**Disciplinary and Grievance Procedure**

**Introduction**

Minor staff performance issues or staff disagreements involving pre-school staff, and/or the committee, can usually be resolved at the regular staff and committee meetings or informally by discussion.

A more serious situation arises when a dispute cannot be resolved, or when the Committee deems the actions or activities of an employee as misconduct or gross misconduct. In these situations, the following disciplinary procedure will come into force.

This procedure is designed to encourage all employees to achieve high standards of conduct and work performance and also aims to provide fair, effective and consistent method of dealing with disciplinary matters.

**Disciplinary Procedure**

The procedure is designed to ensure issues relating to an employee’s conduct are resolved at the lowest possible level.

The Pre Schools disciplinary policy is based on the principle that it provides:

• Fair and consistent treatment for all employees

• A full and fair hearing in a reasonable time-scale

• At every stage the employee will be given reasonable notice (at least 48 hours) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case.

• No employee will be subject to discrimination on the grounds of sex, race, disability, age, sexual orientation, religion or belief at any time.

• The employee will be offered the opportunity to be accompanied at all stages of the procedure by a colleague or union representative if they so wish.

**Key Principles**

* Employees are expected to know the standard of conduct or work performance expected of them.
* When an allegation is made a prompt investigation will take place. The staff member will be notified of the allegation and be given clear timeframes for each stage. The staff member will be given notice of any delays in completing each stage.
* Where appropriate signed, dated written statements will be obtained as quickly as is reasonable.
* Following an appropriate investigation the investigating manager must prepare a written statement of the outcome of the investigation including details of the circumstances that led to the contemplation of taking disciplinary action.
* Employees will receive details of the allegations and any evidence that may be referred to during the disciplinary meeting and will be allowed to respond to the allegations at the meeting.
* The staff member will be invited to attend a disciplinary meeting to discuss the matter. The staff member should be given an appropriate amount of notice to attend the meeting in order to adequately prepare (48hrs minimum).
* An employee is entitled to be accompanied by a trade union representative or work colleague employed by the setting, to a disciplinary meeting or appeal.
* A disciplinary meeting must take place before any disciplinary action is taken (except when suspension is deemed necessary to protect the families, staff and/or reputation of the Pre-School.
* At the meeting, the manager should ensure that the staff member has a full opportunity to discuss the circumstances of the allegation and respond to the case put forward.
* The manager will then decide whether or not to issue a disciplinary penalty.
* The Outcome of the disciplinary meeting must be confirmed in writing within 10 working days and must include details regards the right to appeal – Including who to appeal to.
* Except in cases of gross misconduct, no employee will be dismissed for a first offence.

**Gross Misconduct**

Gross misconduct can include:

* Theft, fraud and other offenses of dishonesty.
* Physical violence or aggressive behaviour.
* Bullying or harassment.
* Deliberate damage to Pre-School property, property of staff or families attending Pre-School.
* Gross negligence.
* Serious insubordination.
* Misuse of Pre-Schools property or name.
* Misuse of electronic communications (including social media) which brings the organisation into disrepute.
* Being under the influence of alcohol or drug whilst on duty.
* Serious negligence
* Infringement of Pre-Schools policies, procedures and daily rules.
* Serious failure to comply with policies, procedures and legal requirements that safeguard children.
* Serious breach of confidentiality.
* Any action that may bring the Pre-School into disrepute.

This is not an exhaustive list.

**Appeal**

An employee may appeal against a ruling if they feel it is unfair. An appeal would need to be in writing and addressed to the person named in the disciplinary letter. The letter must clearly set out the grounds for the appeal and be received within 7 working days of the date on the disciplinary outcome letter.

An appeal meeting will be arranged with the employee and a different member of the Pre-School committee within 15 working days of receiving the appeal letter.

The staff member will be given the opportunity to present their grounds for appeal detailing why they feel the decision was unfair or highlighting any evidence that they feel was neglected to be considered.

A letter detailing the outcome of the appeal should be issued within 10 working days of the appeal meeting.

**Disciplinary Penalties**

**Formal Verbal Warning:**

Minor breaches of organisational discipline, misconduct or time keeping , or failure to meet performance criteria, mat result in a formal verbal warning. The verbal warning should be confirmed in writing and it should outline

1. The performance and improvements required.
2. The timescale for the improvements.
3. Any review dates.
4. The support that will be offered to assist the employee to improve their performance if appropriate.

The warning will be placed on the staff members file. After a period of 3 months, if no further disciplinary action has been deemed necessary and the minor breach has been resolved, the warning will expire.

