

# Managing Staff Behaviour Code of Conduct

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Findon Village Preschool (FVPS)

Revised August 2022

Yvonne Wilson (Chair of Trustees)



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At Findon Village Preschool we are committed to safeguarding and promoting the welfare of children and young people and expect all staff, contractors and volunteers to share this commitment.

## **INTRODUCTION**

This Code of Conduct applies to you if you are an employee of Findon Village Preschool, whether employed on a permanent, temporary or voluntary basis. All employees must follow this Code; deliberate breaches of the Code may be treated as a disciplinary offence. As with all preschool policies and procedures, we ask that staff use their common sense and act reasonably within the conditions provided in this document.

All actions concerning children and young people must uphold the best interests of the young person as a primary consideration.

Staff must always be mindful of the fact that they hold a position of trust, and that their behaviour towards the children and young people in their charge must be above reproach.

This Code of Conduct is not intended to detract from the enhancing experiences children gain from positive relationships with staff. More importantly, it is intended to assist staff by offering guidance on prudent conduct.

### **The purpose of this code of conduct for Findon Village Preschool staff is;**

- To identify boundaries and responsibilities.
- To agree communication and accountability.
- To explain what is expected of you as an employee.
- To ensure staff demonstrate high standards of conduct in order to encourage our children to do the same.
- To ensure that staff avoid putting themselves at risk of allegations of abusive or unprofessional conduct.
- To help staff understand what behaviour is and is not acceptable.

### **This Policy/Code of Conduct should also be read in conjunction with;**

- Your job description.
- Your contract of employment
- The setting grievance procedures, disciplinary procedures and complaint procedures.
- All setting policies and procedures.

## **POLICIES AND PROCEDURES**

The Preschool has a range of policies and procedures which apply to all staff. These are available from the manager and the website. All staff must read the policies and comply with their terms. The failure of any staff member to do so may result in disciplinary action being taken against them.

## **REFERENCES**

All applicants will need to provide at least two references. One reference must be from the applicants current or most recent employer. Written references must be followed up by a telephone call to verify authenticity. Failure to provide at least two required references will be viewed as a breach of your employment contract terms.

## **CHECKS**

The applicant's identity will need to be verified with photographic proof e.g. a passport or driving licence. The applicant's qualification will need to be verified by the original documents. The applicant's right to work in the UK will be confirmed through scrutiny of appropriate documents. The applicant's health and physical capacity to undertake the role will be verified.

Findon Village Preschool has a duty under the Children's Act and other enactments to ensure that all staff are suitable for the job. To ensure that all members of staff, volunteers and students who come into contact with children are suitably vetted we carry out DBS checks.

## **ATTENDANCE, TIMEKEEPING AND APPOINTMENTS**

Staff are required to comply with the rules relating to notification of absence set out in their contract of employment.

Staff are required to arrive at work promptly and be ready to start work at their contracted starting times. Staff are required to remain at work until their contracted finishing times.

Findon Village Preschool provides a signing in and out system for recording staff attendance at the setting. The signing in and out sheets are used to calculate salary, monitor absences and overtime. It is important this is filled in correctly otherwise there may be implications for your pay.

All staff must obtain management authorisation if for any reason, they wish to arrive later or leave earlier than their agreed normal start and finish times.

Persistent poor timekeeping will result in disciplinary action

When can employees attend appointments? We appreciate that it is sometimes difficult to make appointments such as with Doctors or Dentists at a time that is convenient for both the employee and the setting. In most cases Findon Village Preschool requires you to make appointments in your own time, however, in cases where this is not possible, appointments must be scheduled at the beginning or end of a shift and agreed with your manager.

## **PROFESSIONAL DEVELOPMENT**

Findon Village Preschool is fully committed to your development and we will advise on other training courses that might be relevant. Training is also provided at staff meetings and other in house sessions.

It is expected that a childcare practitioner will continually update their knowledge and skills through a life-long learning approach.

At all times, a childcare practitioner should not undertake an activity in which they do not feel competent, or is outside their area of practice and knowledge. Findon Village Preschool acknowledges the strengths and limitations of a childcare practitioner's expertise and will ensure there is regular appraisal and assessment.

