

Disciplinary Procedure

At Primrose Hill Day Nursery, we recognise that employment law can change rapidly and as such we will always follow the latest legislation. We may also employ the services of an external human resources company to assist in any challenging situations that may arise. All staff are issued with an employee handbook and should refer to this as necessary.

Intent

It is our intent to deal with all disciplinary matters quickly and fairly for all parties. All matters will be recorded, and both parties will have copies.

Procedure

The procedure is designed to establish 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, the staff member will be advised of the nature of the complaint.
- The staff member will be given the opportunity to state his or her own case and be represented or accompanied by a fellow employee of their choice. A staff member 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 or pay in lieu of notice.
- A staff member has the right to appeal against any disciplinary action taken against them. The procedure may be implemented at any stage if the alleged misconduct warrants such action.

The Managers will make every effort to resolve the matter informally, only where this fails will disciplinary action be taken. Disciplinary action will take the form of a pre-disciplinary meeting where all parties can put their points across; the staff member may be accompanied by a colleague. If the matter can still not be resolved, then the partners will take the next step in the disciplinary procedure to issue a written warning.

Written Warning

This will state the reason/s for the written warning and note that if there is no improvement after six months, a final written warning will be given. It will also state the right to appeal. A copy of this first written warning will be kept on file for six months and then removed if the company is satisfied with subsequent conduct and/or performance.

Final Written Warning

This will be issued if the matter is still not resolved or attendance or performance has not improved or if there is a significant cause for concern where an immediate Final Warning must be given. The final written warning will be given making it clear that any recurrence of the offence or other serious misconduct within a period of six months will result in dismissal.

A copy of this final written warning will be kept on file for 12 months, subject to satisfactory conduct and/or performance.

Dismissal

Where there is no satisfactory improvement or if further serious misconduct occurs, the staff member will be dismissed.

Gross Misconduct

Gross misconduct includes the following offences:

- Any action relating to the care of a child which in the opinion of the Managers or deputies has put the child in danger or breached our duty of care to the child. This would include consistently shouting at a child or group of children, which whilst clearly not a potential cause of danger can cause both emotional and psychological distress, is not acceptable within the setting and as such is considered gross misconduct.
- Theft, fraud, deliberate falsification of company documents.
- Fighting, assaulting another person.
- Deliberate damage to company property.
- Sexual or racial harassment.
- Being unfit for work through alcohol or illegal drugs.
- Gross negligence.
- Gross insubordination.

This list is an example only. While the alleged gross misconduct is being investigated, the staff member may be suspended, during which time the normal hourly rate will be paid. Such suspension is not to be regarded as a form of disciplinary action and will be for as short a period as possible. Any decision to dismiss will be taken only after a full investigation. If it is found that an act of gross misconduct has been committed, the staff member will be dismissed without notice or payment in lieu.

Any appeal against a disciplinary decision must be in writing within 10 working days of the decision being communicated.