**Written Warning:**

If the infringement is deemed more serious, or following a verbal warning the conduct is still not deemed as satisfactory following a period of 3 months, a written warning will be issued within 10 days of the disciplinary hearing. The written warning will state:

1. The date the disciplinary meeting was held and those present.
2. The decision to issue a written warning and why.
3. The change in performance or behaviour that is required.
4. The timescales for the improved performance.
5. The outcome should any further misconduct occur.
6. The details of how to appeal.

The written warning will be placed on the staff members file. After a period of 6 months, if no further disciplinary action has been deemed necessary and the breach has been resolved, the warning will expire.

**Final Written Warning:**

Where the infringement is sufficiently serious or where the staff members conduct fails to improve a final written warning will be issued within 10 days of the disciplinary hearing. The warning will state that any further misconduct will result in dismissal.

The written warning will be placed on the staff members file. After a period of 12 months, if no further disciplinary action has been deemed necessary and the breach has been resolved, the warning will expire.

**Gross Misconduct**

Any actions deemed gross misconduct will result in dismissal. Employees dismissed with notice will be paid for this notice period but will not work within the setting. An employee may be dismissed without notice if the act of gross misconduct brings the reputation of the Pre-School into disrepute. The employee will be suspended with pay while the circumstances of the allegation are investigated.

A dismissal must be confirmed in writing within 10 working days of the date of the disciplinary meeting. The letter should give details of the reasons why the decision was made and of the employee’s right to appeal.

If necessary, external authorities such as Ofsted or the police will be notified.

**Suspension**

Suspension should be used sparingly. Suspension will occur if the employee, staff or children at the Pre-School may be at risk if suspension does not take place. Suspension will also be considered where it is felt the impact of not suspending the staff member will hinder the investigation or bring the reputation of the Pre-School into disrepute.

Cases which involve gross misconduct will usually result in suspension. Suspension should be kept brief and reviewed.

If necessary, external authorities such as Ofsted or the police will be notified.

**Timescales**

Employees are required to take all reasonable steps to attend a hearing. However, under reasonable unforeseen circumstances the manager, the staff member or their companion is unable to attend the meeting must be re-arranged. A disciplinary meeting can only be reasonably rearranged on 2 occasions. The meeting should be re-arranged within 7 working days.

**Grievance Procedure**

This procedure should be followed in order to settle all grievances concerning any employees of Leafield Pre-School.

**Key Principles:**

* The objectives of this procedure is to settle grievances quickly, fairly and at the lowest possible level, whilst allowing employees the opportunity to appeal to a higher level if necessary.
* It covers all matters which may become a source of grievance, excluding those concerned with disciplinary action unless the disciplinary action amounts to discrimination.
* Employees are encouraged to raise concerns verbally with the Pre-School manager prior to raising a formal grievance.
* Employees are entitled to be accompanied at a grievance meeting and appeal by a trade union representative or a work colleague.

**Informal Procedure**

If an employee has a complaint about their individual circumstances at work, then they are entitled to raise a grievance. Employees should discuss day to day issues during supervisions or if necessary request a separate meeting with their line manager.

If after seeking to resolve the issue informally they are not satisfied, they should write to the manager of the early years setting , explaining their grievance.

**Formal Procedure**

Employees must provide details of their grievance in writing to the manager of the setting.

When the grievance is against the manager the letter should be addressed to the chair of the Pre-School committee.

Within 5 working days of receiving the grievance the manager will respond in writing to invite the employee to attend a grievance meeting. This meeting should be scheduled to take place as soon as is reasonably possible.

Employees are required to take all reasonable steps to attend the meeting. However, under reasonable unforeseen circumstances the manager, the staff member or their companion is unable to attend the meeting must be re-arranged. A grievance meeting can only be reasonably rearranged on 2 occasions. The meeting should be re-arranged within 7 working days.

At the meeting the employee must inform the manager hearing the grievance what the basis of the complaint is.

Within 5 working days of the meeting the manager hearing the grievance will respond in writing detailing the decision of the meeting, including reasons, and the right to appeal.

If the employee is unsatisfied with the outcome then they must appeal in writing within 7 working days.

Within 7 working days of receiving an appeal letter the manager will write to the employee and invite them to attend an appeal hearing. The employee will have the opportunity to present a case as to why they feel that the decision made is unfair.

Employees are required to take all reasonable steps to attend. Attendance will be managed as detailed regards the initial grievance hearing.

After the appeal meeting, the appeal hearing manager must write to the employee informing them of the employer’s final decision. This letter should be sent within 10 working days of the appeal hearing.

This is the final stage of the hearing.

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