Disciplinary Policy and Procedure

Policy statement

When a disciplinary matter arises at Bradpole Preschool, the Preschool Leads or a core committee member will establish the facts promptly before recollections fade and, where appropriate, obtain statements from any available witnesses. Having investigated the matter, the Preschool Leads or committee member will decide upon an appropriate course of action. This may include:

- taking no further action;
- arranging informal advice, coaching, or counselling; or
- dealing with the matter formally under the Disciplinary Procedure.

Bradpole Preschool aims to deal with disciplinary matters fairly, consistently, and promptly, in line with current employment legislation and ACAS guidance. Minor misconduct issues may be managed informally where appropriate. However, where formal disciplinary action is necessary, employees will be given the opportunity to respond to allegations and present their case before any decision is made.
Employees will be advised of their rights under this procedure, including the statutory right to be accompanied at formal disciplinary and appeal hearings by a work colleague or trade union representative.

Suspension

In certain circumstances, it may be necessary to suspend an employee on full pay while an investigation is carried out. Suspension is not a disciplinary sanction and does not imply any assumption of guilt.

Suspension will only be considered where it is reasonable and appropriate to do so, for example where:
• there are concerns about the safety or welfare of children, staff or others;
• there is a risk that evidence may be compromised;
• there is a risk that the employee's presence may hinder the investigation; or
• the alleged misconduct is sufficiently serious to warrant consideration of suspension.

The decision to suspend will normally be made by the preschool leads in consultation with the Chairperson of the Committee where possible.
The period of suspension will be kept as short as possible and will be reviewed regularly. The employee will be informed of the reasons for the suspension and any conditions that apply during the period of suspension.

Formal procedure

In all formal disciplinary cases, the employee must be informed in writing of the allegations against them. This notification should provide sufficient detail for the employee to understand the nature of the alleged misconduct and why it is considered unacceptable.

If the employee has difficulty reading or understanding the information, the preschool leads or core committee member will explain the contents verbally.
The preschool leads or core committee member will:

- invite the employee to attend a disciplinary meeting to discuss the alleged misconduct, allowing reasonable time for preparation;
- inform the employee of their right to be accompanied by a work colleague or trade union representative; and

- provide copies of any documents or evidence that will be referred to during the meeting.

If the employee cannot attend the meeting, they should inform the preschool leads or core committee member as soon as possible.

- If absence is due to unforeseen circumstances, the meeting will normally be rearranged.
- If the employee fails to attend without good reason, a decision may be made in their absence.
- If the employee's companion cannot attend on the proposed date, the employee may suggest an alternative date within five working days of the original meeting date.

This timeframe may be extended by mutual agreement.

During the meeting, the preschool leads or core committee member will explain the allegations and present the evidence gathered. The employee will then be given the opportunity to:

- respond to the allegations;
- ask questions;
- present evidence;
- call witnesses where appropriate; and
- comment on any witness statements or evidence provided.

Following the meeting, the preschool leads or core committee member will decide whether:

- no disciplinary action is required; or
- formal disciplinary action is justified.

Before making a decision, consideration will be given to:

- the employee's disciplinary record;
- length of service;
- actions taken in similar previous cases;
- explanations provided by the employee; and
- whether the proposed action is reasonable and proportionate.

Depending on the seriousness of the misconduct, disciplinary action may include the following:

Written warning

If the misconduct is considered serious, the employee may receive a formal Written Warning.
The Written Warning will:

- outline the nature of the misconduct;
- explain the improvement or change required;
- specify the timescale for improvement;
- include a review date; and
- identify any support that Bradpole Preschool will provide.

The warning will also explain that further disciplinary action, including a Final Written Warning or dismissal, may result if there is insufficient improvement.
A copy of the Written Warning will be placed on the employee's personnel file. Warnings will normally remain active for disciplinary purposes for a period of twelve months.

Final written warning

Where there is:

- a failure to improve following a previous warning; or
- sufficiently serious misconduct,

the employee may receive a Final Written Warning following a disciplinary meeting.

The Final Written Warning will:

- detail the nature of the misconduct;
- explain the required improvements;
- warn that failure to improve may result in dismissal or other disciplinary sanctions; and
- explain the employee's right of appeal.

A Final Written Warning will normally remain active for disciplinary purposes for twelve months.

Dismissal or other sanctions

If conduct or performance fails to improve sufficiently, dismissal may be considered.
Alternatively, where appropriate and by agreement, other sanctions may include:

- demotion;
- disciplinary transfer; or
- loss of seniority or pay.

A decision to dismiss will only be made by two committee members with the authority to do so.
The employee will be informed, as soon as reasonably practicable, of:

- the reasons for dismissal;
- the date employment will end;
- the notice period (if applicable); and
- their right of appeal.

The decision will be confirmed in writing.

Appeal process

Employees have the right to appeal against formal disciplinary action.
Appeals may be made on grounds including:

- perceived unfairness;
- severity of the sanction;
- new evidence; or
- procedural concerns.

Appeals should be submitted in writing within five working days of the disciplinary decision.
• Where reasonably practicable, appeals will be heard by the Chairperson of the Committee.
• If the Chairperson is unavailable, the appeal will be heard by two other core committee members who have not previously been involved in the matter.
• Employees have the statutory right to be accompanied at appeal hearings by a work colleague, trade union representative or trade union official.
• The employee will be informed of the outcome of the appeal, and the reasons for the decision, as soon as reasonably practicable. The outcome will be confirmed in writing.
• The appeal decision is final.

Gross misconduct

In cases of alleged gross misconduct, a full investigation and disciplinary hearing will normally take place in accordance with this procedure.

If gross misconduct is proven, the outcome will usually be summary dismissal (dismissal without notice).

Gross misconduct refers to actions that amount to a fundamental breach of contract and may include, but are not limited to:

- theft, fraud, or deliberate falsification of records;
- physical violence;
- serious bullying, harassment, or discrimination;
- deliberate or serious damage to property;
- serious insubordination;
- misuse of Bradpole Preschool property or name;
- bringing Bradpole Preschool into serious disrepute;
- serious incapability at work due to alcohol or drugs;
- serious negligence causing, or likely to cause, loss, damage, or injury;
- serious breaches of health and safety procedures;
- breaches of confidentiality; and
- deliberately accessing pornographic, offensive, or obscene internet material.

Records

Records relating to disciplinary matters will be kept confidential and retained in accordance with the Data Protection Act 2018 and UK GDPR.

Legislation and guidance

This policy is based on the following legislation and guidance:

- Employment Rights Act 1996
- Equality Act 2010
- Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)
- Health and Safety at Work etc. Act 1974
- ACAS Code of Practice on Disciplinary and Grievance Procedures (current edition)
- EYFS safeguarding expectations
- Safer Recruitment guidance

The Preschool will review this policy regularly to ensure compliance with current legislation, ACAS guidance, and best employment practice.

This policy was adopted by the Bradpole Preschool Committee

During the Summer Term 2026

Date to be reviewed Summer Term 2027