

## **2.4 Staff Disciplinary and Grievance Procedure Policy**

Our settings disciplinary procedure is designed to encourage all employees to achieve high standards of conduct, attendance and work performance. The procedure provides a fair, effective and consistent method of dealing with disciplinary matters.

- The staff are expected to know the standard of conduct or work performance expected from them.
- The staff are allowed to respond to any alleged fault or failing.
- The staff are always entitled to be accompanied by a work colleague or a recognised trade union representative at a disciplinary meeting.
- Staff will not be dismissed for a first breach of discipline except in the case of gross misconduct (see below).
- Either the Manager or Registered Person will conduct investigations.
- For minor or isolated infringements of rules or expected behaviour, the Pre-School may give you informal advice, coaching and guidance.
- If a staff members conduct or performance fails to improve as a result of this advice, coaching or counselling, or where the offence is more serious, then the disciplinary procedure will be applied.

The staff disciplinary procedure operates as follows:

### **Informal Discussion**

Before taking formal disciplinary action, the Manager and Committee member (Officer and/or Staff Liaison Officer) will make every effort to resolve the matter by informal discussions with parties concerned. If a satisfactory outcome or improvements are not reached, disciplinary procedures will be formally implemented.

### **Formal Verbal Warning**

The Manager and Committee member (Officer and/or Staff Liaison Officer) will give a formal warning to the member of staff. The Manager and Committee member (Officer and/or Staff Liaison Officer) will notify and explain the reason for the warning. They will further be informed of their right to appeal. A brief note of the warning will be kept on the staff records. After six months it will be disregarded (subject to satisfactory conduct and/or performance).

### **Written Warning**

If, following a formal verbal warning, there is insufficient improvement to 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 1 month, a final written warning will be given. A copy of this first written warning will be kept in the staff 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 Setting's 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 failure to comply.

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

Witchford Rackham Pre-School considers the following issues to constitute gross misconduct:

- Theft, fraud or deliberate falsification of the Setting's documents.
- Child Abuse (for further details refer to the Child protection Policy)
- Assaulting another person
- Persistent serious bullying, sexual or racial harassment
- Serious insubordination
- Serious failure to comply with policies procedures and legal requirements that safeguard children
- Bringing the Pre-School into serious disrepute
- Malicious damage
- Gross carelessness which threatens the health and safety of others
- Deliberate damage to property
- Being unfit through use of drugs or alcohol.
- Serious breach of Pre-Schools statutory policies.
- Being an unfit person under the terms of the Care Standards Act 2000 or the Children's Act 1989.

Whilst the alleged incident of gross misconduct is being investigated, the individual concerned is likely to be suspended, during which times 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 of time as possible. Any decision to dismiss will be taken only after a full investigation.

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

### **Appeals**

Staff wishing to appeal against 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 a senior 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.

## **How to Raise a Grievance**

### **Informal stage**

You discuss with the Manager the concern/s that you have, aiming to resolve them as quickly as possible.

If the grievance is in relation to the Manager, employees may submit their grievance to the committee. Employees may also wish to refer to the Setting's Whistle blowing Policy.

### **Formal stage**

If your complaint/concerns remain unresolved, despite informal discussions, you should put your grievance in writing to the management or the management committee stating:

- The details and nature of the complaint
- The reason why you are not satisfied with the outcome/response from informal discussions
- That you wish the matter to be addressed as a formal grievance
- Desired outcome at this stage

You may be accompanied and/or represented at this stage. Your representative may submit the grievance on your behalf.

### **Meeting**

Representatives (maximum of two) of the committee will arrange to meet with you to hear the full facts of the situation and to attempt to find a satisfactory solution. You have the right to be accompanied and/or represented at this meeting, which should be held within 10 working days of receipt of the written complaint.

This meeting should be conducted in as informal a manner as possible to encourage a frank and full discussion of the issues and to facilitate a satisfactory solution for all concerned. In the majority of cases a satisfactory solution will be achieved through these discussions and the committee will be able to deliver a decision and agree any action(s) at the end of the meeting. This outcome should be confirmed in writing (by the committee) within five working days of the meeting.

However, in some cases, discussions will uncover other facts/issues that require further investigation. In these circumstances, the meeting should be adjourned by mutual agreement, until the committee has been able to investigate the identified area/points of concern, including discussion with identified individuals as appropriate. Generally any further investigations should be completed and a second meeting held with the employee within ten working days, at which time the management committee should deliver a decision on the grievance and confirm this in writing within five working days. A decision, therefore, can only be:

- Made after full discussion with the employee and
- Delivered in person in the first instance

Employees should be informed, in the letter confirming the outcome of the meeting/s, of their right if not satisfied with the outcome to seek additional advice from ACAS, other professionals and their trade union.

It may also be necessary at this stage for the management to seek additional advice from other professional such as Educational Personnel Management (EPM)

**If an employee raises a grievance that, through investigation, proves to be malicious they may find themselves subject to disciplinary action.**

An employee cannot raise the same/related grievance within 12 months of the resolution, outcome or withdrawal of the grievance.

This policy was adopted at a meeting of Witchford Rackham Pre-school

Held on \_\_\_\_\_

Date to be reviewed \_\_\_\_\_

Signed on behalf of the  
Management Committee \_\_\_\_\_

Name of signatory \_\_\_\_\_

Role of signatory \_\_\_\_\_