

## **I. Disciplinary and Grievance procedure for Welford Pre-school employees**

### **Minor disagreements**

Minor disagreements among Welford Pre-school staff, or between staff and committee, can usually be resolved at a regular staff management meeting or informally by discussion within the supervision sessions.

### **Disciplinary procedure**

A more serious situation arises when a dispute cannot be resolved, or when the committee 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 (five working days) that a disciplinary hearing is due to take place to give them the opportunity to prepare their case, and they should be given the opportunity to be accompanied by a colleague or union representative if they wish. As a committee-run group, the disciplinary panel should consist of the Chair of Welford Pre-school and two additional nominated committee members, who should ensure that confidentiality is maintained within the panel.

Any disciplinary matter will ordinarily be dealt with in four stages:

1. An oral warning
2. A formal written warning
3. A final written warning
4. Dismissal

The employee may be accompanied by another person at each stage and that person may speak on their behalf.

#### **1. Oral warning**

- a) The employee will be interviewed by the disciplinary panel led by the Chair of Welford Pre-school, who will explain the nature of the complaint.
- b) The employee will be given full opportunity to state their case.
- c) After careful consideration by the disciplinary panel, and if the warning is still considered to be appropriate, the employee will be told:
  - what action should be taken to correct the conduct;
  - that they will be given reasonable time 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 there is a failure to improve, further action will be taken;
  - that a record of the warning will be kept;
  - that the employee may appeal against the decision within a limited time period (five working days).

#### **2. Formal written warning**

If the employee fails to correct their conduct and further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning:

- a) The employee will be interviewed by the disciplinary panel led by the Chair of Welford Pre-school, who will explain the nature of the complaint.
- b) The employee will be given full opportunity to state their case.
- c) If a formal written 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.
- d) This letter will:
  - contain a clear reprimand and the reasons for it;
  - explain what corrective action is required and what reasonable time will be given to rectify matters;
  - state what training needs have been identified, with timescales for implementation;
  - explain the mitigating circumstances that have been taken into account in reaching the decision;
  - warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately in dismissal with appropriate notice; and
  - explain that the employee may appeal against the decision within a limited time period (five working days).

### 3. **Final written warning**

If the employee fails to correct their conduct and further action is necessary, or if the original offence is considered too serious to warrant any initial warnings (either orally or in writing):

- a) The employee will be interviewed by the disciplinary panel led by the Chair of Welford Pre-school, who will explain the nature of the complaint.
- b) The employee will be given full opportunity to state their case.
- c) If a final written 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.
- d) This letter will:
  - contain a clear reprimand and the reasons for it;
  - explain what corrective action is required and what reasonable time will be given to rectify matters;
  - state what training needs have been identified, with timescales for implementation;
  - explain the mitigating circumstances that have been taken into account in reaching the decision;
  - warn that failure to improve will result in further disciplinary action which could result in dismissal with appropriate notice; and
  - explain that the employee may appeal against the decision within a limited time period (five working days).

### 4. **Dismissal**

If the employee still fails to correct their conduct, then:

- a) The employee will be interviewed by the disciplinary panel led by the Chair of Welford Pre-school as before; and
- b) If the decision is to dismiss the employee, they will be given notice of dismissal, stating the reasons for dismissal and giving details of the right to appeal within a limited time period (five working days).

If the employee makes satisfactory progress within the time given to rectify matters, any record of warnings on the individual's file will be destroyed.

## **Suspension**

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are carried out. These should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. These investigations must be carried out within as short a time as possible.

Instant dismissal is possible only in extreme circumstances of gross misconduct.

Examples of this include:

- Theft or fraud;
- Ill-treatment of children;
- Assault;
- Malicious damage;
- Gross carelessness which threatens the health and safety of others; or
- Being unfit through abuse of drugs or alcohol.

Otherwise, an employee cannot be dismissed without the appropriate warnings.

## **Appeals**

At each stage of the disciplinary procedure, the employee must be told they have the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Chair of Welford Pre-school within five working days of a disciplinary interview. The appeal hearing should be heard within ten working days of receipt of the appeal, if possible. As a committee-run group, the appeals committee should consist of two or three committee members – where possible, anyone who was involved in the initial disciplinary procedures should not be part of the 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. The employee may take a colleague or trade union official to speak on their behalf.

- a) The employee will explain why they are dissatisfied and may be asked questions.
- b) The Chair of Welford Pre-school will be asked to state 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 Chair of Welford Pre-school.
- d) The appeals committee will consider the matter and make known its decision as soon as possible.

A written record of the meeting will be kept.

## **Grievance procedure**

If an employee is dissatisfied, they must have the opportunity for prompt discussion with their immediate supervisor. In the case of Welford Pre-school, this is the Manager, but if this is not appropriate, the employee may speak to the Chair of Welford Pre-school.

If the grievance persists, a management panel should be established for the purpose of further discussion, at which the employee may – if they so wish – be accompanied by a colleague or trade union official.

There must also be a right of appeal to the full management committee of Welford Pre-school. The employee's chosen colleague or a trade union official may also be present at this meeting.

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 swift.

Date reviewed	<b>03/02/2022</b>
This policy was adopted at a meeting of Welford Pre-school held on	<b>08/03/2022</b>
Signed on behalf of the Committee	<i>E Worrell</i>
Role of signatory	<b>Chair</b>