Faenol Playgroup CIC

Policy Reference Number: 17

Staff Disciplinary Policy and Procedure

It is the policy of *Faenol Playgroup CIC* to provide a working environment that is fair and consistent and promotes a confident open relationship between employers and employees. We do this by:

- Operating an effective recruitment and induction procedure
- Maintaining individual staff files in line with our confidentiality procedure
- Operating regular and recorded supervision and appraisal meetings between staff and their line managers
- Enabling staff to undertake continuous professional development and training

In the event that we need to implement the staff disciplinary procedure we will:

- Establish the facts promptly
- Deal with the individual employee sensitively and all facts consistently and fairly
- Support the under-performing individual to become effective within a realistic and achievable action plan
- Maintain records of discussions
- Provide a process of appeal against the outcome of a formal disciplinary meeting.

Procedure:

1. **Informal approach –** it is expected that most performance issues will be resolved through informal discussions between the line manager and the job holder during induction, probation and regular 1:1 supervision opportunities. The shortfall of the job holder's performance will be clarified and an action plan with time scales agreed and recorded. Both parties keep a copy of the record.

   The line manager will take formal action if:
   - There is no improvement in the job holder's performance
   - The unsatisfactory performance is considered too serious to be classed as minor
   - It is a case of misconduct.

2. **Formal approach –** where, after a full investigation of the facts, a job holder's conduct or performance warrants the formal procedure, the following three steps will take place:

   Step 1 – statement of grounds for action and invitation to a meeting: the job holder's alleged conduct, characteristics or circumstance which have led to consideration of disciplinary action are set out in writing and given or sent to the job holder. The job holder is invited to attend a meeting to discuss the matter within seven days of the

allegation.

Step 2 – the meeting: this must take place before any action is taken (except in the case where suspension is necessary) and can only take place once the job holder has:

- been informed on what basis the disciplinary action is being contemplated (as at step 1) and
- had a reasonable opportunity to consider their response to that information.

The job holder must take all reasonable steps to attend the meeting. The job holder has a legal right to be accompanied by someone of their choice, such as a co-worker or a certified official employed by a trade union. Following the meeting the employee will be informed in writing of the decision and be notified of their right to appeal against the decision. The disciplinary action may take place before the appeal is heard.

Outcomes of a disciplinary meeting may include:

- verbal warning
- written warning
- final written warning
- dismissal with notice
- dismissal without notice. This should only be considered in cases of gross misconduct or where the organisation considers the situation to be so serious that any further working relationship and trust between the company and employee is impossible and therefore the contract between employer and employee is effectively destroyed
- suspension, and taking of other action that may lead to suspension, in relation to an employee to maintain the safety and welfare of children in this setting.

Examples of gross misconduct may include, but are not restricted to:

- failure to report an incident of abuse or suspected abuse of relevant children
- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- 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
- serious breach of health and safety rules
- serious breach of confidence.

Step 3 – Appeal

The employee must inform the employer if they wish to appeal against the outcome of a disciplinary meeting. An appeal must be made in writing within 5 working days of the notice of dismissal. The employee will be invited to attend a further meeting, to which the employee must take all reasonable steps to attend. The employee has the legal right to be accompanied at the meeting by a fellow worker or a certified official employed by a trade union. Following the appeal meeting, the employee will be informed in writing of the final decision.

This **staff disciplinary policy and procedure** was passed for use in *Faenol Playgroup CIC*

On: 6/11/19

By: Signature: Position:

Date of planned review: October 2020

Whistleblowing Policy and Procedure

This policy is underpinned by the Public Interest Disclosure Act 1998.

It is the policy of Faenol Playgroup CIC to encourage a culture of openness and transparency within our organisation, which makes it safe and acceptable for employees and volunteers to raise, in good faith, a concern they may have about misconduct or malpractice.

We will do this by:

- Expecting staff to place children's interests as the highest priority at all times
- Expecting staff/volunteers/adults who may have concerns about the actions or behaviour of any other person employed, working or volunteering within the setting to act professionally and share their concerns with the appropriate person as soon as practicable
- Recognising that the person reporting the concern is a witness not a complainant
- Taking steps to investigate and resolve any concerns as soon as practicable
- Maintaining confidentiality and anonymity except in circumstances when not to do so may compromise any investigation and outcome (such as in child protection issues)
- Ensuring a fair and thorough investigation of any issues
- Ensuring investigations undertaken are recorded accurately and appropriately
- Working cooperatively with other organisations and professionals as necessary and appropriate to the concern or issue being investigated
- Taking any necessary disciplinary action - in line with employment law and any relevant regulations - where staff have failed in their duty to act professionally and in the best interests of the children in their care.

Taking action and reporting concerns:

When the concerns relate to the actions of a member of staff/volunteer/visitor (excluding supervisor/manager/person in charge):

Concerns are raised with the supervisor/manager/person in charge.

If, having raised the matter, the person reporting the concern believes it has not been dealt with satisfactorily or appropriately, they must report their concerns to the *registered person/responsible individual.*

If this is not appropriate then CSSIW must be informed. At referral, CSSIW will check on any action taken.

When the concerns relate to the actions of supervisor/manager/person in charge:

Concerns are raised with the *registered person/responsible individual*.

If, having raised the matter, the person reporting the concern believes it has not been dealt with satisfactorily or appropriately then it must be reported to CSSIW who will check any action taken.

When the concern is about the registered person/responsible individual:

CIW is informed.

CIW regional office: Care Inspectorate Wales – North Wales Region
Government Buildings
Sarn Mynach
Llandudno Junction
LL31 9RZ
Contact Number: 03007900126
www.cssiw.org.uk

This **whistleblowing** policy and procedure was passed for use in *Faenol Playgroup CIC*

On: 6/11/19

By: Signature: Position:

Date of planned review: October 2020