

## Disciplinary and Grievance Policy

This policy and associated procedures were adopted by Chelford Village Preschool on October 10th 2022.

Date of last review: 16<sup>th</sup> September 2023

Date of next review: 16<sup>th</sup> September 2024

Version Control Table

Version	Date Reviewed	Reviewed By	Comments
1.0	10 <sup>th</sup> October 2022	Katherine Bones	New Policy Adopted
	16 <sup>th</sup> September 2023	Katherine Bones	No Changes

## **Disciplinary and Grievance Policy**

### **Objectives**

Chelford Village Preschool requires appropriate standards of conduct and performance from its employees at all times. The following disciplinary procedure may be implemented at any stage if an employee's alleged misconduct or poor performance warrants such action. Similarly, the grievance procedure may be implemented if a problem or complaint is raised by an employee.

The purpose of the Disciplinary and Grievance Policy, in the first instance, is to help and encourage improvements in conduct and/or performance and is not simply a means of imposing disciplinary action. This policy applies to all employees and is designed to ensure that employees are treated fairly, reasonably and consistently.

This policy complies with the statutory requirements regarding disciplinary and reflects best practice and the ACAS code of practice. N.B. Decision makers should also refer to the 'ACAS Guide on Disciplinary and Grievance' for further information, sample letters, preparation for meetings and advice on making disciplinary decisions.

### **Disciplinary Procedures**

We are committed to ensuring that staff receive regular supervisions and appraisals, to ensure that they are appropriately supported in their role, and have the opportunity to reflect on their own practice and performance. It is our hope that most minor issues regarding conduct or performance will be resolved in the supportive environment of these regular supervision meetings as part of a two-way discussion to reflect on any shortcomings and encourage improvement.

If there is no improvement, or a more serious situation arises, the next stage would then be a Formal Disciplinary Procedure.

#### **Misconduct**

Examples of misconduct include, but are not limited to, the following:

- Attendance e.g. persistent lateness, or significant absence
- Failure to carry out a safe, lawful and reasonable instruction
- Recurring work issues
- Relationships with others e.g. abusive, rude, threatening language or behaviour, etc.
- Failure to follow health and safety procedures.
- Disclosure of confidential information concerning the employees or children attending

- General disregard to rules, standards, policies, or procedures, etc.
- Bringing Chelford Village Preschool into disrepute

#### Poor performance

Poor performance can take many forms. This list is not exhaustive but merely intended to illustrate a few instances when the Disciplinary Policy may be used:

- Poor standards of work, e.g. frequent mistakes, not following a job through, unable to cope with instructions given, etc.
- Inability to cope with a reasonable volume of work to a satisfactory standard.
- Attitude to work, e.g. poor interpersonal skills, lack of commitment/drive, etc.
- Lack of apparent skill in the work required.

#### Formal Disciplinary Procedure

It is the responsibility of management to ensure that the reasons for which disciplinary action may be taken are explained to employees. An employee has the right to have a fellow employee or trade union representative present at any disciplinary hearing. A disciplinary decision will not be taken until the matter has been fully investigated. The employee may, however, be suspended with pay pending investigation if it is considered necessary. At every stage the employee should be given reasonable notice (48 hours) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case. The disciplinary panel should consist of the Manager and the Committee Chair, however, in cases where either of the above members would not be appropriate other committee members would be drafted.

Where a case of misconduct or issues concerning performance reaches a formal disciplinary stage, it will be dealt with in the following manner.

#### Stage 1:

##### ***Verbal warning***

1. The employee will be interviewed by the disciplinary panel who will explain the complaint.
2. The employee will be given full opportunity to state his/her case.
3. After careful consideration by the disciplinary panel, and if the warning is considered to be appropriate, the employee needs to be told:
  1. what action should be taken to correct the conduct;
  2. that s/he will be given reasonable time to rectify matters;
  3. what training needs have been identified, with timescales for implementation;

4. what mitigating circumstances have been taken into account in reaching the decision;
5. that if s/he fails to improve then further action will be taken;
6. that a record of the warning will be kept in the employee's personnel file;
7. that s/he may appeal against the decision within a limited time period (three days).

Stage 2:

***Formal written warning***

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning:

1. The employee will be interviewed by the disciplinary panel who will explain the complaint and be given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case).
2. If a further formal warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.
3. The letter will:
  1. contain a clear reprimand and the reasons for it;
  2. explain what corrective action is required and what reasonable time is given for improvement;
  3. state what training needs have been identified, with timescales for implementation;
  4. make clear what mitigating circumstances have been taken into account in reaching the decision;
  5. warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice; and
  6. explain that s/he has a right to appeal against this decision.

Stage 3:

***Final written warning***

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant any initial warnings:

1. The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case).

2. If a final warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.
3. The letter will:
  1. contain a clear reprimand and the reasons for it;
  2. explain what corrective action is required and what reasonable time is given for improvement;
  3. state what training needs have been identified, with timescales for implementation;
  4. make clear what mitigating circumstances have been taken into account in reaching the decision;
  5. warn that failure to improve will result in further disciplinary action which could result in dismissal; and
  6. explain that s/he has a right to appeal against the decision.

