



3: Staff Disciplinary and Grievance Procedures

Jesters will maintain a well motivated, highly skilled and professional staff team. However, occasionally action will need to be taken to encourage improvement in individual behaviour and performance.

The Club will provide a fair and consistent method of dealing with disciplinary incidents. Our aim is always to support and encourage staff, while promoting good employment relations.

If a member of staff is subject to disciplinary action, fair and consistent procedures will be employed:

- The incident will be fully investigated and the facts established.
- Investigations will be non-discriminatory and apply equally to all staff irrespective of sex, marital status, sexual preference, race or disability.
- At every stage, the member of staff concerned will be advised of the nature of the complaint and given an explanation for any penalty imposed.
- Staff will be given the opportunity to state their case, and be accompanied by a friend, colleague or Trade Union representative of their choice, during any part of the disciplinary process.
- Staff will not be dismissed for a first breach of discipline except in the case of gross misconduct (see below).
- Staff have a right to appeal against any disciplinary action taken against them.

Investigations will be conducted by either the Director or the Registered Person.

The Staff Disciplinary Procedure operates as follows:

Informal Discussion

Before taking formal disciplinary action, the Club Manager will make every effort to resolve the matter by informal discussions with parties concerned. Only where this fails to bring about satisfactory improvement or outcomes will the disciplinary procedures be formally implemented.

Such discussions will be reported to the Directorate.

Formal Verbal Warning

Once a formal warning has been given by the Club Manager, the member of staff in question will be notified of this and given an explanation for the warning. They will further be informed of their right of appeal. A brief note of the warning will be kept on Jesters personnel records. This will be disregarded after six months, subject to satisfactory conduct and/or performance.

Written Warning

If, following a formal verbal warning, there is insufficient improvement in standards, or if a further incident occurs, a written warning will be issued. This will state the reason for the warning and that, if there is no satisfactory resolution after a further month, a final written warning will be given. A copy of this first written warning will be kept in Jesters records, but will be disregarded after 12 months, subject to satisfactory conduct and/or performance.

Final Written Warning

If the member of staff's conduct or performance remains consistently unsatisfactory, or if the misconduct is sufficiently serious, a final written warning will be given making it clear that any further breach of the standards, or other serious misconduct, may result in the employee's dismissal. A copy of the warning will be kept in the Jesters records, but will be disregarded after 24 months, subject to satisfactory conduct and/or performance. The warning will state clearly that dismissal will result from a failure to comply.

In certain exceptional circumstances, a member of staff may receive a Final Written Warning that will remain on the Club's records indefinitely. This course of action will follow when a member of staff has only avoided dismissal due to extenuating or mitigating circumstances.

Gross Misconduct

If, after investigation, it is deemed that a member of staff has committed an act of the following nature, dismissal will be the normal outcome:

- Child abuse (for further details refer to the Safeguarding Policy).
- Serious infringement of health and safety rules (for further details refer to the Health and Safety policy).
- Assaulting another person
- Persistent bullying, sexual, religious or racial harassment.
- Being unfit for work through alcohol or illegal drug use.
- Gross negligence that either causes or might cause injury, loss or damage to persons or property.
- Theft, fraud or deliberate falsification of Jester's documents.

- Deliberate damage to Jesters property.
- Being an unfit person under the terms of the The Care Standards Act 2000 (Registration)(England) Regulations 2010 or The Children Act 2004 (Children's Services) Regulations 2005

While the alleged incident of gross misconduct is being investigated, the individual concerned is likely to be suspended, during which time normal pay levels will prevail. Such suspension is not to be regarded as a form of disciplinary action and will be for as short a period as possible. Any decision to dismiss will be taken only after a full investigation.

If the staff member has been found to have committed an act of gross misconduct, they will be dismissed without notice.

Allegations against Staff

All staff are advised to minimise time spent alone with children and be aware of the potential risks in doing so (for further details refer to the Safeguarding policy).

If an allegation of abuse has been made against a member of staff, the Club Manager will follow the procedures of the Safeguarding policy.

If an allegation of abuse is made against the Club Manager, then another designated member of staff will report the matter directly to the Director, local Social Services department and Ofsted.

Appeals

Staff wishing to appeal against a disciplinary decision, must do so in writing and within 15 working days of the decision being communicated. Appeals will be dealt with as quickly as possible and within at least a further 15 days. If possible, the Registered Person, or an appropriate member of staff who was not involved in the original disciplinary action will hear the appeal and impartially adjudicate the case.

At all stages of the procedure, the right to appeal will be confirmed as part of the warning, suspension or dismissal letter.