



4.2 Staff disciplinary and right to appeal policy

The Bumblebee Children's Charity (hereafter know as the Charity) aims to resolve problems without resorting to disciplinary action; however, this disciplinary policy exists to ensure fair and consistent treatment for all. Our policy and procedures are modelled on the *ACAS Code of Practice for disciplinary and grievance procedures*.

We expect all employees to comply with our policies and procedures at all times. If these are disregarded, we have the right to discipline employees. Staff disciplinary procedures and the right to appeal procedures are set out in the staff handbook.

The Principles

- We will not take disciplinary action without a full investigation and disciplinary hearing taking place.
- Employees will be given reasonable notice, in writing, if they are required to attend a disciplinary hearing
- Employees will be given every opportunity to state their case before any decision is made.
- At all times employees will have the right to be accompanied by a work colleague, friend or Trade Union representative.
- Employees have the right to appeal against any disciplinary penalty imposed on them by the Charity.
- Employees may be suspended with full pay to allow further investigation of the allegation.

Counselling

We will deal with minor issues informally (e.g. personal issues involving another member of staff or a parent/carer(s)). The teaching lead or an appointed trustee will discuss the problem with the member of staff and agree corrective action. Although we may document this, it will not count as disciplinary action.

Disciplinary Action

Where the matter is more serious the Charity will adhere to the procedures as set out in the staff handbook following these 4 stages of action:

- Verbal warning
- Written warning
- Final written warning
- Dismissal

Gross Misconduct

If a staff member is accused of an act of gross misconduct, we will investigate the allegation immediately. If the allegation is proven, gross misconduct will result in summary dismissal without notice or payment in lieu of notice.

The following acts are regarded as gross misconduct:

- Theft, fraud and deliberate falsification of records.
- Fighting, aggressive or abusive behaviour towards another person.
- Deliberate damage to the Charity's property, equipment or premises.
- Immoral behaviour.
- Drinking alcohol or taking illegal drugs whilst on duty.
- Incapability to carry out duties as a result of alcohol or use of illegal drugs.
- Serious negligence which causes unacceptable loss, damage or injury.
- Acts of serious insubordination to Management.
- Any incident of bullying or physical abuse of a child.



THE BUMBLEBEE CHILDREN'S CHARITY

miracles in movement

- Serious breach of health and safety or fire regulations.
- Smoking on the premises.
- Actions likely to bring the charity into disrepute.

This list is not exhaustive, and we will determine what is deemed to be Gross Misconduct.

Disciplinary Hearing

The purpose for a disciplinary hearing is to listen to both sides and to ensure fair play. Any disciplinary hearing will follow the procedure as set out in the staff handbook.

Suspension

The Charity may suspend a staff member on full pay at any stage of an investigation, if it is felt to be in the best interests of the centre, the staff member or the investigation.

Right to Appeal

The staff member has the right to appeal at every stage of the Disciplinary Procedure as set out in the staff handbook.

The Charity will advise the staff member of the decision within five working days of the appeal hearing and this decision is final.

During the Probation Period

If during the initial 6-12 month probation period the employee's attitude, behaviour or standard of work are unacceptable to The Charity, we will discuss areas of concern with the employee who will then be given the opportunity to improve. In some cases, the probationary period may be extended to give more time for improvement, but not beyond a period of twelve months.

If, during the probation period, it is felt that the employee is unsuitable for the role and unlikely to achieve The Charity's required standards of performance, we may terminate their employment without formal disciplinary action being taken.

The contract of employment shows the notice entitlements that apply during the Probationary Period.

Reference material:

[ACAS Code of Practice on disciplinary and grievance procedures](#)

This Policy was adopted by the Bumblebee Children's Charity on

Signed on behalf of the trustees

Date.....March 25.....

Name of signatory

Signed ...Lindsay Warne ...

Role of signatory

Charity Administrator