



Disciplinary Procedure

Statement of intent

Playhouse Pre-School aims to ensure that all employees understand the standards of conduct, behaviour and performance expected of them.

We recognise that disciplinary matters should be dealt with fairly, consistently, promptly and confidentially. The purpose of this procedure is to provide a clear and reasonable process for dealing with concerns about an employee's conduct, attendance or performance.

Where possible, minor concerns will be dealt with informally through supervision, discussion, guidance, training or support before formal disciplinary action is considered.

This procedure is intended to be applied fairly and consistently and takes account of the principles set out in the Acas Code of Practice on disciplinary and grievance procedures.

Key principles

- Employees are expected to understand the standards of conduct, performance and behaviour required in their role.
- Minor or isolated concerns may be dealt with informally through advice, supervision, coaching, training or support.
- Where concerns are more serious, or where informal action has not resulted in sufficient improvement, the formal disciplinary procedure may be used.
- A reasonable and proportionate investigation will normally take place before a formal disciplinary hearing.
- The employee will be informed in writing of the concerns or allegations and will be given reasonable information about the evidence to be considered.
- The employee will be given a reasonable opportunity to respond to the concerns before a disciplinary decision is made.
- Employees have the statutory right to be accompanied at a formal disciplinary hearing or appeal by a workplace colleague or trade union representative where applicable.
- The person making the disciplinary decision will consider the information and evidence fairly and objectively.
- Employees have the right to appeal against a formal disciplinary decision.
- Disciplinary matters will be handled confidentially and information will only be shared with those who need it for legitimate employment, safeguarding or legal purposes.
- The setting will make reasonable adjustments where appropriate for employees with disabilities or other relevant needs.

Investigation

Where an allegation of misconduct, poor performance or other disciplinary concern is raised, the manager or owner will consider whether an investigation is necessary.

The purpose of an investigation is to establish the relevant facts and determine whether there is a case to answer. An investigation does not mean that the employee has been found to have done anything wrong.

Where appropriate, the investigation may include:

- speaking to the employee concerned;
- obtaining written statements from witnesses;
- reviewing relevant records or documents;
- considering electronic records or other relevant evidence; and
- speaking to other people who may have relevant information.

The employee will normally be informed that an investigation is taking place.

In some circumstances, it may be appropriate to proceed directly to a disciplinary hearing where sufficient information is already available. This will be considered on a case-by-case basis.

The person investigating the matter may be different from the person conducting the disciplinary hearing where reasonably practicable.

Disciplinary hearing

If, following an investigation, there is a case to answer, the employee will be invited in writing to a disciplinary hearing.

The written notification will:

- explain the concerns or allegations;
- provide relevant information and evidence where appropriate;
- explain the possible consequences of the hearing;
- give reasonable notice of the hearing; and
- explain the employee's right to be accompanied.

The employee will be given a reasonable opportunity to prepare and respond to the concerns.

At the hearing:

- the manager will explain the concerns;
- the employee will have an opportunity to respond and provide relevant information;
- relevant evidence will be considered;
- the employee may identify witnesses or provide supporting information where appropriate; and
- the manager will consider all relevant information before reaching a decision.

No disciplinary penalty will normally be issued until the employee has had a reasonable opportunity to respond.

The outcome will normally be confirmed in writing as soon as reasonably practicable.

Disciplinary penalties

Depending on the seriousness of the matter, possible outcomes include:

1. informal action;
2. formal written warning;
3. final written warning;
4. dismissal with notice; or
5. summary dismissal without notice in cases of gross misconduct.

The appropriate outcome will depend on the circumstances, the seriousness of the matter, the employee's previous record and any relevant mitigating factors.

The setting will not automatically issue a particular penalty simply because a particular type of misconduct has occurred.

Informal action

Minor concerns may be dealt with informally through:

- discussion with the employee;
- supervision;
- advice or guidance;
- additional training;
- support;
- agreed improvements; or
- monitoring and review.

Informal action will not normally form part of the employee's formal disciplinary record.

Formal written warning

A formal written warning may be issued where:

- misconduct or poor performance is sufficiently serious to warrant formal action; or
- an employee has not made the required improvement following informal action.

The warning will normally explain:

- the nature of the concern;
- the improvement or change in behaviour required;
- any support or training being offered;
- the timescale for improvement where appropriate;
- the period for which the warning will remain live; and
- the employee's right of appeal.

A formal written warning will normally remain live for six months, unless a different period is specified in the outcome letter.

Final written warning

A final written warning may be appropriate where:

- the matter is sufficiently serious to justify a final warning; or
- there has been further misconduct or insufficient improvement while a previous warning remains live.

The final written warning will explain the required improvement or change in behaviour and make clear that further misconduct or failure to improve may result in dismissal.

A final written warning will normally remain live for 12 months, unless a different period is specified in the outcome letter.

Gross misconduct

Gross misconduct is conduct that is sufficiently serious to potentially justify dismissal without notice.

