



Staff Disciplinary Procedure

Smiles 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.

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.

Stage 1: Formal verbal warning

The manager will give the member of staff a formal verbal warning which must include:

- the reason for the warning
- that this is the first stage of the disciplinary procedure
- an explanation of their right to appeal.

A note of the warning will be kept on the staff member's personnel file, but it will be disregarded after six months if their performance or conduct is satisfactory.

Stage 2: First written warning

If the offence is a serious one, or if there is no improvement, the manager will give the member of staff a written warning which must:

- give details of the complaint
- warn that a final written warning will follow if there is no improvement in their conduct or behaviour, or if there is a further breach of Club rules
- explain their right to appeal.

A copy of the written warning will be kept on their personnel file but will be disregarded after 12 months if their performance or conduct is satisfactory.

Stage 3: Final written warning

If there is still no improvement in the staff member's performance, the manager will give them a final written warning which:

- gives details of the complaint
- warns that dismissal will result if there is no satisfactory improvement
- explains their right to appeal.

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.

Stage 4: 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 manager will give the member of staff written reasons for the dismissal, the date on which their employment ends and information about their right to appeal.

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 an unfit person 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.

Appeals

A member of staff wishing to appeal against a disciplinary decision must do so in writing 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. If possible, the registered person, or a member of the management committee or a senior member of staff who was not involved in the original disciplinary action, will hear the appeal and make an impartial and final decision.

This policy was adopted by: Smiles Childrens Clubs	Date: 10/2021
To be reviewed: 10/2022	Signed <i>Kelly Palfreyman</i>

Written in accordance with the *Statutory Framework for the Early Years Foundation Stage (2012): Safeguarding and Welfare Requirements: Suitable people [3.9-3.13] and Disqualification [3.14] and Staff qualifications, training, support and skills [3.20].*