



10.13 Codicote Pre-School Disciplinary and Grievance Procedure

Minor Disagreements

Minor disagreements among pre-school staff, or between staff and committee members 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 committee / leader 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 the employee should be given reasonable notice (5 days) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and 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 committee chairman and two nominated committee members, who should ensure that confidentiality is maintained within the panel.

If a staff member's conduct is, or appears to be unsatisfactory, disciplinary matters will be dealt with as follows:

1. Interview

The Pre School Leader will first interview the staff member, who will be given reasonable time to prepare. The Pre School Leader is empowered to issue the first oral warning at this interview, which will be recorded in the staff member's file.

If the unsatisfactory situation arises again, or if further action is necessary or if the situation is regarded as serious or urgent, matters will be referred to the Committee Chairman.

The employee will be asked to attend an interview with the disciplinary panel, who will invite the Pre-School Leader also to attend. The employee will be given sufficient notice to prepare and be accompanied by a friend or advisor if they require.

2. Oral Warning

- i) The Pre-School Leader will explain the nature of the circumstances that have given rise to the interview.
- ii) The employee will be given full opportunity to state his/her case.
- iii) After careful consideration by the Leader, and if the warning is considered to be appropriate, the employee will be told:
 - a) What action they should take to correct their conduct.
 - b) That they will be given reasonable time to rectify matters.
 - c) Where training needs have been identified, and give timescales for implementation.
 - d) What mitigating circumstances have been taken into account 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.
 - g) That s/he may appeal against the decision within a limited time period (5 days).

3. Formal 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 an initial oral warning:

- i) The employee, who has right to be accompanied by a friend or advisor, will meet with the disciplinary panel, who will invite the Pre-School Leader to attend also.
- ii) 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.
- iii) The letter will:
 - a) State that it is a formal written warning and the reasons for it.

- b) Explain what corrective action is required and what reasonable time is given for improvement.
- c) Where training needs have been identified, give 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.
- f) That s/he may appeal against the decision within a limited time period (5 days).

4. 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:

- i) The employee (with a friend or advisor if preferred) will meet the disciplinary panel, who will invite the Leader to attend also.
- ii) 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.
- iii) The letter will:
 - g) State that it is a final written warning and the reasons for it.
 - h) Explain what corrective action is required and what reasonable time is given for improvement.
 - i) Where training needs have been identified, give timescales for implementation.
 - j) Make clear what mitigating circumstances have been taken into account in reaching the decision.
 - k) Warn that failure to improve will result in dismissal with appropriate notice.
 - l) Explain that s/he has a right to appeal against the decision within a limited time period (5 days).

5. Dismissal

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

- i) The employee will be interviewed as before by the disciplinary panel.
- ii) 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 removed, once two years have elapsed since the initial complaint.

6. Suspension

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are being made. These should consist obtaining statements from all witnesses, preferably in writing, 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.

7. Gross misconduct

In circumstances of gross misconduct the employee will, after a full and thorough investigation, be dismissed without notice or pay in lieu of notice. 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
- f) being unfit through use of drugs or alcohol
- g) gross insubordination

8. Appeals

At any stage of the disciplinary procedure the employee has the right to appeal against any disciplinary action. The appeal must be made in writing to the Committee Chairman within five days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. In the case of an appeal, two or three committee members – not, if possible, those involved in the initial disciplinary procedures – will serve as an appeals committee. 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) The Pre-School Leader or Committee Chairman will be asked to put their point of view and may be asked questions.
- c) Witnesses may be heard and may be questioned by the appeals committee and by the employee and the Leader or Chairman.
- d) 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 with any aspect of his/her employment, he/she must have the opportunity for prompt discussion with his/her immediate supervisor. For the Pre-School Leader and Business Manager this will be the Committee Chairman. For the other Pre-School staff it will be the Pre-School Leader. If the grievance persists, the matter should be referred, in writing, to the Committee Chairman, who will arrange to discuss the matter in private at a convenient time within seven days.

If no solution can be found to the problem after this meeting, then 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 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.