Examples may include, but are not limited to:

- theft, fraud or deliberate falsification of records;
- physical violence or serious threatening behaviour;
- serious bullying, harassment or discriminatory behaviour;
- serious or deliberate damage to property;
- serious insubordination;
- serious misuse of the setting's property, systems or name;
- serious misuse of electronic communications or social media;
- serious breach of confidentiality or data-protection requirements;
- serious negligence which causes or could cause unacceptable loss, damage or injury;
- serious breaches of health and safety requirements;
- being seriously incapable of carrying out duties because of alcohol or illegal drugs;
- serious failure to follow safeguarding procedures;
- serious conduct which places a child at risk of harm;
- serious breach of professional boundaries with children or families;
- serious failure to comply with legal or regulatory requirements relating to safeguarding children; or
- serious conduct which brings the setting into significant disrepute.

This list is not exhaustive.

Where gross misconduct is alleged, the setting will investigate the matter and follow a fair disciplinary process before deciding on the appropriate outcome.

Safeguarding allegations

Where a disciplinary concern involves an allegation about an employee's behaviour towards a child, the matter will be dealt with in accordance with the setting's Safeguarding Policy and procedures for managing allegations against adults who work with children.

The setting will consider whether the allegation meets the threshold for referral to the Local Authority Designated Officer (LADO), and will seek advice and make the appropriate referral where required.

Under current safeguarding guidance, allegations that a person working with children:

- has behaved in a way that has harmed a child, or may have harmed a child;
- may have committed a criminal offence against or related to a child;
- has behaved towards a child or children in a way that indicates they may pose a risk of harm; or
- has behaved, or may have behaved, in a way that indicates they may not be suitable to work with children

must be considered under the allegations procedures. The LADO should be informed within one working day where the relevant threshold is met.

The setting will also consider whether the Police, Children's Social Care, Ofsted or any other relevant agency needs to be contacted.

The safeguarding process and any employment disciplinary process may run alongside one another where appropriate.

The employee will be treated fairly and will not be presumed to have committed misconduct simply because an allegation has been made.

Suspension

Suspension will not be automatic and will only be considered where it is reasonably necessary.

Suspension may be appropriate where the setting considers that the employee's continued presence at work could:

- create a risk to children or other people;
- interfere with the investigation;
- place the employee or another person at risk;
- affect witnesses or evidence; or
- create another significant risk to the setting or investigation.

Suspension is a neutral action and is not a disciplinary penalty.

Where suspension is necessary, it will normally be on full pay unless the employee's contract provides otherwise.

Suspension will be kept under regular review and will not be unnecessarily prolonged.

Where an allegation relates to a child, the setting will follow its safeguarding procedures and seek appropriate advice before deciding whether suspension is necessary.

Dismissal

Dismissal will only be considered following a fair disciplinary process.

Where an employee is dismissed with notice, the notice period and final payments will be dealt with in accordance with the employee's contract and employment law.

In cases of proven gross misconduct, summary dismissal may be considered.

The dismissal decision will be confirmed in writing and will include:

- the reason for dismissal;
- the date employment will end;
- the notice arrangements, where applicable;
- any relevant final payments; and
- the employee's right of appeal.

Appeal

An employee has the right to appeal against a formal disciplinary decision.

An appeal should normally be made in writing within 7 working days of the date of the disciplinary outcome letter, unless a different reasonable period is agreed.

The employee should explain the grounds for their appeal. Grounds may include, for example:

- new evidence;
- a relevant procedural issue;
- concerns about the reasonableness of the decision; or
- the level of disciplinary action taken.

Where reasonably practicable, an appeal will be heard by someone who was not involved in making the original decision.

The employee will be given reasonable notice of the appeal hearing and will have the right to be accompanied where applicable.

The appeal outcome will be confirmed in writing as soon as reasonably practicable. The appeal decision will normally be the final internal decision.

Confidentiality and records

All disciplinary matters will be treated confidentially.

Records relating to disciplinary proceedings will be kept securely and accessed only by those who need the information for legitimate employment, safeguarding or legal purposes.

Records will be retained in accordance with the setting's record-keeping requirements and applicable data-protection legislation.

Nothing in this policy prevents the setting from sharing information where this is necessary to safeguard a child, comply with a legal requirement or meet a regulatory or safeguarding obligation.

Reasonable adjustments

The setting will consider reasonable adjustments for employees with disabilities or other relevant needs during any investigation, disciplinary hearing or appeal.

Where appropriate, the setting may seek advice to ensure that the process is fair and accessible.

Timescales

The timescales in this policy are intended to provide a reasonable framework rather than rigid deadlines.

Disciplinary matters will be dealt with as promptly as reasonably practicable while allowing sufficient time for a fair investigation and for the employee to respond.

Meetings may need to be rearranged where there is a genuine and reasonable reason why the employee, manager or an appropriate companion cannot attend.

Timescales may be extended where reasonably necessary, and the employee will be informed of any significant delay.

This policy was agreed by the staff of Playhouse Pre-School Broadwater.

Adopted on 26th March 2015 and will be reviewed annually.

Reviewed on 23rd September 2026 by Z. Munford