safety procedures
- Wilful neglect or fraudulent use of, or damage to Company property or brand
- Assault or attempted assault on another staff member or customer at work at a work related event
- Discrimination, harassment or bullying of staff or customers being in breach of our Equality of Opportunity Policy
- Bringing the Montessori brand into disrepute, including seriously failing in service standards, being involved in criminal activities, being involved with activities that have a negative impact on our brand by association or any inappropriate use of social media
- Drug or alcohol abuse
- Gross insubordination, such as not following a reasonable management request, for example using abusive language, being aggressive
- Failing to disclose a criminal conviction which happened before or during your employment when you had a responsibility to do so.
- Misuse of the internet/email
- Any other serious breach of procedure or policy that leads to a loss of trust and confidence
- Breach of meeting the Early Years Foundation Stage Statutory Requirements 2014

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### When do we use the disciplinary procedure?

Discipline is about maintaining the rules and standards that we expect from all members of staff. We set out our standards and our rules in our contracts, codes of conduct, training and guidance and coaching. The aim of the disciplinary process is to be corrective and not punitive.

Matters which are subject to this policy can usually be classed into one of three areas:

**Capability** - when a member of staff's poor performance relates to their inability to perform their role, e.g. ill health, insufficient knowledge, lack of skills, aptitude

**Conduct** - where a member of staff has failed to meet our standards e.g. behaviour at work, criminal activity, insubordination, failure to follow absence reporting procedure.

**Attendance** - frequent short term sickness absence.

### How does the disciplinary process work?

- **Suspension**

To ensure that the fact finding process is not compromised in any way or if the business, you or other members of staff could be at risk whilst the investigation process is completed, you may be suspended from work. Suspension is carried out by your manager and is an authorised period of paid absence. It is not an indication of guilt or prejudgement. If you are suspended from work, this will be confirmed in writing to you.

You do not have to be suspended to be dismissed, although in cases of Gross Misconduct it is usually appropriate to be suspended.

- **Gathering the facts**

The manager considering the disciplinary action will gather all the relevant and necessary facts. This may involve witness statements. It may also be necessary to take a statement from other members of staff. Fact finding investigations will be carried out without unreasonable delay.

- **Investigation meetings**

It is not always necessary to hold an investigation meeting, but if after gathering the facts, the manager feels it necessary to speak to you before making a decision about whether there is a case to be answered, he/she may invite you to an investigation meeting.

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You will receive an invite in writing confirming the following:-

- A summary of the issue leading to the investigation
- The date, time and location of the meeting. No notice is necessary and there is no statutory right for an employee to be accompanied at a formal investigatory meeting.

There will be occasions when following the fact finding stage it is clear that there has been no breach of our rules and standards. No further action will be taken and this will be communicated to you.

- **Disciplinary meeting**

Where a serious breach has been identified, you will be invited to a disciplinary meeting to review the facts that have been gathered. This meeting can be held by your own manager or by another person of suitable level. At this meeting you will have the opportunity to state your case and answer any allegations that have been made. You will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. You will also be able to raise points about any information provided by witnesses. If you, or your manager decide to call relevant witnesses advance notice should be provided.

You will receive an invite in writing and the meeting will be arranged during your scheduled hours, unless you both agree another time.

The letter will confirm:

- The nature of the issue leading to the disciplinary meeting.
- The date, time and location of the meeting ensuring that you have 24 hours notice to attend, unless you agree to it being held sooner.
- Your entitlement to representation.

Your manager will decide on what level of disciplinary action may be necessary and what improvement steps are required.

There are 4 potential outcomes to be taken:

- No Formal action
- First Written Warning- will remain on your file for 6 months
- Final Written Warning- will remain in your file for 12 months
- Dismissal

We may start by issuing you with a written warning and then progress through the sanction levels. But if you have done something very serious, we may miss out one or more stage. In cases of gross misconduct, we may dismiss you immediately without any warnings beforehand.

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Written warnings and dismissals will be given to you in writing. Written warnings will include the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). We will tell you how long the warning will remain current and also the consequences of further misconduct, or failure to improve performance.

