

# Seedlings Kindergarten

## Disciplinary and Grievance Procedure for Employees

This procedure is designed to help and encourage employees to achieve and maintain standards of conduct, attendance and job performance. Seedlings Kindergarten is committed to ensuring that staff are treated in a fair, consistent and sensitive way.

Informal action will be taken, where appropriate, to resolve minor disagreements. This can be achieved at a staff meeting, informally by discussion. Where a more serious situation arises, when a dispute cannot be resolved in an informal way or the employer is dissatisfied with the conduct or activities of an employee, a formal disciplinary procedure will take place.

### Disciplinary Procedure

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

- Poor timekeeping or persistent lateness.
- Unauthorised absence from work.
- Wilful failure to comply with a reasonable instruction from the employer.
- 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 categorisation and consideration as either 'misconduct' or 'gross misconduct'.

Disciplinary matters will be dealt with in three stages:

- Oral warning
- Written warning
- Notice of dismissal

## Oral Warning

1. The employee will be interviewed by the employer and the complaint explained.
2. The employee will be given the opportunity to fully explain his/her case.
3. After consideration by the employer, and if a warning is considered to be appropriate, the employee will be:
  - Told what corrective 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.
  - Informed of any mitigating circumstances that have been taken into consideration when reaching the decision.
  - Given a warning that if improvements are not made, then further action will be taken.
  - Informed that they may appeal against the decision within 5 days.

The employee will be advised that this is the first stage of formal procedure. A record of the improvement note will be kept for **3 months** and after that period of time it will be considered spent - subject to achieving and sustaining satisfactory performance.

## Formal written warning

If further action is necessary the employee will be interviewed by the employer and given the opportunity to state his/her case.

If there is a need for disciplinary action a letter will be sent to the employee.

- 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 a final written warning, which if unheeded could result in dismissal.
- Explain that an appeal could be made against the decision within 5 days.

## **Final written warning**

If further action is necessary the employee will be interviewed by the employer and given the opportunity to state his/her case, within 1 week.

A disciplinary action a letter will be sent to the employee.

- 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.
- Explain that an appeal could be made against the decision within 5 days.

## **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
- 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 the employer only after full investigation.

If the misconduct involves a safeguarding issue then the normal procedure for safeguarding will be followed and Social Services and Ofsted will be informed.

### **Appeals**

At each stage of the disciplinary procedure the employee has a right of appeal and that appeal must be made in writing.

- The employee will state why they are dissatisfied and may be questioned.
- A written record will be kept.

## **Grievance Procedure**

### **Informal grievance**

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 employer to resolve, e.g. it cannot be about matters determined by national legislation.

If an employee has a grievance it should be discussed in the first instance with the employer. If the grievance persists then further discussion will be necessary. Employees' grievances will be treated seriously and will be resolved as quickly as possible.

### **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 remains unresolved or if the grievance is against the employer and the employee feels unable to speak to them directly, they can talk in confidence to The National Childminding Association on: 0800 169 4486.

If the employee wishes to make a formal complaint then they can contact the Ofsted Complaints and Investigation Unit on: 0300 123 1231

