

## **Sticky Fingers Pre-School**

### **3 - Disciplinary Rules and Procedure Policy**

The Pre-School's aim is to encourage improvement in individual performance and other conduct. Employees are required to treat the children, parents and carers, other employees and members of the public equally, in accordance with the Equality and Diversity policy. This policy sets out the action which will be taken when disciplinary rules are breached.

#### **Principles:**

- The list of principles is not to be regarded as a comprehensive list
- The procedure is designed to establish the 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, employees will have the opportunity to state their case and be accompanied by a fellow employee of their choice at the hearings.
- Only the committee, or in urgent cases the Officers acting together, have the right to suspend. An employee may, however, be given a verbal or written warning by the supervisor.
- An employee has the right to appeal against any disciplinary decision.

#### **Behaviour/actions that constitute unreasonable conduct:**

- Failure to observe a reasonable order or instruction.
- Failure to observe a health and safety requirement.
- Inadequate time keeping.
- Absence from work without proper cause (including taking parental leave dishonestly).
- Theft or unauthorised removal of the pre-school's property.
- Loss, damage to or misuse of the pre-school's property through negligence or carelessness.
- Conduct detrimental to interests of the pre-school
- Incapacity for work due to being under the influence of alcohol or illegal substances.
- Physical assault or gross insubordination.
- Committing a criminal act outside of work that leads to a caution, or being convicted for a criminal offence, which is liable to affect the performance of the contract of employment and/or the relationship between the employee and the pre-school.
- Failure to comply with the pre-school's Equality and Diversity Policy.

- Behaviour towards a child or children in a way that demonstrates they are unsuitable to work with children, in concordance with our Safeguarding Policy.
- An inappropriate relationship, or an attempt to establish an inappropriate relationship, with a child, whether of a sexual nature or otherwise, in accordance with our Safeguarding policy.
- Unlawful discrimination.
- Deliberate misuse of Data Protection information.
- A sustained serious/significant breach in professional standards/codes of practice, which bring into question your suitability for the role.

## **The Procedure**

**Verbal warning** - If conduct or performance is unsatisfactory, the employee will be given a formal verbal warning by the Supervisor or Chair of the Committee, which will be recorded. The warning will be disregarded after six months satisfactory service.

**Written Warning** – If the offence is serious, if there is no improvement in standards, or if a further offence occurs, a written warning will be given, either from the Supervisor or Chair of the Committee, which will include the reason for the warning and a note that, if there is no improvement after 12 months, a final written warning will be given.

**Final Written Warning** – If conduct or performance is still unsatisfactory, or if a further serious offence occurs within the 12 month period, a final written warning will be given, by the Supervisor or Chair of the Committee, making it clear that any reoccurrence of the offence or other serious misconduct within a period of 1 month will result in dismissal.

**Dismissal** – If there is no satisfactory improvement or if further serious misconduct occurs, the employee will be dismissed.

## **Gross Misconduct**

If, after investigation, it is confirmed that an employee has committed an official offence of the following nature (the list is not exhaustive) the normal consequence will be dismissal:

- Theft of, or damage to the pre-school's property,
- Incapacity for work due to being under the influence of alcohol or illegal substances,
- Physical assault,
- Gross insubordination, discrimination or harassment contrary to the Pre-school Equality and Diversity Policy.

- An inappropriate relationship, or an attempt to establish an inappropriate relationship, with a child, whether of a sexual nature or otherwise.

While the alleged gross misconduct is being investigated the employee must be suspended, during which time he or she will be paid the normal hourly rate and the decision to dismiss will be taken by the Committee only after a full investigation.

### **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so to the Committee within two working days. The employer will hear the appeal and decide the case as impartially as possible.

This policy was adopted at a meeting of Sticky Fingers Pre-School Committee

Held on: 3<sup>rd</sup> October 2017

Signed on behalf of the Pre-School:

Chairperson: Zoe Stewart

Secretary: Cath Temple