



# The Cabin Crew Out of School Club

## Staff Disciplinary Policy

The aim of The Cabin Crew's Disciplinary Policy is to help and encourage employees to improve, achieve and maintain standards of conduct, attendance and job performance. It also enables the Manager and Committee to deal effectively with those employees who do not comply with The Cabin Crews' standards of conduct, attendance and performance in the workplace. Equally, the policy and procedure are designed in a manner which is non-discriminatory and which is fair, consistent and effective. It must also be applied in a timely manner and without undue delay.

The Manager has a responsibility for ensuring that employees are made aware of the Disciplinary Policy and Procedure. All employees are to be informed of the standards of conduct and work performance expected of them. Action taken under this policy must reflect fully the process detailed in the disciplinary procedure.

### **KEY PRINCIPLES**

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. Until the case has been fully investigated, no disciplinary action will be taken against an employee.
- At each stage of the Disciplinary Procedure, the employee has a right to be accompanied by an accredited Trade Union representative or work colleague. The employee will also be informed in writing of the nature of the complaint or allegation against them. A person accompanying an employee cannot directly answer a question on behalf of the employee (unless the employee is unable to do so due to illness or other medical reason) but will be allowed to address the hearing.
- The employee will be given a full opportunity to state their case and, if action is taken, informed of what improvement is required. They will also be reminded of their right of appeal.
- The Manager and employees should make every effort to attend meetings or interviews relating to the application of the Disciplinary Procedure. Reasonable adjustments relating to disability, or the requirements of religious beliefs will be addressed. If an individual is unable to attend, they will need to give notice and the reasons why they are unable to attend. The meeting will then be re-scheduled to a mutually convenient time. Unless the reasons are exceptional, the re-arranged meeting must take place within 10 working days. However, where an employee fails to attend such meetings more than once without compelling reasons, then meetings may be held in the employee's absence. Where this measure is invoked, the employee will be informed of this in writing.
- The nature of the disciplinary action taken will be determined according to the nature and seriousness of the alleged misconduct. Where misconduct is established and the sanction is a warning then subsequent misconduct within the currency of the warning may result in further and potentially more serious action which may ultimately result in dismissal. However, no employee will be dismissed for a first instance of misconduct but summary dismissal may occur where gross misconduct is established. Employees have a right of appeal against any disciplinary warning or sanction.

In accordance with The Cabin Crews' 'Valuing diversity and promoting equality policy', this procedure will not discriminate, either directly or indirectly, on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability or any other personal characteristics.

This policy and procedure will be reviewed annually giving due consideration to any legislative changes.

## **DISCIPLINARY PROCEDURE**

The purpose of the Disciplinary Procedure is the achievement of positive improvements by employees where shortcomings or failures are identified. Any failure to attain required standards will be brought to the attention of the employee concerned at the earliest opportunity. Where the breach of conduct or standards of performance concerned is very serious, the early stages of this procedure may be omitted.

## **INFORMAL PROCEDURE**

An informal procedure will be used where the lapse in performance or conduct can reasonably be said to be minor and an isolated instance. Such matters should be addressed promptly by the session Playleader or Manager by way of an informal advisory discussion. The objective will be to ensure the employee recognises and accepts their shortcomings, offer encouragement and help to improve and secure a commitment to do so. A note of the discussion should be made for reference purposes and there should be no recourse to the formal procedure.

## **FORMAL PROCEDURE**

The Formal Procedure will be applied where an employee does not respond appropriately or adequately to informal action or the Manager considers that the breach of conduct that is believed to have occurred is too serious to be dealt with informally. Before disciplinary proceedings can take place, an investigation must be undertaken to collect information relating to the allegations and to determine whether the case should proceed to a formal warning or dismissal. The committee and/or Manager must then decide what action, if any, should be taken. Two courses of action are available:-

- There is no case to answer. In such circumstances, the employee concerned must be told immediately should that be the case;
- That there is a case to answer and that a disciplinary procedure will be implemented.

