

Disciplinary Policy & Procedure

Purpose

The purpose of the company's corrective coaching and disciplinary procedure is to reinforce employees' attitude, motivation and ability to meet the high standards of performance and behaviour required of all The Park Academy Childcare employees and to ensure fair, consistent and appropriate action when an employee fails to meet these standards.

Scope

All The Park Academy Childcare employees at all levels within the Company.

Policy and Procedure

Minor faults will usually be dealt with informally through counselling and training. In certain cases a Performance Improvement Plan (PIP) may be used to try to improve performance before disciplinary action is taken. In cases where informal discussion with the employee does not lead to an improvement in conduct or performance or where the matter is considered to be too serious to be classed as minor the following formal disciplinary procedure will be used.

The Company will notify the employee of the allegations against them. The Company may invite the employee to a preliminary meeting to discuss the matter, following this the employee will be informed that an investigation will take place.

Where an investigation is scheduled, an employee will be given 24 hours' notice. A copy of all relevant policies and a term of reference document (where applicable) will be attached to the invitation. You must make yourself available and fully participate in any investigation instigated by the Company. Where an investigation is to be carried out, an employee may be suspended with pay for the duration of the investigation and may remain suspended until a decision has been issued to the employee. -Such suspension is a neutral act, which does not imply guilt or blame, and will be for as short a period as possible pending the outcome of the investigation. Following the investigation, the employee will be provided with a copy of the investigation outcome report.

During stages 2 to 6 of the disciplinary procedure (the formal procedure), the following principles apply:

- the right of employees to know the allegations/complaints against them;
- the right of employees to representation;
- the right of employees to defend themselves;
- the right of employees to a fair and objective investigation/hearing of the case;
- the right of employees to appeal the decision;
- the right of the employer to suspend the employee (with pay) to facilitate the investigation;
- the right of the employer to enter into the procedure at the appropriate stage, dependent on the issue presented.

Disciplinary Policy & Procedure

The Company will notify the employee of the allegations against them. Following the outcome of the investigation, a formal disciplinary hearing will then take place. This will be conducted by a Centre Director or other person that the Company may deem appropriate, at which the employee will be given the chance to respond to the investigation outcome report.

The employee may be accompanied to the hearing by a work colleague or a trade union representative. The employee does not have the right to legal representation at internal disciplinary hearings except in certain circumstances, for example, if the employee is involved in criminal proceedings or where the employee has a claim against the company. The employee must take all reasonable steps to attend these meetings, and to fully participate in any disciplinary proceedings instigated by the Company. Following the meeting, the employee will be informed in writing of the Company's decision in writing.

The Park Academy Childcare can start the disciplinary process at whatever stage it considers appropriate in the applicable circumstances.

In every stage of the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

An employee will have a right to appeal the disciplinary sanction including dismissal.

Depending on the seriousness of the allegation(s) the Company can apply any disciplinary sanction from the sanctions outlined below which it deems most appropriate in the circumstances which may mean that the Company will skip sanctions.

Disciplinary Sanctions

Where an employee's conduct, attendance or performance warrants disciplinary action, the following procedures will apply, except in cases of misconduct attracting summary dismissal.

1. Counselling

Where appropriate, the employee may be initially counselled about their behaviour or work performance. This is an informal part of the process and a note of the outcome will be recorded by the employee's immediate supervisor.

2. Verbal Warning

In the event of a further breach of conduct, poor attendance or lapse in performance, or should the issue so warrant, the employee will be given a formal verbal warning by his or her immediate supervisor.

If an employee fails to meet the standard required the employee should be formally told that the matter is being taken into the disciplinary procedure. In the case of minor infractions, the Centre Director directly concerned will warn the employee verbally that a specific aspect of work or conduct is below standard stating clearly that this is a warning and advising of the improvements that must be made, and will be given a timescale over which performance is to be improved.

Disciplinary Policy & Procedure

This notification should be given as a verbal warning and a note put on the employees file to the effect that the disciplinary procedure has commenced in respect of that employee. The warning will have a life span of 6 months unless otherwise stated on the warning.

Should there be no further breaches during that period, the warning will be deemed to have expired. A copy of this warning should be provided to the employee in writing.

3. First Written Warning

In the event of continued failure to meet required standards, or a more serious breach of policy/procedure the employee will be given a first written warning. The nature of the infraction will be fully described in the warning notice and the Centre Director will discuss the warning with the employee as promptly as possible. The employee will be given a timescale over which performance is to be improved and will also be warned that continued failure to improve may result in further disciplinary action up to and including dismissal in accordance with the policy. The employee may append his/her comments to the notice when signing it. The warning will have a life span of 9 months, unless otherwise stated on the warning.

Should there be no further breaches during that period, the warning will be deemed to have expired. A copy of this warning should be provided to the employee in writing.

