

17. Disciplinary and Grievance Procedure



Statement of Intent

Yaddlethorpe Pre-school believes that everyone is entitled to be treated with equality and respect. We believe everyone has the right to be heard and be given a fair hearing. We will follow this procedure to endeavour to give staff and management the chance to resolve and deal with all incidents, complaints and grievances as they arise.

Aim

We aim to bring all concerns to a satisfactory conclusion for all of the parties involved.

Minor disagreement

Minor disagreements between Pre-school staff, or between staff and committee, can usually be resolved at a regular staff meeting or informally by discussion.

Disciplinary procedure

A more serious situation arises when a dispute cannot be resolved, or when the committee is dissatisfied with the conduct or activities of an employee.

Any disciplinary matter will normally be dealt with using the following procedure. At every stage the employee should be given reasonable notice (5 days) that a disciplinary hearing is due to take place to give him / her the opportunity to prepare his / her case, and he / she should be offered the opportunity to be accompanied by a colleague or a union representative if he / she wishes. The disciplinary panel is made up of the management committee chairperson, one other nominated committee member and the pre-school supervisor.

1. Oral warning

1. The employee should be interviewed by the disciplinary panel who will explain the complaint.
2. The employee should be given full opportunity to state his / her case.
3. After careful consideration by the management committee, and if the warning is considered to be appropriate, the employee needs to be told:
 - a) what action should be taken to correct the conduct;
 - b) that he / she will be given time to correct the conduct;
 - c) what training needs have been identified, with timescale for implementation;
 - d) what mitigating circumstances have been taken into account in reaching the decision;
 - e) that if he / she fails to improve then further action will be taken;
 - f) that a record of the warning will be kept;
 - g) that he / she 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 the initial oral warning:

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 further formal warning is considered appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee;
3. the letter will:
 - a) contain a clear reprimand and the reason 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 a timescale 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 he / she has the right to appeal.

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 warning:

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 the decision will be sent to the employee;
3. the letter will:
 - a) contain a clear reprimand and the reason 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 a timescale 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 he / she has the right to appeal.

4. Dismissal

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

1. the employee will be interviewed as before;
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.

If the process is satisfactory within the time given to rectify matters, the record of warnings in the individual files will be destroyed..

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 in as short a time as possible.

Instant dismissal is possible only in extreme circumstances of gross misconduct. Examples of such misconduct would be;

- Conviction of a serious criminal offence
- theft or fraud
- ill-treatment of children
- assault or using threatening behaviour including bullying, either physically or verbally to any adult or child
- wilful or malicious damage to Pre-school property
- gross carelessness which threatens the health and safety of others
- being unfit through use of drugs or alcohol
- breaking confidentiality or passing confidential information to a third party
- unauthorised removal or sale of Pre-school property
- breaking or not adhering to the health and safety procedures especially those which could endanger a child's or employees safety
- gross insubordination
- unauthorised absence
- breaking a legal requirement within the childcare legislation or the Pre-school policies and procedures
- falsifying expenses for fraudulent purposes

Otherwise an employee should not be dismissed without the appropriate warnings.

Appeals

At each stage of the disciplinary procedure the employee must be told he / she has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the pre-school management committee chairperson within 5 days of a disciplinary interview. The appeal hearing should be heard, if possible within 10 days of receipt of the appeal. The appeal committee will be made up of 3 committee member. The employee may take a colleague or a union representative to the appeal hearing.

- The employee will explain why he / she is dissatisfied and may be asked questions.
- The management committee chairperson will be asked to put their point of view and may be asked questions.
- Witnesses may be heard and may be questioned by the appeals committee and by the employee and the chairperson.
- The committee will consider the matter and make known its decision.

A written record of the meeting will be kept.

Grievance procedure

If an employee is dissatisfied he / she must have the opportunity for prompt discussion with his / her immediate supervisor. For the supervisor this would be the management committee chairperson. If the grievance persists, a management panel should be set up for the purpose of further discussion, at which the employee may, if he / she wishes be accompanied by a colleague.

There must be a right to appeal, to the full pre-school committee. At this level also the employee's colleague or trade union representative may be present.

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.