There is mandatory training that all staff should undertake (see training register). Staff need to identify what is expected and ensure they attend these sessions. This will be discussed during your induction and as a continuous process while you are employed by the setting.

## **ALCOHOL, DRUG ABUSE, SMOKING AND E-CIGARETTES.**

The consumption of alcohol on the premises is strictly forbidden unless it is part of an agreed event authorised by management, such as a staff barbecue/event.

Any employee who is found consuming alcohol on the premises or is found to be intoxicated at work will face disciplinary action under the disciplinary procedure. Please be aware that even if you are not found to be intoxicated, coming into work suffering from the immediate after effects of alcohol may also impair your ability to perform your role to the required standards. A breach of this procedure is considered an act of gross misconduct. All staff are subject to random drugs and alcohol testing.

The possession, use or distribution of drugs for non-medical purposes on the premises sites is strictly forbidden. Any member of staff who is found to be intoxicated at work will face disciplinary action under the disciplinary procedure. A breach of this procedure is considered an act of gross misconduct.

Smoking is forbidden (including e-cigarettes) on the premises or in sight of the preschool

grounds. Any member of staff who is found smoking on the premises will face disciplinary action under the settings disciplinary procedure.

If staff members do smoke hands must be washed, teeth cleaned and clothes changed before attending to the care of any child.

Members of staff who wish to smoke before their shift commences or at break times, must ensure that they are not identifiable by their uniforms and are a reasonable distance from the building. Hands must be washed, teeth cleaned and clothes changed before attending to the care of any child. Staff have a duty to ensure they do not smell of smoke at any time during working hours. Cigarettes, matches and lighters must be kept securely away from children. Electronic Cigarettes - Although generally thought to be less harmful than smoking real cigarettes, electronic cigarettes still contain the addictive chemical nicotine as well as other toxic substances. Consequently, for the purposes of this code of conduct, the smoking of substitute cigarettes is deemed to be the same as smoking the real thing. Therefore, please observe our no smoking rules.

## **MEDICATION, HEALTH, SAFETY AND HYGIENE**

Staff must not be under the influence of any medication which may affect their ability to care for children. If a member of staff is prescribed medication by their doctor that may affect their ability to perform work, then this should be discussed with the setting Manager.

Medication should be kept in the first aid safe and not left in bags or coats.

Findon Village Preschool will act positively to minimise the incidence of all workplace risks as required by the Health and Safety at Work Act 1974 and other associated legislation. Through continuous improvement of standards, and comprehensive use of risk assessments we aim to systematically remove the causes of accidents/incidents and ill health. Staff must work as a team to minimise any risk and use common sense methods to remove any potential risk.

We are committed to safeguarding and promoting the welfare of children and young people and expect all staff, contractors and volunteers to share this commitment.

Staff will be provided with a Health and Safety induction when joining the Preschool as well as on-going training as required.

All activities should be carried out with the highest regard for the health and safety of all staff, children and visitors. Staff have a responsibility to carry out tasks in accordance with training received e.g. manual handling and to wear protective clothing provided where

appropriate. (See Health and Safety Policy).

Staff should be a role model to the children in terms of their own health and hygiene. Leading by example is the best way to teach good behaviours to children for example:

- Have a clean, neat and tidy appearance.
- Encourage children's awareness of physical development (exercise, diet, rest, challenges and risks)
- Show the importance of hydration (drink plenty of water).
- Use 'good manners' and clear purposeful language/communication.
- Show how keeping fit is important to development of mind and body.
- Show children how to take positive risks safely.

### **MOBILE PHONES AND CAMERAS.**

Members of staff must keep personal mobile phones in a secure place, in a staff area only.

Personal mobile phones are not permitted in any spaces that are accessed by children.

It is recognised that in certain situations it may be necessary for staff to have a mobile phone for the use of the setting e.g. on an outing. The use of a mobile phone must never detract from the quality of supervision and care of children.

Personal mobile phones or similar devices must not be used to take photographs of children. Members of staff must only use cameras/i-pods provided by the setting to take photographs of children. Failure to comply will result in disciplinary action.

Staff have a duty to ensure parents do not use their mobile phones to take photos in the setting.

