



SEVENOAKS DAY NURSERY

Staff disciplinary policy

Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The Nursery's policies and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in the Nursery.

Each member of staff is encouraged to read all policies; these can be found on the Nursery's website. It is the responsibility of the individual employee to ensure that they have read and understood all the relevant documents. Staff should ask a member of the management team or a Trustee to explain any items they are unsure about.

Principles

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First stage of formal procedure

This will normally be either:

- *an improvement note for unsatisfactory performance* if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept on file. This is subject to achieving and sustaining satisfactory performance.
- *a first warning for misconduct* if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period.

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on file. This is subject to achieving and sustaining satisfactory performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance, the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). The employee will be invited to a meeting with the Manager and a member of the Trustees to discuss the issue. After the meeting, the employee will be informed of the decision within three working days. The employee will be provided in writing with reasons for dismissal or other sanction, the date on which the employment will terminate (if applicable), and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint and the sanction; will be warned that dismissal could result if there is no satisfactory improvement; and will be advised of the right of appeal. A copy of the written warning will be kept but will be disregarded for disciplinary purposes after twelve months subject to achievement and sustainment of satisfactory conduct or performance.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- smacking, slapping or shaking a child, or other forms of child abuse.
- theft or fraud.

- fighting or physical assault on another member of staff or a parent on the Nursery premises.
- deliberate and serious damage to property.
- drunkenness or drug taking on the Nursery premises, or arriving at work unfit for duties due to drink or drugs.
- deliberately accessing internet sites containing pornographic, offensive or obscene material, either using Nursery computer equipment or whilst on the premises.
- serious insubordination;
- unlawful discrimination or harassment;
- intentional or reckless disregard for health, safety or hygiene rules;
- circumstances occur which make it illegal for the employee to work in the Nursery.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the Nursery is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The employee will be invited to a meeting with the Manager, and a Trustee and their decision will be final. At the appeal any disciplinary penalty imposed will be reviewed.

This policy was adopted at a meeting of the Trustees of Sevenoaks Day Nursery in September 2013 and was last reviewed and amended in March 2023.



Susan Dreksler
Chair

To be signed by staff member.

I have read and understood the Staff Disciplinary Procedure for Sevenoaks Day Nursery.

Full name of the member of staff:

Signature of member of staff:

Date of signing: