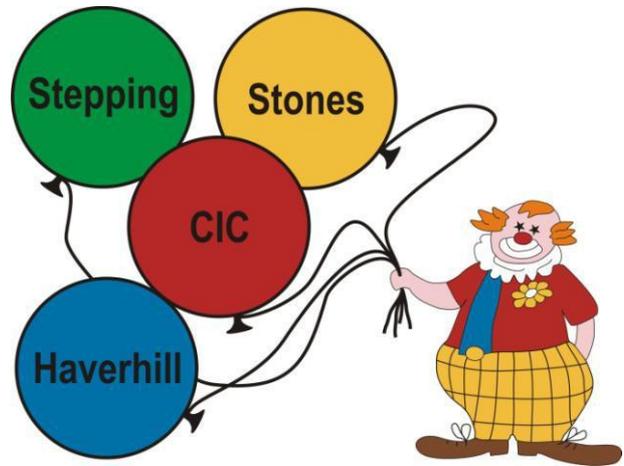


**General Welfare Requirement: Suitable People**

Providers must ensure that adults looking after children, or having unsupervised access to them, are suitable to do so.



**42. Disciplinary and Grievance**

**Procedure for Pre-School Employees**

**Policy statement**

Our setting is committed to safeguarding and promoting the welfare of children, young people and adults at all times and expects everybody working within this setting to share commitment.

Stepping Stones Childcare & Education CIC believes that grievances should be settled quickly, fairly and at the lowest possible level within Preschool, whilst allowing employees the opportunity to appeal if necessary.

**EYFS key themes and commitments**

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.2 Inclusive Practice 1.3 Keeping safe 1.4 Health & Well being	2. 1 Respecting each other	3.4 The wider context	

**Procedures**

The procedure covers all employed staff in Stepping Stones Childcare & Education CIC direct employment that has a grievance. It covers all matters which may become a source of grievance. Employees are entitled to be accompanied at a grievance meeting by a work colleague. Stepping Stones Childcare & Education CIC policy is to encourage free

interchange and communication between the Management and staff. This ensures that questions and problems can be aired and resolved quickly and that grievances are settled informally

### **Minor Disagreement**

Minor disagreements among pre-school staff, can usually be resolved at the regular staff meetings or informally by discussion. Discussions must be in private, out of the hearing of other employees. It should be a two way discussion, aimed at pointing out any minor shortcomings in conduct or performance and encouraging improvement. Criticism should be constructive, and the emphasis should be on finding ways in which the employee can remedy any short comings. The employee should be told that if there is no improvement, the next stage might be the Formal Disciplinary Procedure. A more serious situation arises when a dispute cannot be resolved, or when the management is dissatisfied with the conduct or activities of an employee. In these situations, the following Disciplinary will come into force.

### **Disciplinary Procedure**

The procedure is designed to ensure issues relating to an employee's conduct are resolved at the lowest possible level. The preschools disciplinary policy is based on the principle that it provides:

- Fair and consistent treatment for all employees
- A full and fair hearing in a reasonable time-scale
- At every stage the employee will be given reasonable notice (at least 48 hours) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case.
- No employee will be subject to discrimination on the grounds of sex, race, disability, age, sexual orientation, religion or belief at any time.
- That the full appropriate procedure is adhered to in all cases, and dismissal should not follow the first misconduct offence (except in cases of gross misconduct)
- The employee will be offered the opportunity to be accompanied at all stages of the procedure by a colleague if they so wish.

Employees may be overawed or feel intimidated at disciplinary hearings, and the accompanying person can help the individual to make all the necessary points. The accompanying person can address the meeting, but not answer on behalf of the employee. The disciplinary meeting may be delayed by up to 5 days if the employees chosen companion is unable to attend on the original date.

The disciplinary panel will consist of the preschool manager, one senior staff member and preschool deputy manager, who should ensure that confidentiality, is maintained within the panel.

The employee will be notified of his/her right to have copies of all witness statements before the meeting, to state their case before decisions are reached and to challenge evidence against them.

All information regarding investigation and disciplinary hearings will be kept confidential and only made available to those directly involved.

A clearly defined Appeal process is in place for all disciplinary matters.

The preschool ensures that all employees are aware of the preschools disciplinary procedure. The management will generate all preschool letters arising from the disciplinary. Procedure and all copies of documents and minutes of the meetings must be made available to the employee upon request.

### **Stage 1**

#### **Formal Verbal Warning**

- a) The employee should be interviewed by the panel who will explain the complaint
- b) The employee will be given full opportunity to state his/her case
- c) 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)
  - The result of the hearing, including a clear statement of breach of discipline
  - What action should be taken to correct the conduct
  - That he/she will be given reasonable time to rectify matters
  - What training needs had been identified, with time-scales for implementation
  - What mitigating circumstances have been taken into account in reaching the decision
  - That if he/she fails to improve then further action will be taken
  - They will be informed that the verbal warning will be valid for 6 months
  - That a record of the warning will be kept on the individuals file until the relevant expiry date, at which point it will be removed and will cease to be considered in any future incidents
  - That he/she may appeal against the decision within a limited time period (5 days)

### **Stage 2**

#### **Formal Written Notice**

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 and if the warning is considered appropriate, the employee will be told in writing (within 5 working days):

- The result of the hearing, including a clear statement of the breach of discipline
- What action should be taken to correct the conduct
- That he/she will be given reasonable time to rectify matters
- What training needs have been identified with time scales for implementation
- What mitigating circumstances have been taken into account in reaching the decisions warning that failure to improve will result in further disciplinary action, which could result in a final written warning and, if unheeded, ultimately lead to dismissal
- They will be informed that the first written warning will be valid for 6 months
- That a record of the warning will be kept on the individuals file until the relevant expiry date at which point it will be removed and will cease to be considered in any future incidents
- That he/she may appeal against the decision within a limited period (5 days)

### **Stage 3**

#### **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 and if the warning is considered appropriate, the employee will be told in writing (within 5 working days).

- The result of the hearing, including a clear statement of the breach of disciplined
- What action should be taken to correct the conduct
- That he/she will be given reasonable time to rectify matters
- What training needs have been identified, with time scales for implementation

- What mitigating circumstances have been taken into account in reaching the decisions
- Warning that failure to improve will result in further disciplinary action, which could result in a final written warning and, if unheeded, ultimately lead to dismissal
- They will be informed that the final written warning will be valid for 12 months
- That a record of the warning will be kept on the individuals file until the relevant expiry date at which point it will be removed and will cease to be considered in any future incidents
- That he/she may appeal against the decision within a limited period (5 days)

### **Dismissal**

In cases of persistent misconduct, which have been subject to full disciplinary procedure, or gross misconduct, the final decision may be dismissal. The decision to dismiss will only be taken after full consideration of alternatives to dismissal such as demotion/ downgrading. The preschool management will conduct all investigations and the disciplinary hearing. There will be no dismissal without a disciplinary hearing. The employee will be advised of their right of appeal against the decision of the disciplinary hearing within five working days from receipt of written confirmation of the decision.

### **Suspension**

If the circumstances appear to warrant instant dismissal, through an act of gross misconduct, an employee may be suspended from duty without pay while investigations are being carried out. Suspension is no way an assumption of doing wrong, Instant dismissal is possibly in only cases of extreme misconduct, In any other circumstances, an employee should not be dismissed without following statutory disciplinary procedure requirements.

### **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 preschool chair within 5 days of a disciplinary letter. The appeal should be heard, if possible, within 7 days of receipt of the appeal.

In a community group, such as this, one or two staff members (not if possible those involved in the initial disciplinary procedures) will service as an appeals committee. The employee may take a colleague or union representative to speak for him/her.

- The employee will explain why he/she is dissatisfied and may be asked questions
- The management will be asked to state their point of view and may be asked questions
- Witnesses may be heard and may be questioned by the appeals committee, the employee and managers

- The committee will consider the matter and make known its decision
- A written record of the appeals process will be kept

### **Police Investigations**

Should any member of staff working at the preschool find themselves subject of a police criminal investigation, that person must make the preschool management aware of this investigation immediately. Having been informed that such investigation is ongoing, a safeguarding meeting will be undertaken by the preschool manager to review any risk. If deemed necessary and appropriate the staff member could be suspended without pay until the criminal investigations are complete. Once the outcome is known and internal review will take place to ensure employment at the preschool is still appropriate.

### **Grievance Procedure**

In the workplace anyone may occasionally have problems or concerns about their work, working conditions or relationships with colleagues. Individuals should be encouraged to discuss day to day issues formally with the preschool management. This helps concerns to be heard and responded to as soon as possible.

Where this has been unsuccessful, or circumstances make this route inappropriate for the individual, matters should be raised formally through grievance procedure. It is the preschools policy to ensure that employees with a grievance relating to their employment can use a formal procedure, which can help to resolve their grievance as quickly and as fairly as possible. The grievance procedure allows the preschool to deal with grievances fairly, consistently and speedily.

#### Step 1

- If the employee feels that the matter has not been resolved through informal discussions, they should put their grievance in writing to the management
- The manager will set up a management panel and arrange a meeting with the employee (within 5 days of receipt of the letter) to discuss the grievance and gather any evidence or statements relevant to the complaint.
- The employee has the right to be accompanied at the meeting by a work colleague.
- Employees may be overawed or feel intimidated at the meetings and the accompanying person can help the individual to make all the necessary points. The accompanying person can address the meeting, but not answer questions on behalf of the employee.
- Records will be kept of the meetings
- The employee will be notified in writing of the decision within five working days, where practical
- The employee may appeal against the decision within a limited period (5 days)

## **Step 2**

- If the matter is not resolved to the employees satisfaction, they should again, raise the matter in writing to the management
- The management will organise a meeting with the employee and full committee to discuss the grievance, within 5 working days, and gather any new evidence or statements relevant to the grievance.
- The employee has the right to be accompanied at the meeting by a work colleague.
- The accompanying person can address the meeting, but not answer questions on behalf of the employee.
- Records will be kept of the meetings
- The employee will be notified in writing of the decision within five working days.
- Any decisions taken at this stage are final

This policy will be monitored and evaluated at meetings. It will be reviewed annually and unless new legislation or an incident occurs which requires an immediate review of this policy.

***Please note that all staff should read and be aware of the MASH & LADO posters within the setting.***

This policy was adopted by	Stepping Stones Childcare & Education CIC
on	28.02.2017
Date to be reviewed	September 2020
Signed on behalf of the management	
Name of signatory	ELAINE MCMANUS
Role of signatory	MANAGER
Name of signatory	ANNE JESSOP
Role of signatory	DEPUTY

**Review:**

This policy is reviewed every year or whenever deemed necessary by the manager in the light of events and changes in the law.

This policy was given to staff to read on 24/08/2019 and acknowledged by staff electronically.