

Moat Barn Nursery

Staff Disciplinary Procedures

Statement of intent

We will maintain a well-motivated, highly skilled and professional staff team. However, occasionally action will need to be taken to encourage improvement in individual behaviour and performance.

Aim

We will provide a fair and consistent method of dealing with disciplinary incidents. Our aim is always to support and encourage staff, while promoting good employment relations.

Methods

If a member of staff is subject to disciplinary action, fair and consistent procedures will be employed:

- The incident will be fully investigated and the facts established.
- Investigations will be non-discriminatory and apply equally to all staff irrespective of sex, marital status, sexual preference, race or disability.
- At every stage, the member of staff concerned will be advised of the nature of the complaint and given an explanation for any penalty imposed.
- Staff will be given the opportunity to state their case, and be accompanied by a friend, colleague or Trade Union representative of their choice, during any part of the disciplinary process.
- Staff will not be dismissed for a first breach of discipline except in the case of gross misconduct (see below).
- Staff have a right to appeal against any disciplinary action taken against them.

Investigations will be conducted by either the Manager or the Registered Person.

The Staff Disciplinary Procedure operates as follows:

Informal Discussion

Before taking formal disciplinary action, the Manager will make every effort to resolve the matter by informal discussions with parties concerned. Only where this fails to bring about satisfactory improvement or outcomes will disciplinary procedures be formally implemented.

Formal Verbal Warning

Once a formal warning has been given by the Manager, the member of staff in question will be notified of this and given an explanation for the warning. They will further be informed of their right of appeal. A brief written note of the warning will be kept on the staff member's records. This will be disregarded after six months, subject to satisfactory conduct and/or performance.

Written Warning

If, following a formal verbal warning, there is insufficient improvement in standards, or if a further incident occurs, a written warning will be issued. This will state the reason for the warning and that, if there is no satisfactory resolution after a further month, a final written warning will be given. A copy of this first written warning will be kept on the staff member's records, but will be disregarded after 12 months, subject to satisfactory conduct and/or performance.

Final Written Warning

If the member of staff's conduct or performance remains consistently unsatisfactory, or if the misconduct is sufficiently serious, a final written warning will be given making it clear that any further breach of the standards, or other serious misconduct, may result in the employee's dismissal. A copy of the warning will be kept on the staff member's records, but will be disregarded after 24 months, subject to satisfactory conduct and/or performance. The warning will state clearly that dismissal will result from a failure to comply.

In certain exceptional circumstances, a member of staff may receive a Final Written Warning that will remain on the staff member's records indefinitely. This course of action will follow when a member of staff has only avoided dismissal due to extenuating or mitigating circumstances.

Gross Misconduct

If, after investigation, it is deemed that a member of staff has committed an act of the following nature, dismissal will be the normal outcome:

- Child abuse (for further details refer to the Child Protection policy).
- Serious infringement of health and safety rules (for further details refer to the Health and Safety policy).
- Assaulting another person
- Persistent bullying, sexual or racial harassment.
- Being unfit for work through alcohol or illegal drug use.
- Gross negligence that either causes or might cause injury, loss or damage to persons or property.
- Theft, fraud or deliberate falsification of the settings documents.
- Deliberate damage to setting property.
- Being an unfit person under the terms of the Care Standards Act 2000 or the Children's Act 1989.