### **INFORMATION AND COMMUNICATION TECHNOLOGIES**

Staff must not use any ICT services for copying, storing, sending or retrieving unacceptable material. "Unacceptable material" includes any documents, messages, information, graphics or other electronic data that:

- Breach UK legislation.
- Contravene the settings Equality Policy.
- Contain offensive, pornographic or obscene language or material.
- Plan, promote, incite or facilitate any illegal or terrorist activities.
- Contain defamatory or slanderous language or material.
- Denigrate, insult or ridicule another person.
- Intimidate, bully or harass another person.
- Adversely comment on integrity, personality, honesty, character, intelligence,

methods or motives of another person unless it is factual response to a formal reference request.

- Provide or facilitate the use of computer hacking tools or virus toolkits.

Staff must not use the Internet, external electronic mail, external telephone, fax or any other form of electronic communication to transmit sensitive, subversive information, including:

- Opinions that do not reflect the policies of the Preschool.
- Information that could damage the Preschool's reputation and standing in the community

### **SOCIAL NETWORKING SITES**

Staff must ensure that social networking sites are set as private so that only authorised persons can have access to them.

Staff must not accept or invite any children to use their private sites.

Staff must never contact any children or their families using their private social networking sites to discuss any aspect of the preschool setting/terms and conditions. Staff must never upload any photos, comments or information about the setting or any persons linked with it.

### **SOCIAL CONTACT**

All staff are expected to uphold professional boundaries. Staff have a duty to approve any planned social contact with children and their families with their manager. Confidentiality of employment must be adhered to and respected during social contact. In summary staff should:

- Ensure all contact with existing children or their parents is of a professional and non-preschool related nature.
- Consider the appropriateness of the social contact according to their role and nature of their work. •
- Advise management of any social contact they have with a child or parent with whom they work, which may give rise to concern.
- Understand that some communications may be called into question and need to be justified (parents becoming dependant)
- Staff must not engage in conduct outside work which could seriously damage the reputation and standing of the preschool or the employee's own reputation or the reputation of other members of the Preschool.
- Criminal offences that involve violence or possession or use of illegal drugs or sexual misconduct are likely to be regarded as unacceptable.
- Be cautious when undertaking work outside pre-school, either paid or voluntary,



such that it does not conflict with the interests of the preschool or affect an individual's work performance.

Staff must not openly discuss:

- Opinions that do not reflect the policies of the Preschool.
- Information that could damage the Preschool's reputation and standing in the community

## **DRESS CODE AND APPEARANCE**

The preschool will provide appropriately branded T shirts and fleeces.

Staff should wear clothing which is;

- comfortable,
- allows free movement and is appropriate to their role.
- Is not likely to be viewed as offensive, revealing or sexually provocative.
- Does not distract, cause embarrassment or give rise to misunderstanding.
- Is absent of any political or otherwise contentious slogans.
- Is not considered to be discriminatory and is culturally sensitive.
- Staff should ensure hands and nails are kept clean and long hair is tied back.
- Jewellery should be minimal to avoid safety implications.

## **ACCOUNTABILITY**

Staff are accountable to the Preschool for undertaking those activities that are associated with their job/role (Please refer to your job description/specification). A member of staff must inform their immediate manager if they do not feel competent to undertake any activities and must request reasonable/appropriate training.

Staff have a duty to report any behaviour by colleagues that raises concern (please see the Whistle Blowing policy).

A childcare practitioner has a duty to respect families by:-

- Valuing their cultural diversity, opinions and choices.
- Being non-judgmental.
- Planning contacts/appointments with the parent.
- Seeking clarification and not assuming.
- By listening and responding appropriately.
- By acknowledging her/his own limitations.
- Maintaining appropriate behaviour and activities between the family and

her/himself.

Staff have a responsibility to challenge any discriminatory remarks or behaviour against other staff members, visitors, children and their families. (Please refer to the Equalities and Diversity Policy)

Staff have a duty to notify the Preschool of changes to personal details, change of address, telephone number, and relevant health issues.

Staff must avoid using inappropriate or offensive language at all times. They should not openly express opinions that do not reflect the policies of the Preschool or information that could damage the Preschool's reputation and standing in the community

### **DISCLOSURE AND BARRING SERVICE (DBS)**

All staff have a duty to notify the of any circumstance which may affect their suitability to work with children. The Preschool Manager is responsible for ensuring all staff, including contractors, bank staff, students and volunteers, are suitable to work with children.

