

# 09 - DISCIPLINARY PROCEDURES POLICY

## Let Us Play Scheme

(Play Scheme for children with profound and multiple learning difficulties)

Registered Charity No 1072059

<b>Date of Policy Issued/Review</b>	<b>01 March 2022</b>
<b>Name of Chairperson</b>	<b>Juliet Cheriton-Gerard</b>
<b>Signature of Chairperson</b>	
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<b>Management Committee Signature</b>	
<b>Review date</b>	<b>01 March 2023</b>

## POLICY STATEMENT

Let Us Play Scheme will strive to maintain a well-motivated, highly skilled and professional play assistant's team. However, occasionally action will need to be taken to encourage improvement in individual behaviour and performance.

The objective of this procedure policy is to ensure the fair and consistent treatment of all staff and in particular staff who become liable to disciplinary action.

This policy will also work alongside LUPS Equality and Diversity policy ensuring investigations will be non-discriminatory and apply equally to all play assistants irrespective of sex, marital status, sexual preference, gender identity, race or disability.

## OBJECTIVES AND GUIDING PRINCIPLES

1. It is the responsibility of the management team to ensure that the reasons for which disciplinary action may be taken are explained to Staff. The management team are to ensure all administrative and disciplinary actions are followed up and reported effectively with a note being made on the staff member's file.

2. A member of Staff will be given the opportunity to state their case and has the right to have a fellow member of staff or representative present at any disciplinary hearing.
3. No disciplinary action will be taken until the matter has been fully investigated. The member of staff may, however, be suspended with pay pending investigation if it is considered necessary.
4. Play assistant will not be dismissed for a first breach of discipline except in the case of gross misconduct (see below). However, as a casual employer of staff, it is at the Management team's discretion as to whether they deem it inappropriate to invite a member of staff to future playscheme should it be felt the disciplinary offence is of a severe enough nature to cause concern. The Management team's decision will be final.

## THE PROCEDURE

Certain issues may initially be tackled by holding an informal counselling interview and may not necessitate formal disciplinary action within the procedure. In such cases a note will be placed on the individual's file noting that such an interview has taken place. More serious cases of misconduct or issues concerning capability to perform within job roles will be dealt with in the following manner:

**Stage 1:** In the first instance the member of staff concerned will be given a *verbal warning*. This warning will be recorded and a copy maintained in the staff member's personnel file.

**Stage 2:** If further action becomes necessary, a *written warning* will be given. This warning will be recorded and a copy maintained in the staff member's personnel file.

**Stage 3:** If the staff member continues to fail to meet the required standards, a *final written warning* will be issued indicating that further behaviour of a similar nature within an 24-month period could result in dismissal.

**Stage 4:** In the event of continued failure to meet the required standards, the staff member will be dismissed and verbal notice of termination of employment will be given. This procedure may be implemented at any stage dependent on the offence committed by the employee. As a casual employer LUPS does not have to invite the member of staff back for future play schemes.

## **LEVELS OF AUTHORITY**

Play Leaders have the authority to suspend a member of Staff pending investigation. Only the Senior Management team (Chairperson, Playscheme Manager, and Deputy Playscheme Manager) have the authority to dismiss a member of Staff.

## **GROSS MISCONDUCT**

In the case of gross misconduct, the LUPS Management team reserves the right to dismiss a member of staff without notice (or payment in lieu of notice) if, after investigation and consideration of any mitigating circumstances, the management team are satisfied that there is sufficient justification for so doing. Appendix A sets out some actions and activities that would constitute gross misconduct.

## **DURATION OF WARNINGS**

Under normal circumstances, warnings will be valid for the following periods of time, although these may vary according to the nature of the occurrence and may therefore be determined by mutual agreement at the time of issue.

Verbal Warning: 12 months

First Written Warning: 18 months

Final Written Warning: 24 months

On expiry, warnings will be disregarded for future disciplinary purposes but not destroyed. They will remain in the main personnel file of the staff member concerned.

## **APPEALS**

A member of staff has the right to appeal against disciplinary action. Such an appeal should be made in writing to the next level of management not previously involved (where possible); detailed reasons for the appeal must be given. If no appeal is made within 3 working days of disciplinary action being taken, then it will be assumed that the employee accepts the decision.

