

Chieveley Pre-School

Chieveley Early Years Centre, School Road

Chieveley, West Berkshire RG20 8TY

Tel: 07511 098 720

E-mail info@chieveleypreschool.co.uk

Website www.chieveleypreschool.co.uk

Registered Charity No.1048094. PLA No.15843.



Disciplinary and Capability Procedure

About this procedure

This procedure is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance.

Minor conduct or performance issues can usually be resolved informally between the staff member and the Pre-School Manager. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors. This procedure does not form part of any employee's contract of employment and we may amend it at any time.

Investigations

Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.

In some cases of alleged misconduct, we may need to suspend employees from work (with normal pay) while we carry out the investigation or disciplinary procedure (or both). While suspended, employees should not visit our premises or contact any of Chieveley Pre-School's clients, customers, suppliers, contractors or staff, unless authorised to do so. Suspension is not considered to be disciplinary action.

The Hearing

We will give employees written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable employees to prepare. Employees will normally be given copies of relevant documents and witness statements.

Employees may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion.

Employees should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence they wish to be considered.

Chieveley Pre-School Chair will inform the employee in writing of their decision, usually within ten working days of the hearing.

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Disciplinary action and dismissal

The usual penalties for misconduct or poor performance are:

Stage 1: First written warning [or improvement note]. Where there are no other active written warnings [or improvement notes] on the employee's disciplinary record, they will usually receive a first written warning [or improvement note]. It will usually remain active for six months.

Stage 2: Final written warning In case of further misconduct or failure to improve where there is an active first written warning [or improvement note] on their record, the employee will usually receive a final written warning. This may also be used without a first written warning [or improvement note] for serious cases of misconduct or poor performance. The warning will usually remain active for 12 months.

Stage 3: Dismissal or other action. The employee may be dismissed for further misconduct or failure to improve where there is an active final written warning on their record, or for any act of gross misconduct. Examples of gross misconduct are given below.

We may consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by their contract), and/or extension of a final written warning with a further review period.

Appeals

Employees may appeal in writing within one week of being told of the decision.

The appeal hearing will, where possible, be held by someone senior to OR other than the person who held the original hearing. Employees may bring a colleague or trade union representative with them to the appeal hearing.

Chieveley Pre-School Chair will inform the employee in writing of their final decision as soon as possible, usually within 10 working days of the appeal hearing. There is no further right of appeal.

Gross misconduct

Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive;

- theft or fraud;
- physical violence or bullying;
- deliberate and serious damage to property or people;
- serious misuse of the organisation's property or name;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;

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- serious insubordination;
- unlawful discrimination or harassment;
- 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.

This policy was reviewed by the management and committee of Chieveley Pre-School and adopted during 2022-2023

Signed on behalf of Chieveley Pre-School by the chair.

Name (Sign):

Date: 05.09.22.

A handwritten signature in blue ink, appearing to be 'Nicola Charles', written over a horizontal line.

Name (Print): Nicola Charles

Date: 05.09.22.