



5.4 Disciplinary Policy

This policy describes how Brambles handles disciplinary problems from minor faults in a person's performance /conduct through to serious offences up to acts of gross misconduct.

Purpose

The purpose of the process is to ensure that staff achieve and maintain appropriate standards of job performance and conduct. Where there are shortcomings, the process defines what action should be taken to ensure that discipline is applied fairly and consistently to all staff within the Preschool. Paper copies of the disciplinary procedure are available from the Manager and will be issued with all disciplinary letters.

No disciplinary action will be taken against a member of staff before the circumstances of the complaint have been properly investigated and he / she has had an opportunity to explain actions, provide evidence and give his / her version of events.

No one will be dismissed for a first breach of discipline except in the case of gross misconduct.

This policy applies to all members of staff (both paid and voluntary)

Stages in the process

The stages are:

Stage 1 - Verbal Warning

Stage 2 - Written Warning

Stage 3 - Final Written Warning

Stage 4 - Dismissal

Re-presentation during the process

All staff have the right to be represented by either a colleague or a trade union official certified by their union to act as a staff representative, at each hearing during the disciplinary process. It will be the role of the representative to support the employee throughout the disciplinary process.

Note It is expected that the same representative will be involved throughout the disciplinary process.

If the chosen representative is not available

Where the chosen representative cannot attend on the proposed date the employee can offer an alternative time and date so long as it is reasonable and falls within five working days following the original hearing date. In proposing an alternative date the employee should consider the availability of the manager conducting the hearing. A proposal for a new date and time must be made at least 24 hours before the original hearing was due to commence.

The date and time of any alternative hearing should be convenient to both employee and employer.

Role of the representative

The chosen representative has an important role to play in supporting an employee and to this end they can ask questions but not answer questions on the employee's behalf. The representative will also be permitted reasonable time to confer privately with the employee, either in the hearing room or outside.

Notification of disciplinary interview

The Manager tells the member of staff and confirms in writing:

- That the disciplinary process is being used and that they need to attend a disciplinary interview. The member of staff is given a minimum of 3 working days notice of the interview. Deferment outside these timescales only occurs if all parties are in agreement.
- The nature of the complaint.
- That he / she will be given the opportunity to put his / her point of view before any decision is made.
- That he / she is entitled to be accompanied or represented by a work colleague or a trade union official.

A copy of the document describing the process is issued with the letter.

Effect of disciplinary action

A live disciplinary warning is likely to affect a member of staff's

- Short / medium term career progression.
- Annual pay review.

All reference requests for employees dismissed under the disciplinary process will have the dismissal detailed on the reference.

Deciding what initial action to take

The initial disciplinary action that is taken depends on the seriousness of the complaint or offence.

Examples of serious offences

The following are some examples of offences that would be considered to be serious:

- Action which has a serious and detrimental effect on a child in our care
- A breach of procedure or policy which could cause serious damage to the Preschool

Repeated failure to follow Brambles policies and procedures

Gross misconduct

Gross misconduct is an act of poor conduct or performance that is of such seriousness that by itself merits immediate dismissal. The following are some examples of such offences:

- Theft, fraud, deliberate fabrication of records, acts of dishonesty.
- Disclosure / mis-use of confidential information about a child/parent to a third party without consent
- Serious negligence which causes unacceptable loss, damage or injury to a child/adult or Brambles.
- Serious act of insubordination.
- Serious incapability whilst on duty brought on by alcohol or illegal drugs.
- Action which has a very significant adverse effect on Brambles
- Serious abuse of official position.
- Violent, abusive or threatening behaviour including serious bullying and harassment.
- Contravening Brambles policies - in particular child protection, health and safety and equal opportunities
- Defaming or bad mouthing the setting on social networking sites.
- Serious breaches of the Data Protection Act.
- Breach of confidentiality

Deciding the initial action

The following table gives a guide to what action should be taken following a complaint or offence, performance that is so serious it merits immediate dismissal:

Stages 1 to 3 - reason for and duration of warnings

Stage	Reason for warning	Duration of warning
1 - Verbal Warning	Conduct or performance does not meet acceptable standards.	A verbal warning remains live for 6 months. If at this time there has been no need for further disciplinary action, the warning will remain on file but will be disregarded for further disciplinary purposes.
2 - Written Warning	Conduct or performance gives serious cause for concern or a verbal warning has failed.	A written warning remains live for 12 months. If at this time there has been no need for further disciplinary action, the warning will remain on file but will be disregarded for further disciplinary purposes.
3 - Final Written Warning	The offence by itself is considered to be sufficiently serious or a written warning has failed.	A final written warning normally remains live for 12 months. If at this time there has been no need for further disciplinary action, the warning will remain on file but will be disregarded for further disciplinary purposes.

Stage 4 - Dismissal

Reason for dismissal

An offence by itself is considered to be very serious or a final written warning has failed.

Authority to dismiss

The Chairperson of the Board of Trustees, following consultation with at least one other member of the Board of Trustees.

Staff with less than 6 months service

The disciplinary policy does not apply to staff on their probation period because their employment can be terminated outside of this policy by serving their notice period.

Gross misconduct

Suspension during investigation

A member of staff accused of an act of gross misconduct may be suspended from work on full pay normally for no more than 5 working days whilst an investigation is carried out.

Authority to suspend

The Chairperson of the Board of Trustees or another Board member (in their absence) can take a decision to suspend.

Decision to dismiss

The decision to dismiss will follow the investigation and an interview with the member of staff conducted under the disciplinary process. If Chairperson is satisfied that gross misconduct has occurred, summary dismissal will result.

Summary dismissal

Summary dismissal is dismissal without:

- Notice
- Payment in lieu of notice

Disciplinary outcome

Introduction

This topic describes the action following a disciplinary interview.

No action

If no action is deemed necessary, this will be confirmed to the member of staff in writing within 2 working days of the disciplinary interview or as soon as practically possible .

Verbal warning

If a verbal warning is given, the member of staff will be advised of this in writing within 2 working days of the disciplinary interview or as soon as practically possible and a note confirming this will be placed on the member of staff's personnel file.

Other levels of action

For all other levels of action the member of staff will:

- Be advised verbally.
- Have this confirmed in writing within 2 working days or as soon as practically possible of the interview having taken place.
- Be subject to formal reviews every 6 months whilst the warning remains live on their personnel file.

Appeals

Introduction

A member of staff may appeal against any disciplinary action taken under stages 1 to 4 of the disciplinary process.

Information required for appeal

The member of staff should provide in writing:

- The reason for the appeal.
- Details of whether he / she wishes to make their appeal by personal hearing or through written representation.

Information considered during appeal

The Chairperson hearing the appeal considers representations from:

- The member of staff and / or work colleague briefed by the member of staff in the facts of the case and asked to assist at the hearing.
- The Manager responsible for the disciplinary action.
- Other staff as required.

The Trust also has available:

- The employment history of the member of staff.
- Any relevant unspent disciplinary warnings.

Outcome of an appeal hearing

The Chairperson hearing appeals have the power to:

- Confirm
- Reduce
- Rescind or
- Increase

The level of original disciplinary action.

A decision to increase the original level of disciplinary action will only be taken in exceptional circumstances if after considering all of the evidence the Chairperson hearing the appeal feels that the disciplinary action taken was significantly less than justified by the circumstances of the case.

Appeals process

Process The stages are as follows:

Stage	Description	This action must be within. . .
1	The member of staff appealing should write to Thorns Community Trust	5 days of disciplinary outcome being confirmed.
2	The Chairperson arranges for the appeal to be heard by the Trust	5 days of receipt of appeal letter.
3	The Chairperson writes to the member of staff giving the result of the appeal.	3 days of the appeal hearing for personal hearings. 2 weeks of receipt of appeal letter for written appeals
4	If the appeal is rejected, this is the final stage of the process.	

Thorns Community Trust

This policy was adopted by

On

18th May 2020 (date)

Updated August 2021 (date)

Signed on behalf of the provider

Name of signatory

Jonathan Wright

Role of signatory (e.g. chair, director or owner)

Chair