## **APPENDIX A**

### **GROSS MISCONDUCT**

Certain types of behaviour are regarded as constituting gross misconduct, which following investigation could lead to summary (instant) dismissal from employment. During any investigation management reserves the right to suspend with pay. If an individual is dismissed for gross misconduct then such a dismissal will be without notice or payment in respect of arrears of contractual holiday pay.

Examples of what would constitute a gross misconduct offence include:-

- Theft or the unauthorised possession of property belonging to LUPS, its staff, children/ young people attending, or the site hosting the playscheme.
  - Assault on any member of staff or persons associated with LUPS.
  - Breach of confidence i.e. the divulging of confidential information relating to LUPS, its staff or children/young people attending, or information about children/young people attending the site hosting the playscheme.
  - Dishonesty, including the use of any funds, expenses or allowances for any other purpose than that for which they have been delegated by LUPS.
  - 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 member of staff.
  - Physical assault or abuse towards a child/ young person or another member of staff e.g. hitting a child in chastisement or harsh disciplinary actions.
  - Discrimination in any way against a person on the grounds of colour, religion, ethnic or National origin, sex or gender identity, or marital status e.g. any behaviour which could constitute a breach of Race Relations and Sex Discrimination legislation.
  - Flagrant failure to follow LUPS documentary systems and procedures.
- Further behaviour that could constitute gross misconduct is not limited by the above list.

## **APPENDIX B**

### **GENERAL RULES**

There are also general rules concerning conduct at work or working practices which staff are requested to observe. In certain cases, failure to adhere to a particular rule may result in disciplinary action being taken within LUPS's disciplinary procedure. These rules are reproduced below.

- All members of staff are expected to exercise reasonable care, skill and application at work and are expected to achieve and maintain standards of quality of work as required by management.
- Good relations with the families attending playscheme, and the general public are of vital importance. All staff should adopt a helpful, considerate and co-operative attitude to our families and the public.
- Whilst at work staff are expected to carry out any reasonable and lawful instruction from their line managers.
- Staff are expected to flexibly respond to management requests to undertake duties outside of their normal job specification.
- Staff are expected to undertake any training as required by management. On occasion this may involve attending training courses.
- Amendments to address, next of kin and contact details must be notified immediately to management for personnel and health and safety record purposes.
- During working hours, you must devote your whole time and attention to LUPS and should not undertake any activities that may interfere with the proper performance of your duties with the play scheme.
- On leaving LUPS you shall not for a period of 3 months solicit or entice away any client or company who was, within the period of 3 months prior to the termination of your employment, a customer of the play scheme provided that this restriction shall only apply to customers with whom you have had personal dealings. This clause only restricts your action where such action could be construed as likely to cause financial loss, loss of credibility or damage to the business of LUPS.
- The use of abusive language that offends other staff and attending families will not be tolerated and will result in disciplinary action.

- Any conduct detrimental to the interests of LUPS, its relations with attending families, the public, or damaging to its public image, shall be a disciplinary offence.
- You are required to declare any court or police action against you whilst you are employed by LUPS. Failure to do so could lead to dismissal.
- LUPS is aware that pilfering takes place throughout industry, we, therefore, reserve the right to carry out spot checks or searches of staff or their vehicles within the LUPS boundaries.
- Equipment belonging to LUPS must not be taken off the premises without the management team's permission.
- Without exception, equipment belonging to the site hosting the playscheme must not be removed from the premises.

## **TIMEKEEPING AND ATTENDANCE**

LUPS will not pay for any time off for illness unless this is a direct cause whilst on the play scheme.

Failure to notify LUPS that you are unable to work or are ill should be identified as a Disciplinary offence.

- Employees are required to be ready to work at the time stated. Late attendance will be regarded as a breach of discipline and dealt with accordingly.
- Persistent absenteeism without legitimate reason will be treated as a disciplinary offence.
- In cases where a member of staff frequently has time off work or has a long period away from work for reasons of sickness without good cause will be subject to discipline and dealt with accordingly.
- Anyone walking out during a dispute or disagreement without management permission will be subject to discipline and dealt with accordingly.
- Staff meetings are essential for effective communication between staff and management and your attendance at such meetings is in your own interest as well as being a condition of employment.