Stage 4:

***Dismissal***

If the employee still fails to correct his/her conduct, then:

1. the employee will be interviewed as before; and
2. if the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons for dismissal and giving details of the right to appeal.

The procedure may be implemented at any stage dependent on the offence committed by the employee in each particular case.

**Gross Misconduct**

In the case of gross misconduct, the setting reserves the right to dismiss an employee without notice (or payment in lieu of notice) if, after investigation and consideration of any mitigating circumstances, the management are satisfied that there is sufficient justification for so doing.

Examples of what would constitute a gross misconduct offence include:-

- Theft or the unauthorised possession of property belonging to the setting, its employees or customers.
- Assault verbal or physical on any employee or persons associated with the setting.
- Breach of confidence i.e. the divulging of confidential information relating to the setting, its employees or customers.

- Dishonesty, including the use of any funds, expenses or allowances for any other purpose than that for which they have been delegated by the company.
- Being under the influence of drugs or alcohol whilst on duty.
- Serious or persistent breaches of safety rules.
- Fraud including falsification of work records and expense claims.
- Physical assault, corporal punishment or abuse towards a child e.g. hitting a child in chastisement or harsh disciplinary actions. Ofsted and the police would also be notified.
- Discrimination in any way against a person on the grounds of colour, religion, ethnic or national origin, sex or marital status, e.g. any behaviour which could constitute a breach of Race Relations and Sex Discrimination legislation.
- Flagrant failure to follow the settings documentary systems and procedures.
- Abuse of social media websites – e.g. using the pre-schools name un-professionally. This also includes any indirect harm that an individual may have on the pre-school by using social media.

### **Duration of Warnings**

Under normal circumstances, warnings will be valid for the following periods of time, although these may vary according to the nature of the occurrence and may therefore be determined by mutual agreement at the time of issue.

Verbal Warning: 6 months

First Written Warning: 6 months

Final Written Warning: 12 months

On expiry, warnings will be disregarded for future disciplinary purposes but not destroyed. They will remain in the main personnel file of the employee concerned.

### **Appeals**

At each stage of the disciplinary procedure the employee must be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the pre-school manager within three days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. Two or three people combining of Manager, playleader or committee members – not, if possible, those involved in the initial disciplinary procedures - will serve as an appeals committee. If this is not possible, the appeal group may consist of the same people as the original panel, and they must make every effort to hear the appeal as impartially as possible. The employee may take a colleague or trade union official to

speak for him/her.

1. The employee will explain why s/he is dissatisfied and may be asked questions.
2. The chair / Manager will be asked to put his/her point of view and may be asked a question.
3. Witnesses may be heard and may be questioned by the appeals committee and by the employee and the chair.
4. The committee will consider the matter and make known its decision.

A written record of the meeting will be kept.

If no appeal is made within 3 working days of disciplinary action being taken, then it will be assumed that the employee accepts the decision

### **Suspension**

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are being made. These should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. These investigations should be carried out within as short a time as possible.

Instant dismissal is possible only in circumstances of gross misconduct.

### **Probationary Period**

Within an employee's probationary period the disciplinary steps above do not apply. Employment can be terminated due to failure to meet expected standard of job role. If we feel that an employee is not progressing or have any issues regarding their performance we have the right to terminate employment.

### **Grievance Procedure**

Minor disagreements among pre-school staff, or between staff and committee, can usually be resolved informally by discussion. If an employee is dissatisfied s/he must have the opportunity for prompt discussion with his/her immediate supervisor. For the Manager it would be the committee chair. For other pre-school staff it would be the pre-school manager. If the grievance persists, a management panel should be set up for the purpose of further discussion, at which the employee may, if s/he wishes, be accompanied by a colleague.

The Procedure

***Step 1 - Statement of grievance***

The employee must clearly state the grievance to the employer and ideally confirm these details in writing.

***Step 2 - Meeting***

The employer must invite the employee to attend a meeting to discuss the grievance. The meeting must not take place unless:

- the employee has informed the employer what the basis for the grievance was when they made the statement under Step 1; and
- the employer has had a reasonable opportunity to consider their response to that information.

The employee must take all reasonable steps to attend the meeting.

After the meeting, the employer must inform the employee of their decision as to their response to the grievance and notify them of the right of appeal against the decision if they are not satisfied with it.

Employees have the right to be accompanied by either a trade union official or work colleague to any grievance hearing.

***Step 3 - Appeal***

If the employee does wish to appeal, they must inform the employer within three days. If the employee informs the employer of their wish to appeal, the employer must invite them to attend a further meeting. The employee must take all reasonable steps to attend the meeting.

After the appeal meeting, the employer must inform the employee of their final decision.

Where reasonably practicable, the appeal should be dealt with by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting). Employees have the right to be accompanied at the appeal meeting

The aim of the above procedure is to settle the grievance fairly and as near as possible to the point of origin. It is intended to be simple and rapid in operation.