Checks are carried out via enhanced Disclosure and Barring Service (DBS) (CAPITA) clearance checks as well as other sources, such as employer references, identity checks and qualification checks, amongst others.

Where possible new staff will have the checks completed prior to starting employment. However if there are delays in checks coming through, as a last resort, candidates may work in the preschool before these checks are completed as long as they are supervised by registered and DBS checked staff at all times. Staff awaiting these checks will never:

- Be left unsupervised whilst caring for children.
- Take children for toilet visits unless supervised by registered staff.
- Change nappies.
- Be left alone in a room or outside with children.
- Administer medication.
- Take photographs of any children.
- Look at a child's learning and development log.
- Have access to children's personal details and records.

The Preschool requires each member of staff to subscribe to the government's DBS Update Service within 19 DAYS of receiving their initial or revised DBS certificate. This service can be accessed online at <https://www.gov.uk/disclosure>.

### **TEAM AND PARTNERSHIP WORKING**

Staff are required to work co-operatively within teams and respect the skills, expertise and

contribution of colleagues. They are expected to treat others fairly and without discrimination.

Staff must communicate effectively, both verbally and in writing. As required, they must share their knowledge, skills and expertise with other team members in order to improve practice.

Staff must work with other members of the team to promote a care and learning environment that is conducive to safe and ethical practice. If the care environment deteriorates, the practitioner must report this to their line manager.

## **CONFIDENTIALITY**

Staff must guard against breaches of confidentiality by protecting information from improper disclosure at all times and follow all appropriate policies. (Please refer to your confidentiality policy).

Staff must only disclose information outside the immediate team if:

- It can be justified as being in the public interest (usually where disclosure is essential to protect the child or someone else from risk or significant harm). This is required to do so by law or by order of the court.
- There is an issue of safeguarding, and s/he must then act at all times in accordance with national and local procedures.

Most staff are likely at some point to witness actions which need to be confidential, this needs to be reported and dealt with in accordance with the appropriate setting procedure. Incidents must not be discussed outside the Preschool, including with the child's parent or carer.

(Please refer to the Safeguarding Children's Policy)

Staff who intend to share information about a child's care, learning and development with an outside agency (i.e. additional childcare services used by the family / Health visitors) must seek prior permission from the child's parent and the setting manager.

## **BABYSITTING**

If an employee offers a babysitting service then this is a private agreement between the parent and employee in which Findon Village Preschool will not be held liable, this must be made clear to the parents.

It is not acceptable for a member of staff to transport a child by car directly to and from the setting. The member of staff transporting the child does so as a private arrangement and must ensure they have their own insurance. The setting accepts no liability for the child once off the premises.

## **OUTSIDE COMMITMENTS**

All employees should consult the Preschool Managers before taking on additional employment. Additional employment must not conflict with the setting's interests or impair employee's ability to carry out their role at this setting. Please bear in mind if you do have additional employment elsewhere, then you will need to declare which employer is the

primary source of your income. This is necessary in order to avoid confusion over tax codes. You are only allowed one employer where your tax code can be used to take advantage of your personal tax free allowance. Additional employers will have to adopt a secondary position and tax all of your earnings, usually on a BR (Base Rate) coding. Consequently, if we are not your main employer then we will need to tax you at the BR rate. Failure to declare a primary employer to the HMRC may result the levy of backdated tax and penalties.

## **VULNERABLE SITUATIONS**

As a key person, you must discuss intimate care routines with a child's parents. The settings Safeguarding Children and child protection Policy must be followed at all times.

Employees should always encourage children to undertake self-care tasks independently, where developmentally appropriate.

Ensure employees understand the extent and limitations of their role in applying basic care and hygiene tasks for minor abrasions and understand where an injury might require more experienced intervention.

Employees need to be vigilant of neglect or abuse caused outside the Preschool and to report any signs to the settings Manager.

Employees must not be placed in situations which render them vulnerable. Where this is unavoidable, full and appropriate risk assessments are conducted and agreed for lone working situations.

Employees must be prepared to report any actions of another individual they deem inappropriate to the setting management.

