

Live~Laugh~Love

Disciplinary procedure

At Bambi’s Childcare we follow our legal obligations as an employer at all times including dealing with any disciplinary matter in a fair and consistent manner. We have a policy and procedure that set out our process.

**Legal obligations**

Our legal obligations as an employer are detailed in the ACAS Code of Practice on disciplinary and grievance procedures. This code of practice was introduced on 6 April 2009. A full copy of the ACAS Code of Practice and the accompanying guidance can be obtained from the ACAS website [www.acas.org.uk](http://www.acas.org.uk).

**Disciplinary penalties**

In the first instance, where less serious offences are concerned, we will give a verbal warning. This warning will be recorded and a copy maintained in the employee’s personnel file with a time scale for improvement or to not re-offend.

If further action becomes necessary and there is already an active warning on your record, or the misconduct is sufficiently serious, we will give a written warning. This warning will be recorded and a copy maintained in the employee’s personnel file for 1 year.

If the employee continues to fail to meet the required standards and there is already an active written warning on record, or the misconduct is sufficiently serious, we will issue a final written warning indicating that further behavior of a similar nature within a specified time period could result in dismissal. This warning will be recorded and a copy maintained in the employee’s personnel file for a specified period of time.

*In conjunction with the early year’s statutory framework, section 3, 3.15, a person may be disqualified because they live in the same household as another person who is disqualified or where a disqualified person is employed.*

**Examples of misconduct**

Examples of what would constitute a misconduct offence include:

* Minor breaches of our policies [including the Sickness Absence Policy, Mobile Phone and Social Networking Policy, and Health and Safety Policy]
* Minor breaches of your contract
* Damage to, or unauthorised use of, our property
* Poor timekeeping
* Time wasting
* Unauthorised absence from work/unacceptable attendance levels
* Refusal to follow instructions
* Excessive use of our telephones for personal calls
* Excessive personal email or internet usage
* Obscene language or other offensive behavior
* Negligence in the performance of your duties
* Smoking in no smoking areas.

**Examples of gross misconduct**

Examples of what would constitute a gross misconduct offence include:

* Failure to inform the employer of a disqualification, either personally or a person living in the same household as the registered provider, or a person employed in that household
* Theft or the unauthorised possession of property belonging to the nursery, its employees or customers
* Assault on any employee or persons associated with the nursery
* Breach of confidence i.e. the divulging of confidential information relating to the nursery, its employees or clients
* Dishonesty, including the use of any funds, expenses or allowances for any other purpose than that for which they have been delegated by the nursery
* Being under the influence of drugs or alcohol whilst on duty
* Serious or persistent breaches of safety rules
* Fraud including falsification of work records and expense claims
* Signing/clocking in or out for another employee
* Physical assault or abuse towards a child e.g. hitting a child in chastisement or harsh disciplinary actions
* Discrimination/harassment in any way against a person
* Persistent failure to follow nursery documentary systems and procedures.

Further behavior that could constitute gross misconduct is not limited by the above list.