



# Play in Ltd

## Staff Disciplinary Procedure Policy

Play in Ltd aims to have a team of well-motivated, highly skilled and professional staff. However, should the behaviour or performance of a member of staff fall below the high standards that we expect, we will follow the procedure set out below.

Staff will not be dismissed for a first breach of discipline except in the case of gross misconduct.

Staff have the right to appeal at all stages of the procedure and this will be confirmed within the warning or dismissal letter. The member of staff will have the opportunity to ask questions and answer allegations, and has the right to be accompanied by a colleague or union representative to disciplinary meetings.

### Minor offences

The manager will try to resolve the matter by informal discussions with the member of staff. If this does not resolve the problem, the formal disciplinary procedure will be followed.

### Formal disciplinary procedure

The stages of the formal disciplinary procedure are:

1. Formal verbal warning
2. First written warning
3. Second written warning
4. Dismissal

### Disciplinary meetings

For each stage of the procedure the manager will hold a disciplinary meeting with the member of staff to explore the misconduct or performance issue, and, if still applicable following the discussion at the meeting, will then issue the appropriate type of warning (or dismissal notice). You should make every effort to attend the meeting. Throughout the Disciplinary Procedure you will be given the opportunity to respond to any complaint before any decision on a disciplinary warning or dismissal is taken.

It is not permissible to record, whether audio and/or visual, any meetings which take place as part of this procedure, without written authorisation. Staff should note that unauthorised recording may result in action under the Disciplinary Procedure, which may include dismissal for gross misconduct.

### Before the meeting

Before each disciplinary meeting the manager will write to inform the member of staff of the date and purpose of the meeting, of the specific disciplinary issue to be discussed, and of their right to be accompanied by a colleague or union representative.

### After the meeting

Following each disciplinary meeting the manager will write to the member of staff to confirm:

- that a verbal, first written or final written warning has been issued (depending on the stage of the disciplinary process)
- what the warning was for
- what improvement in conduct or performance is expected and within what timescale
- the consequences of further misconduct or lack of performance
- how long the warning will be kept on file
- how they can appeal against the decision

### **Keeping notes of warnings**

Notes of warnings will be kept in the staff member's personnel file as follows:

- Formal verbal warning: A note of the warning will be kept on file, but will be disregarded after six months if their performance or conduct is satisfactory.
- First written warning: A copy of the warning will be kept on file, but will be disregarded after 12 months if their performance or conduct is satisfactory.
- Final written warning: A copy of the final written warning will be kept on file, but will be disregarded after 24 months if the performance or conduct of the member of staff remains satisfactory.

### **Dismissal**

If, during the period of the final written warning, there is a further breach of Club rules, or if the member of staff's performance has still not improved, dismissal will normally result. The organisation of the final disciplinary meeting at which this decision is made is the same as described above for the earlier disciplinary meetings.

Immediately after the final disciplinary meeting the manager will write to the member of staff to confirm:

- that at the disciplinary meeting it was decided that their conduct/performance was still unsatisfactory and that they will be dismissed
- why they are being dismissed
- that in cases where they have harmed or put a child at risk, it is the clubs responsibility to make a referral to the Disclosure and Barring Service
- when their last day of service will be
- how they can appeal against the decision

If the decision was taken not to dismiss the staff member, this must also be confirmed in writing.

### **Gross misconduct**

Staff will be dismissed without notice if they are found to have committed an act of gross misconduct. Examples of gross misconduct include:

- Child abuse
- Failing to comply with health and safety requirements
- Physical violence
- Ignoring a direct instruction given by the manager
- Persistent bullying, sexual or racial harassment
- Being unfit for work through alcohol or illegal drug use
- Theft, fraud or falsification of documents
- Being disqualified under the terms of the Statutory Framework for the Early Years Foundation Stage (Section 75 of the Childcare Act 2006) or the Children's Act 1989.

The manager will investigate the alleged incident thoroughly before any decision to dismiss is made.

### **Referral to Disclosure and Barring Service**

If a member of staff is dismissed (or would have been dismissed if they had not left the setting first) because they have harmed a child or put a child at risk of harm, we will make a referral to the Disclosure and Barring Service.

### **Notification to Ofsted**

The Club will notify Ofsted if a member of staff becomes disqualified, or if any significant event occurs which is likely to affect their suitability.

## Appeals

Staff have the right to appeal at all stages of the procedure and this will be confirmed within the warning or dismissal letter. The member of staff will have the opportunity to ask questions and answer allegations, and has the right to be accompanied by a colleague or union representative to disciplinary meetings.

A member of staff wishing to appeal against a disciplinary decision must do so in writing, stating the grounds for the appeal, and within five working days of being informed of the decision. A meeting to hear the appeal will be set up no more than ten working days later. The member of staff has the right to be accompanied to the appeal hearing.

Where possible, a member of Management or Senior staff who was not involved in the original disciplinary action, will hear the appeal and make an impartial and final decision. Within ten working days of the appeal hearing, the manager will inform the member of staff in writing of the outcome of the appeal hearing.

## Pay/Extra info

The Disciplinary Procedure does not form part of your contract of employment.

We retain discretion in respect of the Disciplinary Procedure to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal.

If appropriate, informal action will be taken by the Company to resolve problems relating to conduct, capability, or other circumstances. Before considering a warning or dismissal, steps will be taken by the Company to establish the facts.

At any stage of the Disciplinary Procedure you may be suspended, on full pay, whilst investigations are carried out. Suspension is a holding measure and is not to be taken as an indication that any allegations against you will be substantiated. In the event that you become unfit for work or unable to attend any necessary meetings due to sickness during the period of suspension, the Company will review the decision to keep you on suspension and, following this review, your suspension may be lifted. If your suspension is lifted, you may no longer be entitled to full pay but will be entitled to Statutory Sick Pay in accordance with the Company's rules and procedures.

If you are prevented from attending your place of work and/or performing your job duties as a result of Police bail conditions, or because of an order or direction given by a court or relevant regulatory body, then the duration of any such period will be without pay.

This policy was adopted by: Play in Ltd	Date: Sept 2022
To be reviewed: Sept 2023	Signed:

Written in accordance with the *Statutory Framework for the Early Years Foundation Stage (2021): Safeguarding and Welfare Requirements: Suitable people [3.9-3.13] and Disqualification [3.14-3.16] and Staff qualifications, training, support and skills [3.20-3.23].*