### **Stage 1 – First Written Warning**

If conduct or performance is unsatisfactory or further misconduct occurs, the employee will be given a formal written warning reminding them of the standards required by The Cabin Crew. They will be advised of the reason for the warning, the length of time the warning will remain current (normally 6 months from the date of the written warning) and details of a review date. The employee would also be advised that this is the first stage of the disciplinary procedure and of their right of appeal. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. Where the first offence is sufficiently serious, e.g. is having or likely to have a serious harmful effect on The Cabin Crew patrons, families or employees, it may be justifiable to move directly to a final written warning.

### **Stage 2 – Final Written Warning**

If an offence is serious, or there are no improvements in standards, or if a further offence occurs whilst the first warning is current, a final written warning will be issued. This will include the reason for the warning. A final written warning will be valid for 12 months from the date of the warning and in exceptional cases validity may be longer.

### **Stage 3 – Dismissal.**

**Dismissal with Notice:** If within 12 months of the issue of a Final Written Warning further misconduct occurs or insufficient improvement has been made, the employee will normally be dismissed with notice. The employee will be provided with written reasons for dismissal, the date on which the employment will terminate, their entitlement to pay, and the right of appeal. The Cabin Crew reserves the right to make a payment in lieu of notice.

**Summary Dismissal:** Where behaviour or misconduct is sufficiently serious to constitute gross misconduct, the employee will normally be summarily dismissed - i.e. without notice. The employee will be provided with written reasons for dismissal, the date on which the employment will terminate and the right of appeal.

## **GROSS MISCONDUCT**

An employee accused of gross misconduct will be suspended from work whilst the alleged offence is fully investigated. The employee will be initially notified verbally of any suspension by the committee followed by written reasons for the suspension including any evidence against them, the date on which the suspension commenced and detailing the right to appeal. The committee will hold a disciplinary meeting before which the employee will be advised in writing of the purpose of the meeting and details of the complaint or allegation being considered, covering all issues to be discussed. The individual will be given a minimum of 5 working days' notice of the disciplinary meeting. If the individual's representative or work colleague is not available to attend on the date proposed, the Cabin Crew will endeavour to offer an alternative reasonable date within 5 working days of the original date. Note: This meeting will normally only be re-arranged once, except in exceptional circumstances.

All relevant facts and evidence will be made available to the employee at least 5 working days prior to the disciplinary meeting. Additional information gathered by the employee that they wish to present at the meeting, must also be made available to the disciplinary panel at least 3 working days prior to the meeting. Either party may present evidence including details of previous relevant warnings, witness statements, call witnesses and have the opportunity to ask questions. An adjournment must be held in order that there can be a period of dispassionate reflection by the Disciplinary Panel to consider what action, if any, is to be taken. Where possible, both parties will be verbally informed of the outcome after the adjournment.

The employee will be advised in writing of the outcome of the disciplinary meeting within 7 working days unless a longer period is specified and can be justified. If disciplinary action is taken, the employee will be informed of the required improvements which are necessary and if applicable details of timescales for achievement, the duration of the warning and the consequence of a failure to improve performance as required. The letter must include the date of the disciplinary meeting, the reason for issuing the warning as well as details of any sanctions which may be imposed. It should also be noted whether the employee invoked their right to be accompanied. The right of appeal will also be included.

## **EXPIRY OF WARNINGS**

- A record of any disciplinary sanction will be placed on the employee's personal file. A sanction will be considered to be spent and the record removed from the file provided that the employee's conduct has been considered to be satisfactory throughout the period following the imposition of the sanction (up to 12 months or a previously agreed timescale)

## **APPEALS**

Any employee who receives a disciplinary warning, other sanction or notice of dismissal has the right of appeal. Appeals must be lodged in writing with the Committee within 10 working days of the date of the written notice of the sanction. The notice of appeal must state the grounds of the appeal.

