**St Joseph’s Pre-school Playgroup**

DISCIPLINARY AND GRIEVANCE PROCEDURE

**1. Purpose and scope**

This procedure is designed to help and encourage all employees to achieve and maintain appropriate standards of conduct, attendance and job performance. The Staff Handbook which is issued to all employees and contains guidance on expected conduct, and this procedure apply to all employees. The aim is to ensure consistent and fair treatment for all in the setting.

**2. Principles**

Informal action will be considered, where appropriate, to resolve problems. No disciplinary action will be taken against an employee until the case has been fully investigated. For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting. Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice. An employee will have the right to appeal against any disciplinary action. The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

Minor disagreements

If a member of staff is unhappy with an aspect of how the setting is being run, with a colleague’s conduct or any other aspect of the operation of the Pre-school, it is their duty to discuss their concerns with a Manager (or the Owner if the complaint relates to a Manager). There are formal opportunities to do this at staff supervision sessions but any concerns can be raised informally at any time.

# Disciplinary Procedure – (Disciplinary action towards Employee)

A more serious situation arises when a dispute cannot be resolved, or when a Manager/Owner is dissatisfied with the conduct or activities of an employee.

Any disciplinary matter will normally be dealt with using the following procedure.

At every stage you, the employee, will be given 5 days notice that a disciplinary hearing (meeting) is due to take place, this is to give you an opportunity to prepare your case; a colleague or union representative may accompany you if you wish. The disciplinary panel will consist of the Owner and a Manager (where applicable)

# STAGE 1

1. **Oral warning**

i) You will be interviewed by the disciplinary panel, who will explain the complaint at a **disciplinary oral meeting**.

ii) You will be given full opportunity to state your case.

iii) If an **oral warning** is considered to be appropriate, you will be told:

~ what action you should take to correct the conduct;

~ what reasonable time scale will be given to rectify matters;

~ what training needs have been identified, with timescales for

implementation;

~ what mitigating circumstances have been taken into account in

reaching the decision

~ that if you fail to improve then further action will be taken;

~ that a record of the warning will be kept; and

~ that you may appeal against the decision within 5 (working) days

Time scales for the above requirements will be given. The above requirements will be monitored and a review meeting will be held, preferably at the end of the time scale given or within 5 days after the time scale period. The same persons will attend the review meeting as the initial **oral** disciplinary hearing. The panel will agree whether the oral warning and any of the above requirements have been adhered to, if satisfactory, then the matter will be deemed as closed. If the progress is satisfactory within the time given to rectify matters, the record of warnings in the individual’s file will be destroyed. If requirements have not been met, then it will be decided that the situation needs to progress to the next stage……STAGE 2.

# STAGE 2

1. **Formal written warning**

If it is decided at the review meeting that the requirements have not been met and/or you fail to correct your conduct, further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning.

1. You will be given 5 days notice that you will be interviewed by the disciplinary panel who will explain the complaint, at a **formal written warning meeting**, where you will be given the opportunity to state your case.

ii) If a **formal written** warning is considered to be appropriate, this will be explained to you and a letter confirming this decision will be sent to you within 2 days.

iii) 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;

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; and

1. explain that you have a right to appeal against the decision, within 5 (working) days of receipt of the formal written warning

Time scales for the above requirements will be given. The above requirements will be monitored and a review meeting will be held, preferably at the end of the time scale given or within 5 days after the time scale period. The same persons will attend the review meeting as the initial **formal written warning meeting**. The panel will agree whether the requirements of the **written warning** have been adhered to, if satisfactory, then the matter will be deemed as closed. If the progress is satisfactory within the time given to rectify matters, the record of warnings will be kept on file for a period of 6 months, if you again do not act within the requirements of the warning within this period, the disciplinary action will commence again at this point of the procedure. Records will be destroyed after a 6 month period if requirements remain adhered to. If requirements have not been met, then it will be decided that the situation needs to progress to the next stage……STAGE 3.

# STAGE 3

1. **Final written warning**

If it is decided at the review meeting that the requirements of the **formal written warning meeting** have not been met and/or you fail to correct your conduct, further action is necessary, or if the original offence is considered too serious to warrant any initial warnings.

i) You will be given 5 days notice that you will be interviewed by the disciplinary panel who will explain the complaint, at a **final written warning meeting**, where you will be given the opportunity to state your case.

ii) If a **final warning** is considered to be appropriate, this will be explained to you and a letter confirming this decision will be sent to you.

iii) The letter will:

a) contain a clear reprimand and the reasons for it;

1. 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;

1. 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 dismissal; and

f) explain that you have a right to appeal against the decision.

Time scales for the above requirements will be given. The above requirements will be monitored and a review meeting will be held, preferably at the end of the time scale given or within 5 days after the time scale period. The same persons will attend the review meeting as the initial **final written warning meeting**. The panel will agree whether the requirementsof the **final written warning** have been adhered to, if satisfactory, then the matter will be deemed as closed. If the progress is satisfactory within the time given to rectify matters, the record of warnings will be kept on file for a period of 6 months, if you again do not act within the requirements of the warning within this period, the disciplinary action will commence again at this point of the procedure. Records will be destroyed after a 6 month period if requirements remain adhered to. If requirements have not been met, then it will be decided that the situation needs to progress to the next stage……STAGE 4.

# STAGE 4

1. **Dismissal**

If you still fail to correct your conduct, then:

i) You will be interviewed as before; and

ii) if the decision is to dismiss, you will be given notice of dismissal, stating the reasons for dismissal and giving details of the right to appeal.

# Suspension

If the circumstances appear to warrant instant dismissal, you may be suspended with pay while investigations are being made. These will 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. If in the event that investigations show that the circumstances do warrant instant dismissal, any pay received during the suspension time will be owed and returned by the employee to the Preschool.

Instant dismissal is possible only in circumstances of gross misconduct. Examples 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; or

1. being unfit through use of drugs or alcohol.
2. Breach of Confidentiality that could be deemed as malicious and/ or detrimental to the business.
3. Breach of Confidentiality that could be deemed as detrimental to the well being of any child or member of family of any child attending the setting
4. Breach of Confidentiality that could be deemed as detrimental to any other member of staff and his/her family.
   * Breach of confidentiality – this is a serious offence considered through the disciplinary procedure. The level of detriment caused by a breach will be decided by the Owner; at the extreme it will be liable to instant dismissal.

Otherwise, you should not be dismissed without the appropriate warnings.

**Appeals**

At each stage of the disciplinary procedure the employee must be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Owner within five days of a disciplinary interview. The appeal hearing should be heard, if possible within 10 days of receipt of the appeal. 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 colleague or trade union official to speak for her/him.

a) The employee will explain why s/he is dissatisfied and may be asked questions.

b) A Manager will be asked to put his/her points of view and may be asked questions.

c) Witnesses may be heard and may be questioned by an appeals committee and by the employee, Owner and a Manager (where applicable).

d) The panel 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 her/his immediate supervisor. For a Manager of the Pre-school this will be the Owner (where applicable). For other pre-school staff it will be a Manager. 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 Owner. 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.

Signed on behalf of St Joseph’s Pre-school Playgroup Limited:

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Name: Chloe Standing

Role: Manager

Date: 12.09.23