**

**Disciplinary and Grievance Procedure for Employees Policy**

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance.

Kea Preschool is committed to ensuring that all staff are treated in a fair, consistent and sensitive way. Minor disagreements, Informal action will be considered, where appropriate, to resolve minor disagreements amongst practitioners. This can be achieved at a regular staff management meeting or informally by discussion.

Disciplinary Procedure

Where there is a more serious situation, which arises, when a dispute cannot be resolved in an informal way or the manager or senior practitioner is dissatisfied with the conduct or activities of an employee, a formal disciplinary procedure will take place.

Misconduct, which may warrant action under the appropriate stage of the disciplinary procedure, includes:

• Poor timekeeping or persistent lateness.

• Unauthorized absence from work.

• Wilful failure to comply with a reasonable instruction from the manager or senior management

• Persistent minor breaches of health and safety requirements

• Foul or abusive language.

• Sexual or racial harassment, which is not sufficiently serious to fall into the category of ‘gross misconduct’.

The list is not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorization and consideration as either ‘misconduct’ or ‘gross misconduct’

At every stage, the employee will be given reasonable notice that a disciplinary hearing is due to take place and will have the opportunity to be accompanied by a member of staff or /union representative if they wish to do so.

Disciplinary matters will be dealt with in three stages:

•Verbal warning

• Written warning

• Notice of dismissal

**Verbal Warning – Minor misconduct.**

In cases of minor misconduct, the manager will discuss with the employee what the issues are. The manager will also be:

• Told what action should be taken.

• Given a reasonable length of time to rectify matters.

• Given appropriate training if such needs have been identified, and given time to implement.

• Given a warning that if improvements are not made, then further action will be taken.

The employee will be given the opportunity to fully explain his/her case.

The employee will be advised that this is the first stage of formal procedure. A record of the meeting and any actions required will be kept.

**Formal written warning**

If further action is necessary the employee will be given a letter informing them of the issues that have arisen. If the employee has difficulty reading , then the manager or senior practitioner will explain it verbally. The letter will invite the employee to a meeting and inform the employee that they have the right to have someone(a work colleague or union representative) present. During the meeting, the employee will be interviewed and given the opportunity to answer allegations, ask questions, produce evidence and call witnesses.

After the meeting, the manager/senior practitioner will decide if any further action is required. The employee will be given the time to improve their performance, unless the unsatisfactory performance is serious, for example, it will have serious or harmful effect on children/staff/preschool. If there is a need for disciplinary action a letter will be sent to the employee.

**Final Written Warning**

If further action is necessary for example, no improvement or there are still issues arising, the manager/senior practitioner will receive an final written warning. The letter will contain:

•The reason for the reprimand.

• Explain the corrective action required and the time given to improve.

• Training needs that have been identified and the timescales for implementation.

• Warn that if improvements are not made in the time given further disciplinary action will be taken which could result in dismissal.

If the employee fails to make the agreed improvements then the employee will be interviewed as before and if the decision is to dismiss, the employee will be given the notice of dismissal, stating reasons and given the details of the right of appeal. If progress is satisfactory, within the time given to rectify matters the record of warnings will be destroyed.

**Gross Misconduct**

If after investigation it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

• Theft or fraud

• Ill treatment of children/A breach of our safeguarding policy

• Assault

• Malicious damage

• Gross carelessness which threatens the health and safety of others

• Serious incapability at work brought on by use of drugs or alcohol

• A serious breach of confidence

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by Kea Preschool only after full investigation.

**Appeals**

At each stage of the disciplinary procedure the employee has a right of appeal and that appeal must be made in writing to the manager within 5 days of the action taken. The procedure will be informal and the employee may have a friend/colleague or trade union official to speak for them.

The employee will state why they are dissatisfied and may be questioned. The manager will be asked for their point of view and may be asked questions. Witnesses may be heard and questioned by the manager, senior practitioner or committee.

The manager and committee will consider the matter and make its decision. A written record will be kept.

**Grievance Procedure**

***Informal grievance***

If an employee has a grievance it should be discussed in the first instance with the manager. If the grievance persists a management committee should be present for the purpose of further discussion. The employee is entitled to have a colleague present. Employees’ grievances will be treated seriously and will be resolved as quickly as possible.

A grievance is a complaint by an employee about any aspect of his/her employment, e.g. nature or range of duties, conditions of service, relationships with other staff. The grievance must be one that lies within the powers of the management of the preschool to resolve, e.g. it cannot be about matters determined by national legislation.

***Formal grievance***

If the matter is serious and the employee wishes to raise the matter formally, the grievance should be set out in writing. If the grievance is against the manager and the employee feels unable to speak to them directly, he/she should discuss with the committee.

**Grievance hearing**

The managerwill call the employee to a meeting to discuss the grievance, within 5 days of the grievance being received. The employee has the right to be accompanied by a colleague or trade union representative.

After the meeting, the manager will give you a decision in writing within 24 hours.

***Appeal***

If the employee is unhappy about the decision and wishes to appeal he/she should let the manager know. The employee will be invited to a meeting, within 5 days and the appeal will be heard by the committee. The employee has the right to have a colleague or trade union representative present.

After the meeting the committee will give a decision, within 24 hours. The decision will be final.

This policy was adopted at Kea Preschool Ltd

Date: February 2020

Reviewed: Tracey M Kemp October 2020

October 2021TK

23rd October 2022 TK

Date to be reviewed: October 2023

Signed: TM Kemp (Manager)