

CUCKOO MEADOW PRE SCHOOL

STAFF DISCIPLINARY AND GRIEVANCE PROCEDURE

Purpose of the procedure

The aim of this procedure is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken in the event of a disciplinary matter arising.

Disciplinary procedure

If you are subject to disciplinary action, the following principles will apply:

- The procedure sets out to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- At every stage you will be advised of the nature of the complaint and given reasonable notice (5 days) that a disciplinary hearing is due to take place. You will be given the opportunity to state your case, and you have the right to be accompanied by a colleague or union representative if you so wish. 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.
- You will not normally be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- You have the right to appeal against any disciplinary action taken against you.

Informal Discussions

Before taking any formal disciplinary action, your supervisor will make every effort to resolve matters by informal discussions with you. Most minor disagreements among pre-school staff, or between staff and committee, can usually be resolved at the regular staff management meeting or informally by discussion. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

Formal Procedure

1. Verbal Warning

If conduct or performance is unsatisfactory, you will be given a written notice of a disciplinary hearing which may result in a verbal warning.

- i) You will be interviewed by the disciplinary panel who will explain the complaint.
- ii) You will be given full opportunity to state your case.
- iii) After careful consideration by the management committee, and if the warning is considered to be appropriate, you will be told:
 - a) what action should be taken to correct the conduct
 - b) that you 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 you fail to improve then further action will be taken
 - f) that a record of the warning will be kept, but will be disregarded after 6 months satisfactory service
 - g) that you may appeal against the decision within a limited time period (5 days).

2. 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 verbal warning:

- i) You will be interviewed by the disciplinary panel and given the opportunity to state your case. (Reasonable time must be allowed for the preparation of 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 3 working days of the hearing.
- 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 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) explain that you have a right to appeal against the decision.
 - g) explain that a record of the warning will be kept on file but will be disregarded after 6 months satisfactory service

3. 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) You will be interviewed and given the opportunity to state your case. (Reasonable time must be allowed for the preparation of your case.)
- 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 within 3 working days of the hearing.
- 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 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 dismissal
 - f) explain that you have a right to appeal against the decision.
 - g) explain that a record of the warning will be kept on file, but will be disregarded after 1 years satisfactory service

4. Dismissal

If the employee still fails to correct his/her conduct, and faces dismissal – or action short of dismissal such as demotion or loss of pay- the minimum statutory procedure will be followed.

This involves:

- Step one: a written note setting out the allegation and the basis for it
- Step two: a meeting to consider and discuss the allegation. You will be allowed a reasonable time to prepare your case and you will be heard at the interview. You have the right to be accompanied or represented by a colleague or union representative. 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.
- Step three: a right of appeal including an appeal meeting

Gross Misconduct

Where there is an allegation of conduct amounting to gross misconduct, an employee will be suspended with pay while investigations are being made by the disciplinary panel. These investigations 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. An interview will be arranged with the employee, as described in step 4 above.

If, after investigations are complete, it is confirmed that there has been an incidence of gross misconduct, the normal consequence will be dismissal without notice or payment in lieu of notice. Examples of such misconduct would be:

theft or fraud, ill-treatment of children, assault, malicious damage, gross carelessness which threatens the health and safety of others, being unfit through use of drugs or alcohol. (This list is not exhaustive)

Otherwise, an employee should not be dismissed without the appropriate warnings. Where it is found that there has not been gross misconduct, the employee will be re-instated and if appropriate, arrangements for supervision or re-training will be made. These arrangements will be confirmed to the employee in writing together with any warnings which may be considered appropriate.

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 committee chair within five days of a disciplinary interview. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal. Two or three committee members (not those involved in the initial disciplinary procedures) will serve as an appeals 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. You may take a friend or trade union official to speak for you.

- You will explain why you are dissatisfied and may be asked questions.
- The chair will be asked to put their point of view and may be asked questions.
- Witnesses may be heard and may be questioned by the appeals committee and by the employee and the chair.
- The committee will consider the matter and make known its decision.

A written record of the meeting will be kept.

Grievance procedure

Aim of the procedure

It is the aim of the pre-school to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

Informal discussions

If you are dissatisfied you should discuss it informally with your immediate supervisor. For the supervisor this would be the committee chair, and for other pre-school staff it would be the pre-school leader. We hope that the majority of concerns will be resolved at this stage.

Stage One

If the grievance persists, you should put your grievance in writing to your immediate supervisor. Your supervisor must give you a written response within five working days in an effort to resolve the matter.

Stage Two

If the matter is not resolved, you may raise the matter, in writing, with the Chair of the Committee. A response must be given within 5 working days. A management panel should be set up for the purpose of further discussion, at which you may, if you wish, be accompanied by a colleague, or union official.

Stage Three

There must be a right of appeal to a quorate meeting of the full pre-school committee. You should put your grievance in writing, and a committee meeting will be convened within seven working days of the grievance being received. At this level also, your colleague or trade union official may be present. The committee's decision is final.

This policy was adopted at a meeting of Cuckoo Meadow Pre-school

Held on (date)

Signed on behalf of the Management Committee
