

## **Staff Policy - Disciplinary and Grievance Policy and Procedure**

We work within the Statutory Framework for the Early Years Foundation Stage (EYFS), published by the Department for Education (DfE) in March 2021, effective from September 2021

Links to:

<a href="#">Equal Opportunities Policy</a>	<a href="#">Staffing and Employment Policy</a>
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### **Minor Disagreements**

Minor disagreements among Merry-go-Round Day Nursery staff, or between staff and Managers, can usually be resolved at the regular Staff Management Meeting or informally by discussion.

### **Disciplinary Procedure**

A more serious situation arises when a dispute cannot be resolved, or when the Managers 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 in writing (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 will be offered the opportunity to be accompanied by a colleague or union representative if he/she so wishes.

The Disciplinary Panel will consist of the Managers and two nominated colleagues, who should ensure that confidentiality is maintained within the Panel together if possible by the employee's Line Manager.

#### **1. Oral Warning (in writing)**

- I. The employee will be interviewed by the Disciplinary Panel who will explain the complaint.
- II. The employee will be given full opportunity to state his/her case.
- III. 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 will need to be taken to correct the conduct.
  - b. That he/she will be given reasonable time to rectify matters.
  - c. What training needs have been identified, with timescales for implementation.
  - d. What mitigating circumstances have been considered 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 and employee asked to sign record.
  - g. That he/she may appeal against the decision within a limited time period (5 days).

#### **2. Formal Written Warning**

- I. 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:
- II. The employee will be interviewed and given the opportunity to start his/her case. (Reasonable time will be allowed for the employee to prepare his/her case).
- III. If a further formal warning is appropriate, this will be explained to the employee, a letter confirming this decision will be sent to the employee.
- IV. 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 timescales 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 that could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice.
- f. Explain that he/she has a right to appeal against the decision.

### **3. Final Written Warning**

- I. 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:
- II. The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time will be allowed for the employee to prepare his/her case).
- III. 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.
- IV. The letter will:
  - a. Contain a clear reprimand and the reasons 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 timescales for implementation.
  - d. Make clear what mitigating circumstances have been taken into account in reaching the decision.

### **4. Dismissal**

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

The employee will be interviewed as before.

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 progress is satisfactory within the time given to rectify matters, the record of warnings in the individual's file will be destroyed.

### **5. 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. Obviously, these investigations will be carried out within as short a time as possible.

Instant dismissal is possible only in extreme circumstances of gross misconduct. Example of such misconduct would be:

- a. Theft or fraud
- b. Ill-treatment of children
- c. Assault
- d. Malicious damage
- e. Gross carelessness which threatens the health and safety of others

- f. Being unfit through use of drugs or alcohol

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

## **6. Appeals**

At each stage of the disciplinary procedure, the employee will be told he/she has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Manager of Merry-go-Round Day Nursery within five days of a disciplinary interview. The appeal hearing will be heard, if possible, within ten days of receipt of the appeal. Manager(s) other than those involved in the earlier disciplinary stages should hear the appeal if at all possible. If this is not possible, the Appeal Group may consist of the same people as the original panel, and they will make every effort to hear the appeal as impartially as possible. The employee may take a friend or trade union official to speak for him/her.

- a. The employee will explain why he/she is dissatisfied and may be asked questions.
- b. The Manager will be asked to put their point of view and may be asked questions.
- c. Witnesses may be heard and may be asked questions by the Appeals Committee and by the employee and Manager.
- d. The committee will consider the matter and make known its decision.

## **7. Grievance Procedure**

If an employee is dissatisfied, he/she must have the opportunity for prompt discussion with his/her Manager/Deputy Manager. If the grievance persists, a Management Panel will 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 of appeal, to the Manager. At this level also, the employee's colleague or trade union official 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.

**Adoption Date: 1<sup>st</sup> September 2020.**

**Signed:**

*Nm Orel*

## **Annual Review**

Reviewed 1<sup>st</sup> September 2021

Reviewed 1<sup>st</sup> September 2022

Reviewed 1<sup>st</sup> September 2023

Next review 1<sup>st</sup> September 2024