



Disciplinary & Grievance Procedure For Pre-School Employees

Minor disagreements

Minor disagreements amongst Pre-School staff, or between staff and trustees, can usually be resolved at the regular staff meetings or trustee meetings or informally by discussion.

Disciplinary procedure

A more serious situation arises when a dispute cannot be resolved, or when the trustees are 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 she/he should be offered the opportunity to be accompanied by a colleague or union representative if she/he wishes. The disciplinary panel in a trustee-run group should consist of the chair and two nominated trustee members, who should ensure that confidentiality is maintained within the panel.

Oral warning

The disciplinary panel will explain the complaint and will interview the employee.

The employee will be given full opportunity to state his/her case.

After careful consideration by the disciplinary panel, and if the warning is considered to be appropriate, the employee needs to be told:

- What action should be taken
- That she/he will be given reasonable time to rectify matter
- What training needs have been identified, with timescales for implementation
- What mitigating circumstances have been taken into account in reaching the decision
- That if she/he fails to improve then further action will be taken
- That a record of the warning will be kept
- That she/he may appeal against the decision within a limited time period (5 days)

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:

The employee will be interviewed by the disciplinary panel, which will explain the complaint, and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case)

If a further formal 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

The letter will:

- Contain a clear reprimand and the reasons for it
- Explain what corrective action is required and what reasonable time is given for improvement
- State what training needs have been identified, with timescales for implementation
- Make clear what mitigating circumstances have been taken into account in reaching the decision
- Warn that failure to improve will result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice
- Explain that she/he has a right to appeal against the decision.

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:

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).

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.

The letter will:

- Contain a clear reprimand and the reason for it.
- Explain what corrective action is required and what reasonable time is given for improvement.
- State what training needs have been identified, with timescales for implementation.
- Make clear that mitigating circumstances have been taken into account in reaching the decision.
- Warn that failure to improve will result in further disciplinary action which could result in dismissal.
- Explain that she/he has a right to appeal against the decision.

Dismissal

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

- The employee will be interviewed as before; and
- 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 progress is satisfactory within the time given to rectify matters, the record of warnings in the individual file 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 the witnesses to the disciplinary incident, and from the employee who is being disciplined. Obviously these investigations should be carried out within as short a time as possible.

Instant dismissal is possible only in circumstances of gross misconduct. 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 other.
- Being unfit through use of drugs or alcohol.

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

Appeals

At each stage of the disciplinary procedure the employee must be told she/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the chair within five days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. In a community group, two or three trustee members - not, if possible, those involved in the initial disciplinary procedures - will serve as an appeal committee. The employee may take a colleague or trade union official to speak for him/her.

- The employee will explain why she/he is dissatisfied and may be asked questions.
- The chair will be asked to put his/her point of view and may be asked questions.
- Witnesses may be heard and may be questioned by the appeals committee.
- 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 she/he must have the opportunity for prompt discussion with his/her immediate manager. For a manager of a Pre-School this would normally be the chairperson. For Pre-School staff it would be the manager. If the grievance persists, a management panel should be set up for the purpose of further discussion, at which the employee may if she/he wishes, be accompanied by a colleague.

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

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

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| This policy was adopted at a meeting of | Clifton Moor Pre-School | (name of provider) |
| Held on | 22 nd September 2017 | (date) |
| Date to be reviewed | September 2018 | (date) |
| Signed on behalf of the management committee | | |
| Name of signatory | Toni Brett | |
| Role of signatory (e.g. chair/owner) | Manager | |
| Signed by Trustee Member | | |

Reviewed by

Date

Reviewed by

Date

Reviewed by

Date

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