

# Disciplinary Procedures

## Flying Start Pre-School

If a member of staff is not carrying out their duties in a sufficient manner or has not taken heed of all our policies and procedures we would discuss the matter and try to resolve it, giving advice, ideas, training, and agreeing a time when this must be achieved. In such a case a note will be placed on the individual's file noting that an interview had taken place.

However if this does not resolve the issue then we would take the following actions: -

1. A verbal warning and repeating the first action. This warning will be recorded and a copy maintained in the employee's personnel file.
2. If further action becomes necessary a written warning will be given, stipulating the nature of the problem and stating that if the problem was not solved by the date now given, they will receive a final written warning. This warning will be recorded and a copy maintained in the employee's personnel file.
3. If the employee continues to meet the required standards a final warning will be issued indicating that further behaviour of a similar nature within a specified time period could result in dismissal.
4. In the event of continued failure to meet the required standards, the employee will be dismissed and their contract will be terminated.

### **Gross Misconduct.**

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are being made. These should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. Obviously these investigations should be carried out within as short a time as possible.

Instant dismissal is possible only in circumstances of gross misconduct. Examples of such misconduct would be:

- Theft or fraud
- Ill treatment of children
- Assault
- Dishonesty, including the use of funds
- Malicious damage
- Gross carelessness which threatens the Health and Safety of others
- Being unfit through drugs or alcohol whilst on duty.
- Discrimination in any way against a person on the grounds of colour, religion, ethnic or national origin, sex or marital status.

In these circumstances the following procedure will be undertaken:-

1. Risk Assessment for Suspension will be undertaken.
2. Disciplinary action/ suspension will be undertaken in response to the Risk Assessment. The member of staff will be suspended until the accusation has been fully investigated. This also applies in the event of 'Disqualification' of the registered provider or an employee. (As stated in the disciplinary procedure.) The person in question will be notified that they must make no contact with the setting, any member of staff or parent.
3. Obtain written statements from the person making the allegation and all witnesses to the disciplinary incident.
4. Notify OFSTED (If in connection with setting) within 24 hours and back up in writing within 14 days of receiving the allegation.

National Business Unit  
5<sup>th</sup>, 6<sup>th</sup> & 7<sup>th</sup> Floor,  
Piccadilly Gate,  
Store Street,  
Manchester,  
M1 2WD.

Telephone number: - 0300 123 1231

5. The LADO should be notified of all cases in which it is alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child in a way that indicates they may pose a risk of harm to children

Local Authority Designated Officer (LADO) team: To make a referral if an allegation is made or a concern is raised about a member of staff in relation to safeguarding children:

Complete a LADO referral form and send on secure email to [LADO@surreycc.gov.uk](mailto:LADO@surreycc.gov.uk)

You should send the referral to the LADO within 24 hours of incident or awareness of and before any internal investigation takes place. A LADO will be in touch within 24-48 hours to support and advise you how to manage allegations correctly. Notify Surrey LADO Team within 24 hours Tel: - 0300 1231650

You may be advised to contact Surrey Police

Ofsted should be notified of any referral to LADO within 14 days– notifications can be reported online here -

<https://www.gov.uk/guidance/report-a-serious-childcare-incident>

- Notify Surrey Education Safeguarding Team on 01483 517008 or email [education.safeguarding@surreycc.gov.uk](mailto:education.safeguarding@surreycc.gov.uk) and they will aim to reply within five working days to put in place an action plan/Safer Recruitment Review.

6. Contact the police and other organisations if this is required.

7. Initial Assessment must be completed within 10 working days.

8. The outcome will be recorded as Substantiated, Unsubstantiated, Unfounded or Deliberately invented or malicious and the employee informed and decision made about whether the employee may return to work.

9. Make referral to the DBS (Disclosure and Barring Service) as from 1<sup>st</sup> December 2012

<http://www.homeoffice.gov.uk/crime/vetting-barring-scheme/>. Flying Start are under legal duty to notify the Disclosure and Barring Service (DBS) of relevant information, so that the individuals who pose a threat to vulnerable groups can be identified and barred from working with Children. If the member of staff resigns during investigation or before they are dismissed, we will still inform the DBS (Disclosure & Barring Service).

10. Advice can also be gained from Advisory, Conciliation, and Arbitration Service (ACAS) Tel: - 08457 474747, & Public Concern at Work (Whistleblowing Charity) Tel: - 020 7404 6609 Email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

In the event of an allegation made against a member of staff we would speak to all parties involved, gaining written statements from everybody. We would try to resolve the matter and if the member of staff were found to be at fault the above action would be taken.

<b>This policy was adopted on</b>	<b>Signed on behalf of the nursery</b>
09/01/24	Sarah Maynard