When one to one situations are unavoidable, employees must take precautions to reduce the vulnerability of both the child and the adult, for example, informing colleagues of the situation and leaving room doors open.

## **WHISTLEBLOWING**

Whilst we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective, there

may be occasions where this may not be happening. It is vital that all team members talk through any concerns they may have with their line manager (Helen Turner) at the earliest opportunity to enable any problems to be ironed out as soon as they arise.

If, in the course of your employment, you become aware of information which you reasonably believe tends to show one or more of the following, you **MUST** use the Preschool's disclosure procedures:

- That a criminal offence has been committed or is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. The EYFS).
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above, is being, or is likely to be, deliberately concealed
  - That you challenge discriminatory behaviour and report any incidents.

Where you reasonably believe one or more of the above circumstances listed above has occurred you should promptly disclose this to your manager so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to your manager (i.e. because it relates to your manager) you should speak to the chair person. Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure, unless proved to be made with malicious intent. For further guidance in the use of the disclosure procedure, employees should speak in confidence to the Preschool Manager.

(Please see the Whistleblowing Policy)

## **DECLARATIONS AND CHANGES OF CIRCUMSTANCES**

Employees are expected to declare all convictions, cautions, court orders, reprimands and warnings that effect suitability.

A childcare practitioner has a duty to notify the Preschool manager of any changes of circumstance which may affect their suitability to work with children.

An annual status check will be performed by the Preschool for all staff.

## **PARENTS AND CARERS**

- Staff must maintain a professional relationship with parents and carers at all times.
- Each member of staff must recognise that parents and carers need feedback regarding their children and that this must be given in an open, honest and

friendly manner. The relationship with parents and carers must not become overly familiar such that it clouds the impartiality of your judgement and action.

- Whilst there is always the possibility of a member of staff having a close relationship with a parent or carer outside of the setting, we must avoid any conflict of interest or undue favouring of a child. Where such a relationship arises the member of staff should immediately inform the Managers to discuss any action to be taken.
- Where a member of staff finds that they have a prior close relationship to a child in the setting through such means as a family relationship or close friendship then the Manager must be made aware of this immediately and may require the member of staff to change rooms to avoid any conflict of interest or risk of undue favouring of the child.

## **OFSTED**

Ofsted is the Office for Standards in Education Children's Services and Skills. It reports directly to Parliament and is independent and impartial. Ofsted inspects and regulates services which care for children and young people, and those providing education and skills for learners of all ages. All settings have to be registered and approved by Ofsted before they can begin to look after children.

Having a well-respected Ofsted rating is very important to Findon Village Preschool, primarily because it is a very important consideration for a parent / carer when choosing a setting. At the moment Ofsted has 4 inspection ratings (1) outstanding (2) good (3) requires improvement (4) inadequate.

It is expected that all staff members share the Preschool's belief and aspiration to uphold the highest standards at all times, such that when we are inspected by Ofsted, we can demonstrate outstanding practice. Consequently, staff are expected to understand and contribute towards our development and improvement plan which is reported directly to Ofsted on an annual basis. The plan examines:

- What we are doing now?
- What we are aiming to do?
- How well are we doing by comparison to previous years?
- How well are we doing by comparison to other settings?
- What areas of quality practice need to be maintained?
- What areas of practice need to be improved?
- How do we plan to achieve our aims in the future?

## **DISCIPLINARY PROCEDURE**

Our disciplinary procedure is designed to encourage all employees to achieve high standards of conduct, attendance and work performance. The procedure provides a fair, effective and consistent method of dealing with disciplinary matters. You are expected to know the standard of conduct or work performance expected of you. You will be allowed to respond to any alleged fault or failing.

You are always entitled to be accompanied by a work colleague or a recognised trade union representative at a disciplinary meeting. For minor or isolated infringements of rules or expected behaviour, the early years setting may give you informal advice, coaching and guidance.

If your conduct or performance fails to improve as a result of this advice, coaching or counselling, or where the offence is more serious, then the disciplinary procedure will be applied.

