



DISCIPLINARY PROCEDURE POLICY

This policy is required under Regulation 47 of the Education (Early Childhood Services) Regulations 2008, Criteria GMA7.

October 2012

Purpose:

To provide a procedure for resolving allegations of Misconduct and Serious Misconduct relating to the conduct of **Centre Members, Office Holders, Employees and Honoraria volunteers**, of North Shore Playcentre Association Inc and of it's affiliated Playcentres.

Serious Misconduct:

Behaviours or actions considered 'serious misconduct' include but are not limited to:

- Ill-treatment of a child as defined in the Education (Early Childhood Centres) Regulations 1998 or any such definition in subsequent legislation.
The regulations state that no child is to be subjected to any form of physical ill-treatment, solitary confinement, immobilisation, or deprivation of food, drink, warmth, shelter or protection (*Education (Early Childhood Centres) Regulations 1998, section 33, d*).
- Unauthorised possession and/or movement of Association or Playcentre or other member's/employee's property.
- Falsification or being party to falsification of any Association or Playcentre record, for example wage/expense claim, leave claim, bulk funding claim, Centre rolls, financial records etc.
- Intentional damage to property/equipment.
- Sexual harassment, or harassment of any kind, towards another employee, volunteer, centre member or child.
- Intimidation of another employee, volunteer, centre member or child.
- Fighting with and/or verbal abuse of another employee, volunteer, centre member or child.
- Conviction of a criminal offence that is relevant to the position/role held.
- Use of alcohol or any other mind/mood altering substance during working/session hours, or being affected by or in possession of the same during working/session hours.
- Conduct which is considered inconsistent with acceptable social standards and of a nature which brings Playcentre into disrepute.

Misconduct:

Behaviours or actions considered 'misconduct' include but are not limited to:

- Smoking in a non-smoking area.
- Failure to report any accident or personal injury.

And the following additional behaviours or actions for employees only:

- Poor time keeping, including arriving late to work, or from lunch or tea breaks.
- Unauthorised or unexplained absence/s.
- Failure to perform work/tasks to the required standard.

Procedure:

Notes: A dispute/complaint relating to an employee of the Association or a Playcentre, and /or an honoraria volunteer should be notified to the HR Manager for advice.

In all instances, allegations must remain confidential to those investigating the matter and those considered able to assist.

The Disciplinary Procedure must be carried out in a timely manner to resolve the matter. Most allegations should be resolvable within 1 – 2 weeks.

1. In the event of an allegation of misconduct or serious misconduct, the Centre member/employee/honoraria volunteer's Centre President (for Centre Members) Association President and HR Manager (for employees/honoraria volunteers) will examine the allegation to determine whether or not there is any substance to the allegation.
2. Where the Centre President/ Association President, HR Manager determine that the allegation has substance, the Centre member/employee/honoraria volunteer concerned will be advised of the nature of the allegation, the possible impact on his/her membership/employment if the allegation is sustained, their right to be represented and/or have whānau support and the fact that the matter will be fully investigated. This advice may be provided in writing.
3. Where the seriousness or nature of the incident requires, the Centre member/employee/honoraria volunteer may be stood down and required to remain available for discussions on the matter. A stand down is not in itself a disciplinary measure.

For employees, any such stand down will be on pay, unless the period of stand down becomes protracted due to the employee delaying or refusing to participate in the disciplinary process or where alcohol or prohibited drugs are involved pending disciplinary procedures.

4. A formal investigation will then be carried out by the Centre President/ Association President, HR Manager. Discussions will be held with all persons considered able to assist.

5. The Centre member/employee/honoraria volunteer concerned will then be advised of the time of a meeting to discuss the matter. When the meeting commences the allegations will be described, together with the information obtained in the investigation. Copies of any documents must be made available to the Centre member/employee/honoraria volunteer
6. During the disciplinary interview the Centre member/employee/honoraria volunteer will be given the opportunity to provide an explanation, and ask any questions.
7. The meeting will be adjourned to consider the explanation of the Centre member/employee/honoraria volunteer. Further investigations will be conducted if required and presented to the member/employee/honoraria volunteer for further explanation.
8. If the President, HR Manager determine that the allegation is not substantiated, no action will be taken against the Centre member/employee/honoraria volunteer. Appropriate steps will be agreed to support the member/employee/honoraria volunteer back to normal duties e.g. informing the person initiating the complaint or allegation.

If the President, HR Manager determine that the allegation is substantiated, based on the reasonable probability of the misconduct or serious misconduct, they shall decide on the appropriate form of disciplinary action.

In cases of serious misconduct:

- a Centre member/honoraria volunteer may be liable to immediate termination of membership.
- an employee may be liable to dismissal without notice.
- an employee who is also a Centre member or honoraria volunteer may be liable for both.

Misconduct will be subject to the following disciplinary action:

- In first instance of misconduct, a verbal warning may be given, which will be confirmed in writing.
- Where there is a further instance of misconduct after a verbal warning, or the level of misconduct justifies going straight to a written warning, then a written warning will be given.
- Where there is a further instance of misconduct after a written warning, or the level of misconduct justifies going straight to a final warning, then a final warning will be given.
- Where there is a further instance of misconduct after a final warning, then termination of membership with notice/dismissal with notice will occur.

A subsequent written warning or dismissal may be for unrelated matters.

9. The President, HR Manager will then call a meeting to convey the decision to the Centre member/employee/honoraria volunteer. The Centre member/employee/honoraria volunteer is entitled to be represented, and/or have whānau support.

After the meeting the decision will be confirmed in writing.

A copy of all warnings will be kept securely in the Centre files/the employee/honoraria volunteer's personnel file.

10. Where the circumstances indicate criminal liability, the matter will be referred to the Police. Any disciplinary action the Association or Playcentre may take is quite separate from, and additional to, any action the Police choose to take.

Policy Accepted:	Association Meeting, October 2012
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