

White Rock Pre-School

DISCIPLINE AND GRIEVANCE POLICY/ PROCEDURE FOR

PRE-SCHOOL EMPLOYEES

MINOR DISAGREEMENTS

It is recognised that disagreements may arise among pre-school staff, or between staff and committee. These can usually be resolved informally by discussion, although the assistance of the area organiser or Local Authority advisor may be sought where the grievance is outside the scope of the procedures set out below.

Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally. In this instance we follow the ACAS Code of Practice for Disciplinary and Grievance Procedures.

Any disciplinary matter will normally be dealt with in 3 stages:

1. An oral warning
2. A written warning
3. Notice of dismissal

Establish the facts of each case

- It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.
- If there is an investigatory meeting this should not by itself result in any disciplinary action. Although there is no statutory right for an employee to be accompanied at a formal investigatory meeting, such a right may be allowed under an employer's own procedure.
- In cases where a period of suspension with pay is considered necessary, this period should be as brief as possible, should be kept under review and it should be made clear that this suspension is not considered a disciplinary action

Inform the employee of the problem

- If it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. It would normally

be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification as well as details of the time and venue.

Decide on appropriate action

- After the meeting decide whether disciplinary or any other action is justified and inform the employee accordingly in writing.
- Where misconduct is confirmed or the employee is found to be performing unsatisfactorily it is usual to give the employee a written warning. A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning.
- A first or final written warning should set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). The employee should be told how long the warning will remain current. The employee should be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final warning. For instance that it may result in dismissal.
- A decision to dismiss should only be taken by the manager after discussion with the chairperson. The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. But a fair disciplinary process should always be followed, before dismissing for gross misconduct. Examples of such misconduct are:

- i) theft or fraud
- ii) ill-treatment of children
- iii) assault
- iv) malicious damage
- v) gross carelessness which threatens the health and safety of others

Provide employees with an opportunity to appeal

- Where an employee feels that disciplinary action taken against them is wrong or unjust, they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agree time and place. Employees should let employers know the grounds for their appeal in writing.