



Registered Charity No 1035670

Staff Disciplinary and Grievance Policy

Purpose of the Policy

The aim of this policy is to encourage improvement in individual conduct and performance. This policy sets out the action that will be taken in the event of a disciplinary matter arising.

Disciplinary Procedure

If you are subject to disciplinary action, the following principles will apply:

- The Procedure sets out to establish the facts quickly and to deal consistently with disciplinary issues. No action will be taken until the matter has been fully investigated.
- At every stage you will be advised of the nature of the complaint and given reasonable notice (5 days) that a disciplinary hearing is to take place. You will be given the opportunity to state your case and you have the right to be accompanied by a colleague if you so wish. The disciplinary panel will consist of the Chair of the committee/ committee member and the Manager who will ensure that confidentiality is maintained within the panel.
- You will not normally be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- You have the right to appeal against any disciplinary action taken against you.

Informal Discussions

Before taking any formal disciplinary action, your manager will make every effort to resolve matters by informal discussions with you. Most minor disagreements among staff can usually be resolved at the regular staff meeting or informally by discussion. Only when this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

Formal Procedure

1. Verbal Warning

If conduct or performance is unsatisfactory, you will be given a written notice of a disciplinary hearing which may result in a verbal warning.

- You will be interviewed by a disciplinary panel who will explain the complaint

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- You will be given full opportunity to state your case
- after careful consideration by the management , and if the warning is considered to be appropriate, you will be told:

- a) What action should be taken to correct the conduct
- b) that you will be given reasonable time to rectify matters
- c) what training needs have been identified, with time scales for implementation
- d) what mitigating circumstances have been taken into account in reaching the decision
- e) that if you fail to improve then further action will be taken
- f) that a record of the warning will be kept , but will be disregarded after 6 months of satisfactory service
- g) that you may appeal against the decision within a limited time period (5 days)

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 verbal warning:

- you will be interviewed by the disciplinary panel and given the opportunity to state your case. (Reasonable time must be allowed for the preparation of your case)
- if a written formal warning is considered to be appropriate, this will be explained to you and a letter confirming this decision will be sent to you within 3 working days of the hearing.
- The letter will:

- a) contain a clear reprimand and the reasons for it
- b) explain what corrective action is required and what reasonable time is given for improvement
- c) state what training needs have been identified, with timescales for implementation
- d) make clear what mitigating circumstances have been taken into account in reaching the decision
- e) 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
- f) explain that you have a right to appeal against the decision
- g) explain that a record of the warning will be kept on file but will be disregarded after 6 months satisfactory service

3. Final Written Warning

If an 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

- You will be interviewed and given an opportunity to state your case (reasonable time must be allowed for the preparation of your case)
- 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 within 3 working days of the hearing.

The letter will:

- a) contain a clear reprimand and the reasons for it
- b) explain what corrective action is required and what reasonable time is given for improvement
- c) state what training needs have been identified, with timescales for implementation
- d) make clear what mitigating circumstances have been taken into account in reaching the decision
- e) warn that failure to improve will result in further disciplinary action which could result in dismissal
- f) explain that you have a right to appeal against the decision
- g) explain that a record of the warning will be kept on file but will be disregarded after 1 years satisfactory service

4. Dismissal

If the employee still fails to correct his/her conduct and faces dismissal – or action short of dismissal such as demotion or loss of pay - the minimum statutory procedure will be followed.

This involves :

Step 1 – a written note setting out the allegation and the basis for it

Step 2 - a meeting to consider and discuss the allegation. You will be allowed a reasonable time to prepare your case and you will be heard at the interview. You have the right to be accompanied or represented by a colleague or union representative. If the decision is to dismiss, you will be given notice of dismissal , stating the reasons for dismissal and giving details of the right to appeal.

Step 3 – a right of appeal including an appeal meeting

Gross Misconduct

Where there is an allegation of conduct amounting to gross misconduct, an employee will be suspended with pay while investigations are being made by the disciplinary panel. These investigations should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. Obviously these investigations should be carried out in as short a time as possible. An interview will be arranged with the employee , as described in Section 4 above.

If after investigations are complete, it is confirmed there was an incident of gross misconduct, the normal consequences will be dismissal with out notice or payment in lieu of notice.

Examples of such misconduct would be :

Theft or fraud, ill treatment of children, assault, malicious damage, gross carelessness which threatens the health and safety of others, being unfit through the use of alcohol or drugs (this list is not exhaustive)

Otherwise an employee should not be dismissed without the appropriate warnings. Where it is found that there has not been gross misconduct, the employee will be reinstated and if appropriate, arrangements for supervision or re-training will be made. These arrangements will be confirmed to the employee in writing together with any warnings that may be considered appropriate.

Appeals

At each stage of the disciplinary procedure the employee must be told that s/he has the right to appeal against any disciplinary action, and that the appeal must be made to the Chair of the Committee within 5 days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of the receipt of the appeal. 2/3 people (not those involved in the initial disciplinary procedures) will serve as an appeals committee. You may take a friend or another staff member to speak for you.

- You will explain why you are dissatisfied and may be asked questions
- The manager will be asked for their point of view and may be asked questions
- Witnesses may be heard and may be questioned by the manager and by the employee
- The panel will consider the matter and make known its decision
- A written record of the meeting will be kept

Grievance Procedure

Aim of the Procedure

It is the aim of Beckley Preschool / Northiam Nursery to ensure that employees with a grievance relating to their employment can use a procedure which can help resolve grievances as quickly and as fairly as possible.

Informal Discussion

If you are dissatisfied you should discuss it informally with your manager. For the manager this would be the Chair, and for other Pre-school staff this would be the manager. We hope that the majority of concerns will be resolved at this stage.

Stage 1

If the grievance persists, you should put your grievance in writing to your manager. Your manager must give you a written response within 5 working days in an effort to resolve the matter.

Stage 2

If the matter is not resolved, you may raise the matter, in writing, with the Chair. A response must be given in writing within 5 working days. A management panel should be set up for the purpose of further discussion, at which you may, if you wish, be accompanied by a colleague.

Stage 3

There must be a right of appeal to a quorate meeting of the full Pre-school/Nursery management/Committee. You should put your grievance in writing, and a meeting will be convened within 7 working days of the grievance being received. At this level also your colleague may be present. The management's decision is final.

Signed on behalf of the management committee:

Role of signatory:

Date: