



Little Strides

Disciplinary Policy



Aim of Policy

We operate a disciplinary procedure to ensure the proper operation of our business and the health and safety of our employees and children in our care. We will apply the following procedure in all instances where management regards disciplinary action as necessary, other than in cases of minor misconduct where an informal warning may be appropriate.

We reserve the right to implement the procedure at any stage as set out below taking into account the alleged misconduct. Employees will not ordinarily be dismissed for a first disciplinary offence. The time limits outlined in this procedure may be varied by agreement.

You have the right to be accompanied at a disciplinary hearing by: a work colleague; a trade union official employed by the union; or a trade union official who is certified in writing by the union as having the necessary experience or training to act as a companion.

Matters that we view as amounting to disciplinary offences include (but are not limited to):

- persistent bad timekeeping, poor attendance or unauthorised absence;
- failure to follow our policies and procedures;
- failure to ensure the safety and wellbeing of others;
- abusive behaviour;
- misuse of company property, time or premises including damage to our property;
- unreasonable refusal to follow an instruction issued by a manager or supervisor;
- data protection breaches and misuse of our information;
- smoking in non-designated areas of the company's premises; and
- bribery offences under the Bribery Act 2010.

Investigation

Your manager (or where appropriate, a different manager) will promptly and thoroughly investigate any matter that we reasonably suspect or believe to contravene any of our policies or rules or may otherwise be a disciplinary matter. You will be informed as soon as possible that an investigation is being carried out and when it has been concluded.

There may be instances where non-child contact duties are temporarily assigned or suspension with pay is necessary while we carry out investigations. We have the right to suspend you with pay where there are reasonable grounds for concern that you may tamper with or destroy evidence or pressurise witnesses prior to a disciplinary hearing, or if there is a potential risk to the business or other employees, children or third parties in allowing you to remain at work. Suspension is not, in itself, a form of disciplinary sanction.

Depending on the circumstances of the case, we may invite you to attend an investigation interview. We will inform you at the outset that the interview is an investigation interview. There is no right for a companion to accompany you at an investigation interview. We reserve the right not to conduct an investigation interview and to proceed directly to a disciplinary hearing.

Where it is not possible to hold a face-to-face meeting, we will conduct the investigation hearing remotely. We will ensure that you have access to the necessary technology for participating in the process. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

Procedure

If upon completion of an investigation, there are reasonable grounds to believe that there is a disciplinary case to answer, we will invite you to attend a disciplinary hearing before your departmental manager or manager of a similar level to the departmental manager.

Where it is not possible to hold a face-to-face meeting, we will conduct the disciplinary hearing remotely. We will ensure that you have access to the necessary technology for participating in the process. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

In the event of a disciplinary hearing taking place, we will:

- a. give you a minimum of two working days' notice of the hearing;
- b. inform you of the purpose of the hearing, its possible consequences and that we will hold it under our disciplinary procedure;
- c. explain your right to be accompanied at the hearing;
- d. give you written details of the nature of your alleged misconduct; and
- e. provide you with all relevant information (including statements taken from any employees or other persons that we intend to rely upon) not less than two working days in advance of the hearing.

Where you are unable to attend a disciplinary hearing and provide a good reason for failing to attend, we will rearrange the time and/or date of the hearing. We will comply with (a) above in respect of giving notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if you are unable to attend the rearranged hearing, the rearranged hearing will take place in your



absence. Your companion may attend in such circumstances and will have the opportunity to present your case. We will also allow you to make written submissions in such a situation.

Where your companion is unavailable on the day scheduled for the hearing, you may request that the hearing be rescheduled to an alternative time that is reasonable and within five working days of the scheduled date.

Role of companion

Your companion has the right to address the hearing to put your case, sum up your case and respond on your behalf to any view expressed at the hearing. Your companion may also confer with you during the hearing. However, there is no requirement for us to permit your companion to answer questions on your behalf, or to address the hearing where you indicate that you do not wish this.

Recording of meetings

The main discussions at the meeting will be recorded by a nominated note taker and you will have the opportunity to read and amend the record after the meeting.

You, and any person acting on your behalf, are not normally permitted to record electronically any meeting held as part of the disciplinary process. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action, up to and including dismissal.

Data protection

We process personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with our data protection policy. In particular, data we collect as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. You should report any inappropriate access or disclosure of employee data in accordance with the company's data protection policy immediately as this constitutes a data breach. It may also constitute a disciplinary offence, which we will deal with under this disciplinary procedure.

The disciplinary hearing

A disciplinary hearing will normally be conducted by your manager together with a note taker or HR or senior manager (the panel). Any member of management responsible for the investigation of the disciplinary offence(s) shall not be a member of the panel, although such managers may present any relevant facts and material to the disciplinary hearing. You will be entitled

to a full explanation of the case against you and we will inform you of the content of any statements provided by witnesses. You will be permitted to set out your case and answer any allegations. We will give you reasonable opportunity to ask questions, present evidence and call relevant witnesses. You will also have the opportunity to raise points about any information provided by witnesses. Both parties must give advance notice if they intend to call relevant witnesses.

We may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). We will inform you of the likely period of any adjournment. If we gather further information, we will give you a reasonable period of time, together with your companion, to consider the new information prior to the reconvening of the disciplinary proceedings.

As soon as possible after the conclusion of the disciplinary proceedings, the panel will inform you of what, if any, disciplinary action is to be taken. We will confirm the decision in writing and notify you of your right of appeal under this procedure.