Appeals will be heard within 15 working days of the receipt of the notice of appeal by The Chairperson and a member of the Committee. Both parties to the appeal must provide a full written statement of the case including the grounds upon which the appeal is made/resisted together with copies of any documents to which reference will be made. All documents and the details of witnesses, if any must be notified to all parties, 5 working days before the hearing takes place.

The decision of the Appeal Hearing is final.

## **MISCONDUCT LIKELY TO RESULT IN DISCIPLINARY ACTION**

When conduct is unsatisfactory this is usually referred to as 'misconduct' and can vary in its degree of seriousness. Where an incident is very serious it is known as 'gross misconduct', and one incident can be sufficient to warrant dismissal. The following list illustrates behaviour likely to constitute misconduct and gross misconduct, but it is neither exclusive nor exhaustive and there may be other matters, which are sufficiently serious to warrant inclusion.

### **Misconduct**

Misconduct is defined as behaviour which, in the view of The Cabin Crew, would not normally destroy the relationship of trust between employer and employee; however, the behaviour is serious enough to warrant action short of dismissal. The following list illustrates conduct likely to amount to misconduct, but again this list is neither exclusive nor exhaustive:

- absenteeism and lateness, e.g. frequent late arrival at work; failure to comply with requirements to notify sickness absence; unauthorised absence from the workplace;
- failure to carry out the normal duties of the post.
- unreasonable or unacceptable conduct, e.g. abusive language or behaviour;
- misuse of facilities, loss, damage or misuse of The Cabin Crews' property or equipment through wilfulness, negligence or carelessness.
- threatening violence whilst at work to a colleague, child or parent/carer.
- breach of The Cabin Crew regulations, e.g. health and safety, confidentiality.
- incapability as a result of being under the influence of alcohol or illegal drugs at work.

### **Gross Misconduct**

Gross misconduct is defined as behaviour, which in the view of The Cabin Crew fundamentally destroys the trust between employer and employee and thereby warrants immediate dismissal. The following list illustrates conduct likely to amount to gross misconduct, but this list is neither exclusive nor exhaustive:

- theft or misappropriation or malicious damage to property of The Cabin Crew, fellow employees, service users;
- physical violence towards colleagues, service users or other members of the public;
- serious incapability as a result of being under the influence of alcohol or illegal drugs at work;
- discriminatory behaviour relating to sexual orientation, race, gender, disability, religion or belief against other employees, service users or members of the public. The Cabin Crew operates a zero tolerance approach;
- fraudulent or false claims of harassment or victimisation;
- serious negligence which causes substantial loss, damage or injury;
- non-compliance with health and safety rules and regulations where it endangers the well-being of the employee, fellow employees, children or members of the public;
- unauthorised disclosure of information classified as confidential by The Cabin Crew;
- falsification or omission of information for personal gain, for example, on an application form, medical questionnaire, DBS checks.
- victimisation or bullying (either in person or via email).

### **Referral to Disclosure and Baring Service**

If a member of staff is dismissed (or would have been dismissed if they had not left the setting first) because they have harmed a child or put a child at risk of harm we will make a referral to the Disclosure and Baring Service.

### Notification to Ofsted

The Club will notify Ofsted if a member of staff becomes disqualified, or if any significant event occurs which is likely to affect their suitability. Note that a member of staff could become disqualified through the actions of a partner or housemate.

<i>This policy was adopted by The Cabin Crew Out of School Club.</i>	Date: 12 <sup>th</sup> April 2023
To be reviewed: 12/04/2024	Signed: <i>Justine Reilly</i>
Name of signatory: Justine Reilly	Role of signatory: Manager

*Written in accordance with the Statutory Framework for the Early Years Foundation Stage (2021):  
Safeguarding and Welfare Requirements: Suitable people [3.9-3.13] and Disqualification [3.14-3.16] and  
Staff qualifications, training, support and skills [3.20-3.23].*