



Disciplinary and Grievance Procedure for Employees

January 2018

Reviewed date: January 2020

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. Bidborough Village Nursery School is committed to ensuring that all staff at the nursery should be treated in a fair, consistent and sensitive way.

Minor disagreements

Informal action will be considered, where appropriate, to resolve minor disagreements among Nursery staff. This can be achieved at a regular staff management meeting or informally by discussion.

Disciplinary Procedure

Where there is a more serious situation which arises, when a dispute cannot be resolved in an informal way or the manager or deputy is dissatisfied with the conduct or activities of an employee, a formal disciplinary procedure will take place.

Misconduct which may warrant action under the appropriate stage of the disciplinary procedure includes:

- Poor timekeeping or persistent lateness.
- Unauthorized absence from work.
- Wilful failure to comply with a reasonable instruction from a member of senior management
- Persistent minor breaches of health and safety requirements
- Foul or abusive language.
- Sexual or racial harassment which is not sufficiently serious to fall into the category of 'gross misconduct'.

The list is not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorisation and consideration as either 'misconduct' or 'gross misconduct'

Any disciplinary matter will normally be dealt with using the following procedure. At every stage the employee will be given reasonable notice that a disciplinary hearing is due to take place to give them the opportunity to prepare their case, they should be given the opportunity to be accompanied by a member of staff or /union representative if they wish to do so.

Disciplinary matters will be dealt with in three stages:

- Oral warning
- Written warning
- Notice of dismissal

Oral Warning

1. The employee will be interviewed by the disciplinary panel and the complaint explained.
2. The employee will be given the opportunity to fully explain his/her case.
3. After consideration by the panel and if a warning is considered to be appropriate, the employee will be:
 - Told what corrective action should be taken.
 - Given a reasonable length of time to rectify matters.
 - Given appropriate training if such needs have been identified, and given time to implement.
 - Informed of any mitigating circumstances that have been taken into consideration when reaching the decision.
 - Given a warning that if improvements are not made, then further action will be taken.
 - Informed that they may appeal against the decision within 5 days.

The employee will be advised that this is the first stage of formal procedure. A record of the improvement note will be kept for **3 months** and after that period of time it will be considered spent - subject to achieving and sustaining satisfactory performance.

Formal written warning

If further action is necessary the employee will be interviewed and given the opportunity to state his/her case. If there is a need for disciplinary action a letter will be sent to the employee.

- The letter will contain the reason for the reprimand.
- Explain the corrective action required and the time given to improve.
- Training needs that have been identified and the timescales for implementation.
- Warn that if improvements are not made in the time given further disciplinary action will be taken which could result in a final written warning which if unheeded could result in dismissal.
- Explain that an appeal could be made against the decision within 5 days.

Final written warning

If further action is necessary the employee will be interviewed and given the opportunity to state his/her case, within 1 week.

A disciplinary action a letter will be sent to the employee.

- The letter will contain the reason for the reprimand.
- Explain the corrective action required and the time given to improve.
- Training needs that have been identified and the timescales for implementation.
- Warn that if improvements are not made in the time given further disciplinary action will be taken which could result in dismissal.
- Explain that an appeal could be made against the decision within 5 days.

Dismissal

If the employee fails to make the agreed improvements then the employee will be interviewed as before and 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

Gross Misconduct

If after investigation it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- 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 to the Manager and the owner, Kenarik Esraeilyan.

The procedure will be informal and the employee may have a friend/colleague or trade union official to speak for them.

- The employee will state why they are dissatisfied and may be questioned.
- The Manager and owner will be asked for their point of view and may be asked questions.
- Witnesses may be heard and questioned by the Appeals Committee and by an employee and Deputy Manager.
- The committee will consider the matter and make its decision.

A written record will be kept.

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.

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 grievance must be one that lies within the powers of the management of the nursery to resolve, e.g. it cannot be about matters determined by national legislation.

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 to her directly, he/she should be able to talk to the owner.

Grievance hearing

The Manager or Chair 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 or owner will give you 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/ owner 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 decision, within 24 hours. The decision will be final.