

St Michael's Pre-school

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that adults looking after children are suitable to fulfil the requirements of their roles.

Employment

2.5 Disciplinary and grievance procedure for employees

Policy Statement

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct and job performance as well as to ensure that all staff are treated in a consistent and equitable manner.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.2 Parents as partners	3.4 The wider context	

Procedures

Informal stage

Minor disagreements among pre-school staff, or between staff and committee, can usually be resolved at the regular staff meeting or informally by discussion. As this is not a part of the formal process, in consequence, no rights or representation apply.

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 action will normally be dealt with using the following procedure.

Disciplinary procedure

At every stage the employee should be given in writing reasonable notice (5 working days) that a disciplinary hearing is due to take place. The letter will confirm the details of the disciplinary meeting. This is to give him/her the opportunity to prepare his/her case. S/he should be offered the opportunity to be accompanied by a colleague or union representative if s/he so wishes. The disciplinary panel will consist of the pre-school Chair and two nominated committee colleagues, who should ensure that confidentiality is maintained within the panel.

Oral warning

1. The employee should be interviewed by the disciplinary panel and asked to explain the complaint
2. The employee will 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 s/he will be given reasonable time to rectify matters
 - c) What training needs have been identified, with time scales for implementation
 - d) What mitigating circumstances have been taken into account in reaching the decision
 - e) That if s/he fails to improve then further action will be taken
 - f) That a record of the warning will be kept on his/her file for a period of up to 6 months
 - g) That s/he may appeal against the decision within a limited time period (5 working days)

Formal written warning

If the employee fails to correct his/her conduct and further action is necessary or the original offence is considered too serious to warrant an initial oral warning:

1. 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, usually 5 working days)
2. If a further formal 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
3. 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 time scales 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 a final written warning and, if unheeded, ultimately to dismissal with appropriate notice
- f) The record of the warning will be kept on his/her file for a period of up to 12 months.
- g) Explain that s/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:

1. 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, usually 5 working days)
2. 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
3. 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 time scales 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 actions, which could result in dismissal
 - f) The record of the warning will be kept on his/her file for a period of up to 12 months

- g) Explain that s/her has a right to appeal against the decision

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 progress is satisfactory within the time given to rectify matters, the record of warnings in the individuals 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 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 extreme circumstances of gross misconduct. Examples of such misconduct would be:

- a) Theft of 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 the 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 will be told s/he has the right to appeal against any disciplinary actions, and that the appeal must be made in writing to the pre-school

Chair within five working days of a disciplinary interview. Appeals will only be considered where: there has been a failure to follow the disciplinary procedure, there has been a failure to take relevant information into account, irrelevant information has been taken into account or new evidence has come to light.

The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. Two or three committee members – not, if possible, those involved in the initial disciplinary procedure – will serve as an appeal committee. If this is not possible, the appeal group may consist of the same people as the original panel, and they must make every effort to hear the appeal as impartially as possible. The employee may take a friend or trade union official to speak to him/her.

Appeal procedure

1. The employee will explain why s/he is dissatisfied and may be asked questions
2. The Chair will be asked to explain their point of view and may be asked questions
3. Witnesses may be heard and may be questioned by the appeals committee and by the employee and the Chair
4. 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 s/he must have the opportunity for prompt discussion with his/her immediate supervisor. For the pre-school leader of a pre-school this would normally be the committee Chair. For other pre-school staff, it would be the pre-school leader. If the grievance persists, a management panel should be set up for the purpose of further discussion at which the employee may if s/he wishes be accompanied by a colleague.

There must be a right of appeal, to the full pre-school 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 the grievance fairly and as near as possible to the point of origin. It is intended to be simple and rapid in operation.

This policy was adopted at a meeting of	St Michael's Pre-school	
Held on	_____	(date)
Date to be reviewed	_____	(date)
Signed on behalf of the management committee		
Name of signatory	_____	Ellena Lloyd
Role of signatory (e.g., chair/owner)	_____	Committee Chair