We consider the following issues to constitute gross misconduct:

- theft, fraud and deliberate falsification of records, expenses, qualifications and other offences of dishonesty
- physical violence
- serious bullying or harassment
- deliberate damage to property
- conviction of a criminal offence relevant to the employee's role
- gross negligence
- serious insubordination
- misuse of the setting's property or name
- misuse of electronic communications which defames individuals or brings the organisation into disrepute
- bringing the organisation into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs (including psychoactive substances, including those formerly known as "legal highs") or any prescription drugs that have not been prescribed for the user
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious failure to comply with policies, procedures and legal requirements, including those that safeguard children
- serious breach of the early years setting's and statutory policies
- defaming or bad mouthing the setting on social networking sites or in public or social settings
- serious breaches of the General Data Protection Regulation
- bribery and corruption
- Possibly committed an offence against or related to a child
- Behaved towards a child or children in a way that indicates that she / he is unsuitable to work with children
- Displayed inappropriate behaviour e.g. inappropriate sexual comments, excessive one to one attention beyond the requirements of their usual role and responsibilities or inappropriate sharing of images

- any act or omission likely to bring or that does bring a child into danger or risks causing or causes injury to a child or another member of staff, parent or member of the public. This to apply whether the act of omission is wilful or accidental
- yelling or the use of harsh tones of voice
- any acts of physical, verbal or sexual harassment or discrimination including “one off acts”
- neglect, striking or abusing a child
- withholding of food, nap or other comfort from a child
- causing loss, damage or injury through serious negligence
- falsification of records (i.e. employment application, time clock, and your records)
- dishonesty unconnected with the employment but which may make it inappropriate to continue to employ the employee
- theft or fraud of School's or another employee's property
- violence or bullying on School's premises or on a site at which the School operates
- breach of confidentiality concerning School's confidential information
- refusal to obey the reasonable orders of a superior
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- failure to wear safety equipment provided by the School or a serious breach of to follow health and safety precautions and procedures
- betting and gambling on School's premises or on site after a request to discontinue
- failure to attend for work without reasonable cause, for any period exceeding a total of two working days in any 12 month period
- Bringing the Preschool into serious disrepute, even if done in the employee’s own time.
- This list is not exhaustive

Except in cases of gross misconduct, which, in the opinion of the School justify summary dismissal, the following procedure will be adopted: -

#### Stage 1 - First warning

If your work or conduct is considered unsatisfactory, warning to that effect will be given by the School either verbally or in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept on your personnel file, but it will be disregarded for disciplinary purposes after twelve months.

#### Stage 2 – Final written warning

If there is further misconduct or your work or conduct does not in the opinion of the School improve during the currency of a prior warning, or if the offence is sufficiently serious a final written warning in writing will be given by the School. This will give details of the complaint,



the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on your personnel file, but it will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance.

### Stage 3 - Dismissal or action short of dismissal

If at the end of that period, the required improvement has not, in the opinion of the School, taken place. The final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer to another school. You will be provided in writing with the reasons for dismissal, the date on which the employment will terminate, and the right of appeal. If some sanction short of dismissal is imposed, you will receive details of the complaint. You will be warned that dismissal could result if there is no satisfactory improvement and will be advised of the right of appeal. A copy of this written warning will be kept on your personnel file, but it will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance. You may be suspended on full pay pending the outcome of investigations. It should be noted that for cases of minor misconduct the School will normally go through the above stages although in cases of more serious misconduct the School may enter the disciplinary procedure at Stage 2 or 3. Dismissal and suspension may be effected only by a Manager or Chair of Governors. Suspension on pay may be affected where the School is considering invoking the disciplinary procedure or is conducting an investigation. If, after any stage of the disciplinary procedure, no further warnings are issued for a period of twelve months, then the details of the previous disciplinary action will be removed from the records.

## **DISCIPLINARY HEARING PROCEDURE**

Where the School believes that the disciplinary procedure should be invoked, you will be written to and advised of the allegations against you. The letter will give at least 24 hours' notice of any disciplinary hearing. At a disciplinary hearing you have the right to be accompanied by a workplace colleague not acting in a legal capacity or a full-time trade union official, or a lay trade union official who has been reasonably certified by the union in writing as having experience of, or having received training in, acting as a companion at such hearings. There is no necessity for the trade union official's union to be recognised in the workplace. There is, though, no obligation on workers or union officials to accept a request to act as a companion, so no pressure should be applied on them to do so.

