



## Fyfield Village Pre-School

### 2.3 Disciplinary and Grievance Procedure for Employees

#### Policy Statement

Fyfield Village Pre-School are dedicated in helping and encouraging all employees to achieve and maintain standards of conduct, attendance and job performance. The manager meets termly with staff for supervision meetings – part of this process includes reflecting on personal strengths and weaknesses and ways to further improve each individual's practice. Progression reviews are held half termly as and when deemed necessary by management.

Fyfield Village Pre-School is committed to ensuring that all staff at the pre-school should be treated in a fair, consistent and sensitive way.

#### Procedures

##### *Minor disagreements*

- Minor disagreements among pre-school staff can usually be resolved at supervision meetings or informally by discussion.
- These discussions are always in private and out of the hearing of other employees.
- Management will keep criticism constructive stating any minor shortcomings in conduct or performance ensuring it is a two-way conversation allowing the staff member to state their case
- Management will outline improvement(s) to be made and together find ways in which the employee can improve standards and how the manager can support them.
- An additional, half termly, progressive review date will be arranged to closely monitor conduct and/or performance
- The employee should be told that if there is no improvement, the next stage might be the Formal Disciplinary Procedure.

##### *Disciplinary Procedure*

In the case of gross misconduct it will usually result in instant dismissal without notice.

Where an employee's conduct or performance fails to improve as a result of advice, and coaching, or where the offence poses a direct risk to a child/families safety, confidentiality or well-being, then the disciplinary procedure will be applied.

Examples include, but are not limited to:

- Poor timekeeping or persistent lateness
- Poor performance – fails to improve after advice and/or coaching
- Minor damage to pre-school property
- Failure to observe pre-school policies
- Unauthorised absence from work
- Wilful failure to comply with a reasonable instruction from a member of senior management
- Persistent minor breaches of health and safety requirement
- Foul or abusive verbal language or body language
- Sexual or racial harassment which is not sufficiently serious to fall into the category of 'gross misconduct'

The employee will be told the purpose of the hearing and that it will be held under the pre-school's disciplinary procedure. They will be given reasonable notice, at least 48 hours, to give them the opportunity to prepare their case. They are given the opportunity to be accompanied by a member of staff or a trade union representative if they wish to do so. Minutes will be taken during each Disciplinary meeting.

Disciplinary matters will be dealt with in three stages.

- Verbal warning
- Written warning
- Notice of dismissal

#### *Stage one – Verbal warning*

- The employee will be interviewed by management. The complaint(s) will be explained.
- The employee will be given the opportunity to state their case
- After careful consideration by the preschool management and if the warning is considered to be appropriate, the employee will be told in writing (within 5 working

days) outlining outcomes from the disciplinary meeting. The employee will be asked to sign a copy to confirm they understand the terms of the letter. The letter will clearly state any improvement expected, training/support to be provided if appropriate, dates for achievement and warning that if improvements are not made then further action will be taken.

- A copy will be kept on the employees records for **6 months** when it will be removed from their file and shredded - subject to achieving and sustaining satisfactory performance.
- Explain that an appeal can be made against the decision within 5 day

#### *Stage two – Formal Written Warning*

- Where there is a re-occurrence of the same misconduct or an additional episode of misconduct during the verbal warning period, or a first breach of discipline of a more serious nature, the employee may receive a formal written warning.
- As previously, the employee will be offered the opportunity to state his/her case. The disciplinary panel (preschool management) will conduct the disciplinary hearing.
- After careful consideration by the preschool management and if the warning is considered to be appropriate, the employee will be told in writing (within 5 working days) outlining outcomes from the disciplinary meeting. The employee will be asked to sign a copy to confirm they understand the terms of the letter. The letter will clearly state any improvement expected, training/support to be provided if appropriate, dates for achievement and warning that if improvements are not made then further action will be taken which could result in dismissal.
- A copy will be kept on the employees records for **12 months** when it will be removed and shredded - subject to achieving and sustaining satisfactory performance.
- Explain that an appeal can be made against the decision within 5 day

#### *Stage three Final Written Warning*

- Where there is a re-occurrence of the same misconduct or an additional episode of misconduct during the written period, or a first breach of discipline of a more serious nature, the employee may receive a Final written warning.
- As previously, the employee will be offered the opportunity to state his/her case. The disciplinary panel (preschool management) will conduct the disciplinary hearing.