### **Who is involved in the disciplinary meeting?**

**Your manager** - If this is not possible, a manager at the same level or higher will do it instead.

**Your representative** - It is not compulsory to have someone with you, but if you want you can bring a representative who must be another member of the nursery staff of any level. If you are under 18 or have a disability you can bring a parent, guardian or support worker.

Your representative can help you prepare for the meeting but it is your responsibility to ensure that they have the information that they require. Your representative is able to address the hearing and to put and sum up the case, respond on your behalf to any views expressed at the meeting and confer with you during the hearing. The representative does not, however, have the right to answer questions on your behalf, address the hearing if you do not wish it or prevent the manager from explaining their case.

If your chosen representative cannot attend the meeting, we will postpone but not for longer than 5 days from the original date.

### **What happens at the disciplinary meeting?**

The manager will open the meeting and explain in detail why the meeting is taking place. They will also explain the possible outcome to you. All evidence will be discussed and you will have the chance to state your case and ask any questions that you like. You or the manager can adjourn the meeting at any time to consider what has been discussed so far. You will be offered a private area for any adjournments.

The manager will adjourn after all the evidence has been discussed and then call you back into the room. It is at this point that the manager will let you know what he/she has decided and the outcome. The decision will be clear and brief and they will explain the reasons for it and ensure that you understand. The manager is able to carry out more investigation, if they feel it necessary.

Any decision to dismiss should only be taken by a manager who has the authority to do so. You will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and your right of appeal.

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If you are persistently unable or unwilling to attend a disciplinary meeting, without good cause, we will make a decision on the information and evidence that we have available at the time of the hearing.

### **Can I appeal against the result of the disciplinary meeting?**

You will be told at the meeting about your right to appeal. If you do decide to appeal the decision you must do so within the correct timeframe and clearly state in writing your reason for appeal. You have 7 days in which to appeal the decision and any appeal meeting is normally held within 10 working days of receipt of the appeal letter.

The appeal meeting follows the same path as the disciplinary meeting and as a result of the appeal meeting the original decision may be upheld or overturned or the level of sanction issued increased or decreased. The appeal will be dealt with impartially.

You will be informed in writing of the outcome of the appeal hearing as soon as possible and you do have the right to representation at the appeal hearing.

### **What if I am in my probationary period?**

If you are still in your probationary period we can decide not to confirm your employment. This means you are dismissed. If appropriate, we may give you informal guidance and coaching as part of your probationary period assessment process to give you a chance to improve but we do not normally go through each of the disciplinary stages before dismissing you by non confirmation of employment.

### **Unauthorised absence and the Intentions Process**

If you are absent from work and fail to follow the correct reporting procedures, the intentions procedure may be started. This process is to try and re-establish contact with you and understand why you have failed to fulfil the reporting procedure.

Step 1- We will try and contact you by phone. If there is no reason for your lack of contact you may be invited to attend a disciplinary meeting.

Step 2- If we are unable to make contact with you we may write to you and invite you to attend a disciplinary meeting to discuss your conduct. If you do not attend the meeting, the meeting will be held in your absence and may lead to dismissal.

Step 3- You may receive a letter confirming the disciplinary meeting was held in your absence and that you have been dismissed, including your right to appeal and notice period, if this was the decision taken.

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### Levels of Authority

Disciplinary meetings should, where possible, be held by the member of staff's direct Line Manager. Where this is not possible, a manager of the same grade or higher may hear the disciplinary meeting in their place.

<b>Disciplinary Level</b>	<b>Who can issue the warning?</b>	<b>Who can hear the appeal ?</b>
<b>First Written Warning</b>	<b>Nursery Manager</b>	<b>A representative from Early Years and Childcare Suffolk County Council who has not been involved in the case</b>
<b>Final Written Warning</b>	<b>Nursery Manager</b>	<b>A representative from Early Years and Childcare Suffolk County Council who has not been involved in the case</b>
<b>Dismissal and Non confirmation of Probationary period</b>	<b>Nursery Manager</b>	<b>A representative from Early Years and Childcare Suffolk County Council who has not been involved in the case</b>

Signed for and on behalf of Foxglove Violet Hill

Lindsey Harvey (Principal) :

Date :

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