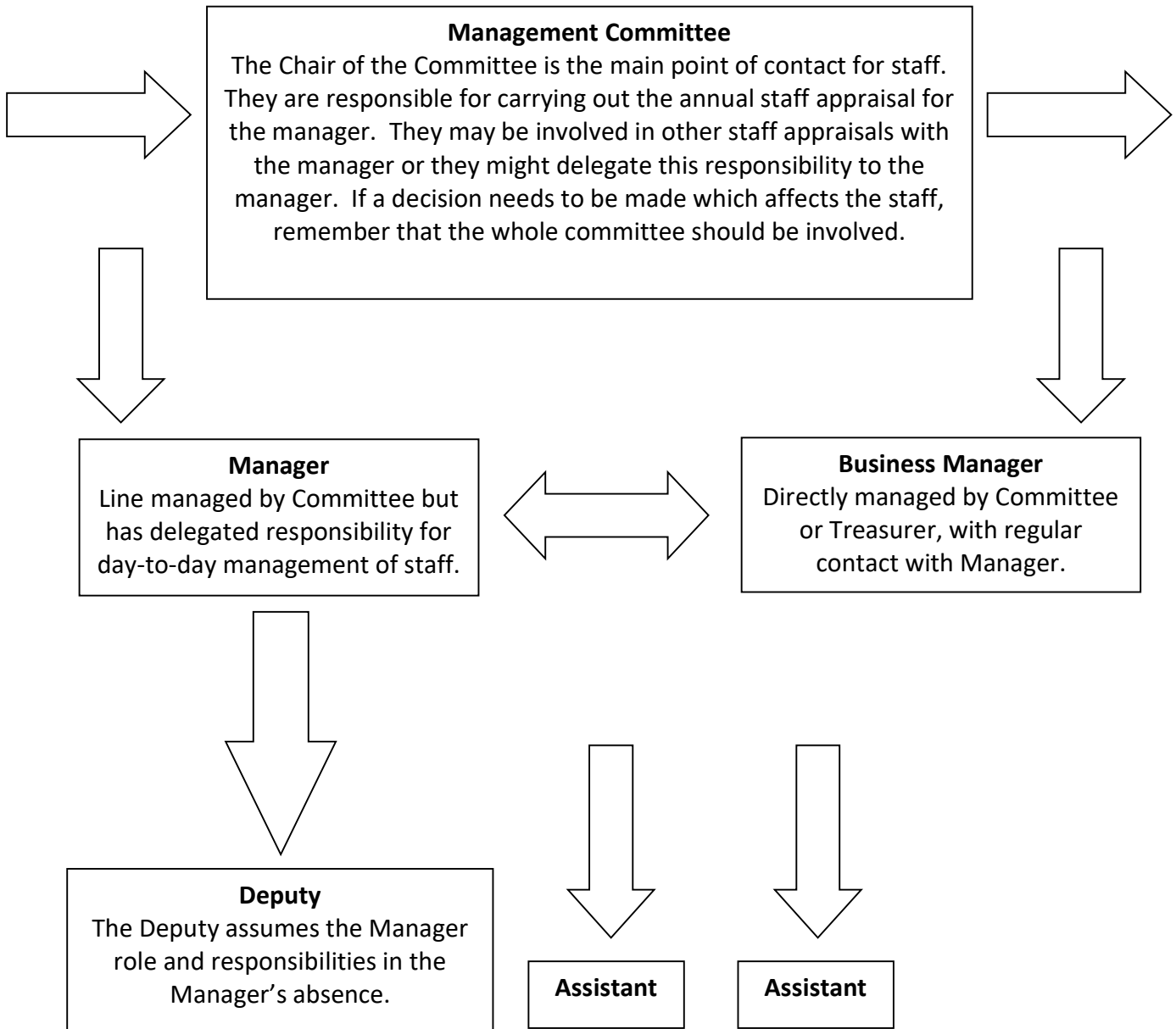


DISCIPLINARY AND GRIEVANCE POLICY & PROCEDURE

Line Management Flow Chart



DISCIPLINARY PROCEDURE

Policy Statement

It is the aim of Longwick Pre-school to encourage improvement in individual conduct. This procedure sets out the action that will be taken when conduct is in breach of the contract.

Verbal Warning

Where there has been a concern about misconduct or breach of procedure that is likely to result in a verbal warning. In such cases a meeting will be held with the worker and manager/committee member to discuss the concern. This meeting should be minuted by the manager or by a third party (i.e., Committee Member).

An incident form should be completed to discuss the concern and the worker should be given the opportunity to express their understanding of the incident and potential concerns raised from it.

An agreed plan of action will be made to ensure that incident/concern will not happen/be raised again, and any training needs will be identified to support this.

When any incident of misconduct or negligence or poor performance is alleged to have occurred, the manager must establish the facts to decide whether there is a need for a disciplinary meeting that may result in a written warning, if felt necessary this will also be discussed with the committee prior to a decision being made.

Where appropriate/possible, signed written statements should be obtained as quickly as possible from the individual(s) concerned and should include where possible dates, times, details of those present and the issues of concern.

The manager or supervisor must send the statement and any witness statements to the employee including any evidence that will be relied upon at the meeting and, invite her/him to attend a disciplinary meeting to discuss the matter.

The employee should also be informed of their right to be accompanied at the meeting.

Employees should be given an appropriate amount of notice of the meeting in order to prepare their response and to contact any witnesses that he/she wishes to call to the meeting to give evidence.

A disciplinary meeting must take place before any disciplinary action is taken, (except where the action in question consists of suspension pending a disciplinary meeting).

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, to include the right of appeal and to whom to address any appeal letter.

Appeals

Any employee who feels they have been disciplined unfairly may appeal in writing to the person named in the disciplinary letter. All appeals must be submitted in writing, clearly set out the grounds for appeal, within 10 working days of the date of the disciplinary meeting letter.

Normally an appeal meeting will be arranged with the employee together with the line manager of the manager e.g., the owner, who issued the disciplinary penalty, within 15 working days of the employee's request.

Appeals will normally be held within 15 working days of the date of the original disciplinary meeting.

Disciplinary Penalties

Managers should not issue any disciplinary penalties without a formal meeting.

There are five disciplinary penalties, which may result from misconduct:-

- formal verbal warning (first formal warning)
- written warning
- final written warning
- dismissal with notice
- summary dismissal

The gravity of the offence will determine which disciplinary penalty is issued.

Formal Verbal Warning

Minor breaches of organisational discipline, misconduct or time keeping, or failure to meet performance criteria, may result in a formal verbal warning given by the manager. The manager may give this at a disciplinary meeting with the employee.

This warning should be confirmed in writing. If the warning relates to unsatisfactory performance then it should set out:-

- the performance required
- the improvement required
- the timescale for improvement
- any review date
- any support that can be offered to assist the employee to improve their performance.

If the warning relates to conduct then the nature of the misconduct and the change in behaviour required should be set out in the warning letter. The employee may be accompanied at the meeting by a work colleague or a trade union representative.

The warning will be placed on the employee's personnel file. After a period of three months, if no further disciplinary action has been found necessary and the minor breach has been resolved, the warning will expire.

Written Warnings

If the infringement is regarded as more serious, or the employee's work or conduct are considered unsatisfactory after they have received a formal verbal warning and after a period has elapsed in which the employee has had time to remedy their work or conduct, a disciplinary meeting conducted by the manager will be held.

The employee will be informed of the nature of the complaint and such evidence as may exist, and will be given an opportunity to respond. The employee will be told of the decision and given a letter of confirmation within 10 working days of the disciplinary meeting. The written confirmation will state:-

- the date of the disciplinary meeting and those present
- the penalty imposed
- details of the misconduct, poor performance or poor time keeping that has occasioned a warning and the performance required or the change in behaviour required
- the timescales for performance improvement, where appropriate
- details of any necessary action to remedy the situation, any period of review, extra training or supervision etc., or the possibility for redeployment / demotion
- that any further misconduct etc. will result in a further disciplinary meeting and will normally result in a confirmed final warning, which if unheeded will result in dismissal with appropriate notice
- that there is a right of appeal

After a period of six months, if no further disciplinary action has been found necessary and the minor breach has been resolved, the warning will expire.

Final Written Warning

If the employee's work or conduct fails to improve, or where the infringement is sufficiently serious, the manager will follow the same procedures as for issuing a written warning. If proven, a final warning, which will be in writing, will be given to the employee warning that any further misconduct will result in dismissal with appropriate notice.

After a period of twelve months, if no further disciplinary action has been found necessary and the breach has been resolved, the warning will expire.

Gross Misconduct

Employees dismissed with notice will be paid for this notice period. An employee may be dismissed without notice if there has been an act of gross misconduct, or a major breach of duty or conduct that brings the organisation into disrepute. The employee will be suspended with pay while the circumstances of the alleged gross misconduct are investigated.

A dismissal must be confirmed in writing within 10 working days of the date of the disciplinary interview. As well as covering the points in paragraphs 9.1 and 9.2, the letter should also include details of any outstanding money owed to the employee, how and when it will be paid and the final date of employment.

In certain cases, where a member of staff is dismissed from the organisation or internally disciplined because of misconduct relating to a child, we inform the Independent Safeguarding Authority (from October 2009), other relevant agencies and follow Local Safeguarding Children Board guidelines.