- After careful consideration by the preschool management and if the warning is considered to be appropriate, the employee will be told in writing (within 5 working days) outlining outcomes from the disciplinary meeting. The employee will be asked to sign a copy to confirm they understand the terms of the letter. The letter will clearly state any improvement expected, training/support to be provided if appropriate, dates for achievement and warning that if improvements are not made then further action will be taken which could result in dismissal.
- A copy will be kept on the employees records for **18 months** when it will be removed and shredded - subject to achieving and sustaining satisfactory performance.
- Explain that an appeal could be made against the decision within 5 days.

### *Dismissal*

- Where the employee has been subject to the full disciplinary procedure and continues to fail to make the agreed improvements, or gross misconduct, then the employee will be interviewed by the disciplinary panel as before.
- If the decision is to dismiss, the employee will be given the notice of dismissal, stating reasons and given the details of the right of appeal.
- If progress is satisfactory, within the time given to rectify matters the record of warnings will be destroyed by shredding
- The employee will be told the outcome in writing (within 5 working days)

### *Gross Misconduct*

- If after investigation it is confirmed that an employee has committed an offence of gross misconduct it will result in instant dismissal without notice or payment:

Examples include, but are not limited to:

- Theft or fraud
- Ill treatment of children
- Assault
- Malicious damage
- Gross carelessness which threatens the health and safety of others
- Serious incapability at work brought on by use of drugs or alcohol
- A serious breach of confidence

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

### *Appeals*

- At each stage of the disciplinary procedure the employee has a right of appeal and that appeal must be made in writing, within 5 days of receipt of the disciplinary letter, addressed to the owners / directors of the pre-school.
- Where possible a meeting will be held within 7 days.
- The appeals panel will consist of the management team.
- The employee will state why they are dissatisfied and may be questioned.
- Witnesses may be heard and questioned
- The management team will consider the matter and make its decision.
- A written record will be kept.

### *Grievance Procedure*

A grievance is a complaint by an employee about any aspect of his/her employment, e.g. nature or range of duties, conditions of service, relationships with other staff.

The employee will continue to work during the grievance procedure

### *Informal grievance*

- If an employee has a grievance it should be discussed in the first instance with the manager.
- If the grievance persists a management committee should be set up for the purpose of further discussion.
- The employee is entitled to have a colleague present
- Employees' grievances will be treated seriously and will be resolved as quickly as possible.

### *Formal grievance*

- If the matter is serious and the employee wishes to raise the matter formally, the grievance should be set out in writing.
- If the grievance is against the manager and the employee feels unable to speak directly, he/she should be able to talk to the deputy manager.

### *Grievance hearing*

- The manager will call the employee to a meeting to discuss the grievance, within 5 days of the grievance being received.
- The employee has the right to be accompanied by a colleague or trade union representative.
- After the meeting the manager will give the employee a decision in writing within 24 hours.

### *Appeal*

- If the employee is unhappy about the decision and wishes to appeal he/she should let the manager know.
- The employee will be invited to a meeting, within 5 days and the appeal will be heard by an Appeals Committee. The employee has the right to have a colleague or trade union representative present.
- After the meeting the Appeals Committee will give a written decision, within 24 hours.
- This decision will be final.

This policy was adopted at a meeting of	Fyfield Village Pre-School Ltd
Held on	August 2019
Date to be reviewed	August 2020
Signed on behalf of the provider	
Name of signatory	Lisa Carey
Role of signatory (e.g. chair, director or owner)	Director