We always bear in mind the principles of fairness e.g. employees will be informed of the allegations against them, together with any supporting evidence in advance of the meeting. All meetings will have minutes taken and you will be given a copy. In the meeting employees will be given the opportunity to challenge the allegations. If you do not accept them, evidence may be called by the person presenting the case to prove the allegation (including references) and you will be given the opportunity for witnesses of

your own to be heard. Each side may cross-examine the other party's witnesses before decisions are reached.

The Chair or Governors will normally chair disciplinary hearings and the case presented by your line manager.

The School will advise you of its decision in writing within seven days of the hearing.

### **CONTRACTUAL SANCTIONS**

Where the circumstances warrant, the School reserves the right to suspend you on full pay whilst safeguard or disciplinary matters are investigated and if an appeal is lodged to suspend with or without pay.

The outcome of Stage 3 of the Disciplinary Procedure may be the imposition of contractual sanctions with or without notice. Such sanctions may include a reduction in remuneration, removal of benefits provided under the contract, demotion, suspension without pay or termination of this agreement and your employment. Such sanctions will not affect acquired pensions benefits.

### **RIGHTS OF APPEAL PROCEDURE**

Notice of an appeal against a disciplinary decision must be given to a manager or the Chair or Governors in writing within five working days of the written hearing decision being communicated to you.

The Preschool Committee will hear the appeal and normally the person who did not chair the original meeting will hear it. The appeal will be heard within 21 days of receipt of notification and minutes will be taken. You have the right to be accompanied by a workplace colleague not acting in a legal capacity or a full-time trade union official, or a lay trade union official who has been reasonably certified by the union in writing as having experience of, or having received training in, acting as a companion at such hearings.

There is no necessity for the trade union official's union to be recognised in the workplace. There is, though, no obligation on workers or union officials to accept a request to act as a companion, so no pressure should be applied on them to do so. The decision will be final and a copy will be kept on your personnel file.

An appeal may result in:

- Confirmation of the original decision; or
- Reduction of any penalty imposed; or
- Quashing of the original decision with full restoration of any rights and remuneration lost; or Increase of the original penalty

### **EMPLOYEES WITH SHORT SERVICE**

This disciplinary procedure does not apply to any employee who has been employed by the Company for less than two years where that employee commenced employment with the Company on or after 6 April 2012.

## **CAPABILITY PROCEDURE**

Our capability procedure is designed to ensure that cases of unsatisfactory performance are dealt with similarly and fairly, with the prime objective of improving an employee's performance to the required level. The procedure seeks to establish whether a concern about work performance is a misconduct or capability issue. Performance concerns due to lack of knowledge or skills are normally addressed through the early years setting's capability procedure. For example, if you are incapable of working to required standards through no fault of your own, then the setting's capability procedure will come into effect. Concerns about work performance due to carelessness, neglect or lack of effort are dealt with through the disciplinary procedure as misconduct.

## **GRIEVANCES**

If you have a complaint about your individual circumstances at work, then you are entitled to raise a grievance. The key steps for resolving a grievance are:

- Discuss ordinary day-to-day issues informally with your line manager through supervision meetings, or if necessary request a separate meeting. Where this is not possible, you should raise your concerns verbally with the next level of management, prior to raising a formal grievance.
- If after seeking to resolve your concerns informally you are not satisfied, then write to the early years setting, explaining your grievance.
- We will invite you to a meeting to discuss the grievance. You will have the right to be accompanied at the meeting by a work colleague or trade union representative. The outcome of the meeting will be confirmed to you in writing.
- You will have the right of appeal. Following an appeal the final decision will be confirmed to you in writing.

## **SUMMARY**

- It is important that staff understand the setting policies, procedures and protocols.
- To enable staff to practice you must be appropriately trained and work in partnership with others.
- Staff must maintain client confidentiality, and act accordingly with communications.
- Staff have a duty of care to all parties associated with the setting.
- Failure to comply with this code of conduct may lead to disciplinary action.
- The setting will act with integrity, sensitivity and in a manner that will be deemed as reasonable in all its dealings with staff.
- The Code of Conduct is deemed to have been accepted as soon as a member of staff commences employment.

Thank you for your co-operation and welcome any feedback from staff that will help us improve this code of conduct