Suspension

Suspension should be used sparingly in circumstances where the manager needs to conduct an investigation prior to a hearing where it is felt that the impact of not suspending the employee during the period would be likely to be more detrimental than suspending them.

Cases which involve potential gross misconduct will usually result in suspension - particularly when relationships have broken down or where the setting's property or responsibilities to other parties are involved, or where the employee's presence may prejudice the inquiry.

Suspension should be kept brief and reviewed to ensure that it is not unnecessarily protracted.

Where a member of staff is suspended because of alleged misconduct relating to a child, we inform the Ofsted, social services and we may also contact the Police. We may also contact other relevant agencies.



Timescales

Employees are required to take all reasonable steps to attend the hearing. However, should, for a reasonably unforeseen reason, either the employee, the line manager or their companions be unable to attend the meeting, it must be rearranged.

Should an employee's companion be unable to attend then the employee should make contact within 5 days of the date of the letter to arrange an alternative date that falls within 10 days of the original date provided.

Time limits may be extended by mutual agreement.

GRIEVANCES PROCEDURE

Policy Statement

The key objective of the procedure is to allow grievances to be settled quickly, fairly and at the lowest possible level within the Longwick Pre-school whilst allowing employees the opportunity to appeal to a higher level if necessary.

The procedure covers all employed staff in Longwick Pre-school direct employment who have a grievance.

It covers all matters which may become a source of grievance, excluding:-

- those concerned with disciplinary action unless the disciplinary action amounts to discrimination, or the action was not taken on the grounds
- of the employees conduct or capability
- decisions on strategic business issues, which are taken by the Management Committee, but not excluding the operational impact of those decisions.

Employees are encouraged to raise concerns verbally with their manager (or employer) prior to raising a formal grievance.

Employees are entitled to be accompanied at a grievance meeting and appeal, by a trade union representative or by a work colleague.

Procedure

The (setting's) policy is to encourage free interchange and communication between managers and the staff they manage. This ensures that questions and problems can be aired and resolved quickly and that grievances are settled informally.

Informal Procedure

If an employee has a complaint about their individual circumstances at work, then they are entitled to raise a grievance. Employees are expected to discuss ordinary day to day issues informally with your line manager through supervision meetings or if necessary, request a separate meeting. Where this is not possible employees should raise their concerns verbally with the next level of management, prior to raising a formal grievance.

If after seeking to resolve concerns informally employees are not satisfied, then they should write to the early years setting, explaining their grievance.

Formal Procedure

Employees must provide in writing, the nature of the alleged grievance and send the written complaint to their immediate manager.

Where the grievance is against the manager the matter should be raised with the committee chair.

Normally within 5 working days of receiving a grievance, the manager/committee chair will write to the employee, inviting them to attend a meeting where the alleged grievance can be discussed. The meeting should be scheduled to take place as soon as reasonably possible, and normally at least 5 working days' notice of this meeting should be provided to the employee.

Employees are required to take all reasonable steps to attend the meeting. However, should, for an unforeseen reason, either the employee, the manager or their companions be unable to attend the meeting, it must be rearranged.

Should an employee's companion be unable to attend then the employee should make contact within 5 days of the date of the letter to arrange an alternative date that falls within 10 days of the original date provided. These time limits may be extended by mutual agreement.

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

After the final meeting, the manager hearing the grievance must write to the employee informing them about any decision and offering the right of appeal. This letter should be sent within 10 working days of the grievance meeting and should include the details of how to appeal.

Should the employee consider that the grievance has not been satisfactorily resolved, then they must set out their grounds of appeal in writing within 7 working days, of receipt of the decision letter, confirming that they wish to appeal against the decision or failure to make a decision.

Within 5 working days of receiving an appeal letter, the employee should be written to inviting her/him to attend an appeal hearing where the alleged grievance can be discussed. The appeal meeting should be scheduled to take place as soon as reasonably possible.

Employees are required to take all reasonable steps to attend the appeal hearing. However, should, for a reasonably unforeseen reason, either the employee, the line manager or their companions be unable to attend the meeting, it must be rearranged.

Should an employee's companion be unable to attend then the employee should make contact within 5 days of the date of the letter to arrange an alternative date that falls within 10 days of the original date provided. These time limits may be extended by mutual agreement.

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 procedure.

Taken from 'Employment in Early Years Setting' published by Pre-School Learning Alliance, 2017.

For further information visit www.acas.org.uk

Date Policy Implemented *January 2011*

Signed



Name and Role

Alex Barter, Committee Management Chair

Date of Last Review

November 2023

Date of Next Review

November 2024