Disciplinary action

Where, following a disciplinary hearing, we reasonably believe that you have committed a disciplinary offence, we may take the following disciplinary action:

- Where you have committed a disciplinary offence, or a further minor offence or offences following a recorded informal warning, you may receive a first written warning. The warning will:
 - vi.** set out the nature of the offence committed;
 - vii.** inform you that further misconduct is liable to result in further disciplinary action under this procedure;
 - viii.** specify the period for which the warning will remain "live", after which we will review the warning; and
 - ix.** state that you may appeal against the warning.
- **x.** set out the nature of the offence committed;
- **xi.** inform you that further misconduct is likely to result in your dismissal;
- **xii.** specify the period for which the warning will remain "live", after which we will review the warning; and
- **xiii.** state that you may appeal against the warning.
- Where you commit a serious disciplinary offence amounting to misconduct, but we decide, after taking into account all relevant circumstances, that a lesser penalty is appropriate, or, where you commit further disciplinary offences after a first written warning has been issued and remains "live", we may give a final (or combined first and final) written warning. Such a warning will:



- Where you have committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning given under b. above, we may elect to dismiss with notice or payment in lieu of notice.
- Where we reasonably believe that you have committed an act of gross misconduct, you may be summarily dismissed without notice.
- Where we give you a final written warning under b. above, we may also impose (where your contract of employment allows):
 - i. a period of suspension without pay;
 - ii. loss of seniority;
 - iii. stoppage of pay for such period as we see fit in the circumstances subject to a maximum of [number of weeks]; or
 - iv. transfer to a job of a lower status.

We may impose the above sanctions in conjunction with other forms of disciplinary action, or as an alternative to dismissal.

Expired warnings

We will retain expired warnings on your personnel record as we may need to take account of the warning when considering future conduct, for example to establish a pattern of behaviour or an awareness of the relevant rules. We will not normally retain documentation relating to the expired warning unless there is a justification for this.

Appeal

You may appeal against any disciplinary sanction imposed against you. Wherever possible, a senior manager who has not been involved in the disciplinary process to date will hear the appeal. The appeal manager is obliged to consider any representations made by you, your companion and those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction. If any new evidence is introduced during the appeal stage, you will be given the opportunity to consider it and raise any comments. Once they have thoroughly explored the relevant issues, the appeal manager will decide whether or not to uphold the disciplinary sanction. In the event that the appeal manager decides in your favour, they shall allow the appeal and shall remove all records of the disciplinary sanction from your record. In the event that the appeal manager does not decide in your favour, they must uphold the disciplinary sanction. In the event that the appeal manager partially decides in your favour, they shall partially allow the appeal and impose a lesser disciplinary sanction.

When lodging an appeal, you should state:

- the grounds of appeal; and

- whether you are appealing against the finding that you committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

You must provide written notice of the appeal within five days of being informed of the disciplinary sanction.

Appeal hearings will normally take place within 14 days of receipt of a written notice of appeal. Where it is not possible to hold a face-to-face meeting, we will conduct the appeal hearing remotely. We will ensure that you have access to the necessary technology for participating in the process. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

Upon completion of the appeal, the appeal manager will inform you of the decision which will be confirmed in writing within 10 working days. Our decision at the appeal is final.

Where you appeal against a dismissal, you will not be entitled to be paid or reinstated (unless you are entitled to notice) between the date of dismissal and the conclusion of the appeal process. In the event however that we overturn the dismissal on appeal, you will be reinstated with immediate effect and be paid for any period between the date of the original dismissal and the successful appeal decision. Your continuous service will not be affected.

Gross misconduct

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between an employee and the company. In the event that you commit an act of gross misconduct, we will be entitled to terminate summarily your contract of employment without notice or pay in lieu of notice.

Matters that we consider amount to gross misconduct include (but are not limited to):

- theft, fraud or other offences of dishonesty;
- unauthorised absence;
- falsification of records including reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
- data protection breaches, disclosure of company documents, trade secrets and other confidential information to unauthorised third parties;
- indecency;
- physical violence or bullying;
- deliberate damage to or misuse of property;
- gross insubordination;
- the use or distribution of illegal drugs while at work;



- serious incapability at work brought on by alcohol;
- possession, custody or control of illegal drugs on our premises;
- serious breach of the company's rules, including, but not restricted to, health and safety rules and rules on computer use;
- gross negligence;
- conviction of a criminal offence that is relevant to your employment;
- misuse or abuse of social media in and outside work;
- deliberately accessing offensive or obscene material;
- making covert recordings of colleagues or managers;
- conduct that negatively affects our reputation; and
- unlawful discrimination or harassment.

Other acts of misconduct may come within the general definition of gross misconduct.

Miscellaneous

If you are an accredited representative of a trade union that we recognise for collective bargaining purposes, and are suspected of having committed a disciplinary offence, we will take no action under this procedure (with the exception of suspending you in a case of alleged gross misconduct) until, with your prior agreement, we have had a chance to discuss the matter with a full-time official of that trade union.

This procedure will be periodically reviewed. A member of the senior team will notify employees in writing of any change to it and of the date any change comes into effect. This may be via our internet use of notice boards or email.

This policy is non-contractual and we may make changes to it from time to time.

Review date	Name	Position	Signature
Aug 2022	Nicola Reed	Head of Childcare & Training	N Reed