4. Final Written Warning

In the event of continued failure to meet required standards, or a first instance of serious misconduct, a final written warning will be issued. The nature of the infraction will be fully described in the warning notice. The Centre Director in consultation with the HR Manager will give the employee a final written warning. It would be made clear that the employee may be dismissed if future conduct or performance is not satisfactory. Such warnings will have a life span of 12 months, unless otherwise stated on the warning.

Should there be no further breaches during that period, the warning will be deemed to have expired. A copy of this warning should be provided to the employee in writing.

5. Suspension

If during the 12 months following the final written warning there is a continued failure to meet the required standard the employee may be suspended from work without pay, and advised that any further breach in the ensuing twelve (12) months may result in termination of employment. The duration of the suspension will be determined on an individual case basis in consultation with The HR Manager.

6. Dismissal Procedure

If, an employee is guilty of further breaches, the employee may be dismissed following a full and thorough investigation and disciplinary meeting.

The Company reserves the right to enter at any stage of this procedure depending upon the gravity of the matter. The effective date of termination is the date of dismissal.

In cases of gross misconduct warranting summary dismissal, the following procedures apply.

Disciplinary Policy & Procedure

7. Procedure for Gross Misconduct

Notwithstanding the above procedures, the company reserves the right to discipline any employee up to and including summary dismissal in the case of gross misconduct. In such cases, the Company reserves the right to dismiss without notice of termination or payment in lieu of notice.

The following list of acts is considered to be gross misconduct, while not exhaustive, is an outline of offences warranting summary dismissal.

- Deliberate breach of statutory childcare regulations and best practice.
- Fraud or dishonesty
- A deliberate breach of the Company health and safety conduct as set out by The Park Academy Childcare.
- Serious breach of the Staff Code of Conduct as set out by The Park Academy Childcare, a copy of same can be found in the Employee handbook.
- Failing to immediately inform your employer that you are or have been involved in a criminal investigation.
- Failing to immediately inform your employer that you have been charged with a criminal conviction.
- Failing to inform your employer of any situation that affects your suitability to work in childcare
- Failing Garda Vetting or refusing to participate with Garda Vetting procedure.
- Failing to make a statement of all prosecutions, successful or unsuccessful, pending or completed in the state or elsewhere as the case may be, both before employment and during your employment.
- Being in possession of drugs or alcohol on Company premises.
- Reporting to work under the influence of drugs or alcohol.
- Failure to carry out reasonable and lawful instructions from your Centre Director.
- Extreme or persistent negligence in duties as laid down in your terms and conditions of employment outlined in your contract of employment.
- Failure to safeguard children in your care. Failure to promote and protect children from suspected abuse and neglect; this includes evidence of any child protection concerns to include emotional, physical, sexual, neglect and discrimination.
- Serious misuse of social media
- Falsification of any company documentation or system.
- Falsification of any statutory documentation.
- Failure to uphold the Company reference check policy.
- Inappropriate use of company property or equipment.
- Theft or malicious damage to Company property or that of another employee.
- Assault or bullying/harassment of another employee, Parent, member of management, visitor, or contractor either by you the employee or another party acting on your behalf.
- Misuse of Company time recording procedures.
- Falsification of any Company Records.
- Any other Serious Breach of contract.

Disciplinary Policy & Procedure

The Company reserves the right to impose a lesser sanction than dismissal in appropriate circumstances. The following are some examples of such sanctions:

- Transfer to another role, or section of the company
- Demotion and term and conditions adjusted accordingly
- Some other appropriate disciplinary action short of dismissal

8. Appeals Procedure

Under the appeals procedure there is no right to appeal against the decision to initiate informal pre – disciplinary discussion. An employee may appeal against any disciplinary decision taken on foot of the formal disciplinary process, including dismissal, within five working days of the decision. Appeals must be made in writing and state the grounds for appeal. The employee may be invited to attend an appeal hearing. At the appeal hearing, the employee will again be given the opportunity to state his or her appeal points and will have the right to be accompanied by a work colleague or trade union representative. Following the appeal hearing, the employee will be informed of the appeal decision and the reasons for it, in writing.

The Company's decision on an appeal shall be final.

If an employee appeals against a disciplinary the company will determine a suitable member of management to carry out the appeal. If the appeal is against a decision to dismiss, then the employee will be dismissed following the disciplinary procedure. The employee will then be reinstated retrospectively if the appeal is upheld.

Representation

It is agreed that at all formal stages an employee shall at all times have the right of representation, in line with the Statutory Code of Practice on Grievance and Disciplinary Procedures (SI 146 of 2000). A representative, for the purposes of the code includes a colleague of the employee's choice and a registered trade union but not any other person or body unconnected with the enterprise.

Interpretation

The Director of Childcare in conjunction with the Human Resource Manager is responsible for providing guidance on the interpretation of this policy and procedure.

Review date

June 2023

Contact

For further information please contact the HR Department