

# Pioneer Childcare

## Disciplinary Policy

This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The Pioneer Code of Conduct applies to all employees. The aim is to ensure consistent and fair treatment for everyone in the Company.

### Principles

Informal action during supervision 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:

- addressed in your supervision with your line manager if performance does not meet acceptable standards. This will set out the performance problem, the evidence, the improvement that is required, the timescale, and any help/training 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 this conversation will be kept in their supervision notes, and on their staff file for 6 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

- 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 (six months).

### Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the timescale of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the evidence, 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 in their staff file but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or 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). Dismissal decisions can only be taken by the appropriate senior management, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, 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 on staff file but will be disregarded for disciplinary purposes after 12 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, but is not limited to:

- theft or fraud
- physical violence or bullying, to staff or children
- a serious breach of safeguarding policies
- a serious break of Code of Conduct policies
- deliberate and serious damage to property, either of Pioneer Childcare or any of our sites
- serious misuse of Company's property, name or intellectual information
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment, to staff or children
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence

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 organisation 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. A senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

### Related policies

See also our related policies: Code of Conduct, Grievance, Confidentiality, Safeguarding Children, Health & Safety

This policy was adopted by: Pioneer Childcare Ltd	Date: 25 <sup>th</sup> January 2023
To be reviewed: 24 <sup>th</sup> January 2024	Signed: <i>J. Wilkins</i>

Written in accordance with the EYFS welfare requirements: *Suitable premises, environment and equipment, Suitable people and Safeguarding and promoting children's welfare.*