

# The Goslings Preschool

Registered Charity No. 1209514

## Grievance and Disciplinary Policy

### Aims and Scope

This policy is concerned with grievances and disciplinary issues arising within the preschool in the context of the employment of staff. All employees are covered by this policy. It does not form part of any employment contract but applies regardless of how long staff have worked for The Goslings Preschool. These procedures are intended to ensure the rapid and effective resolution of disputes, whenever possible by amicable discussion, within a framework of law. Nothing in these procedures should be taken as infringing anybody's statutory rights.

We are committed to ensuring that any aggrieved employee has the right to a fair hearing conducted by the management regarding their work, or about the actions of their colleagues, children and their parents.

We reserve the right to amend this policy at any time, or to depart from it, depending on the condition of each case.

### Grievance Procedure

#### **Informal Procedure:**

Employees are encouraged to resolve any grievances in the workplace informally by discussing the matter with the Preschool Manager, who may be able to resolve the situation directly and efficiently. Both parties should be mindful of confidentiality and discussions should take place in a private area. If, as a result of the discussion with the Preschool Manager, both parties are unable to come to an arrangement then, the employee, if still aggrieved, is advised to discuss the matter with the Chairperson. If the grievance relates to the Preschool Manager, then the employee should discuss the matter with the Chairperson directly.

During these discussions, it is advisable for both parties to make a note of the proceedings. Only if this process is not effective in reaching a solution acceptable to both parties should the following procedures be applied.

#### **Formal Procedure:**

1. Unless the Preschool Manager is involved in the grievance as the complainant or subject of complaint, grievances involving members of staff should be raised in writing with the Preschool Manager, who will use their best endeavours to resolve the grievance amicably and as quickly as possible by discussion with all those concerned.
2. If the grievance appears to raise a disciplinary issue, then this will be investigated and dealt with as detailed in this disciplinary procedure.
3. In the absence of a disciplinary issue, if a solution, which is agreeable to all parties, cannot be reached by informal discussion, the next stage is for the aggrieved person to refer the grievance in writing to the Chairperson.

4. Grievances involving the Preschool Manager or a member of the parental committee other than the Chairperson, should be referred in writing to the Chairperson. If the Chairperson is unable to resolve the issue personally, then they will convene a disputes panel comprising of three members of the parental committee, usually within five working days of the grievance being lodged.
5. Any party to the grievance will have the right to attend and speak, without the right to vote, at any meeting of the committee where the matter is to be discussed, and to be accompanied by a friend who may speak on their behalf, without the right to vote.
6. Any meetings may be recorded but will not be done without telling all parties involved. Any attending parties may wish to also record meetings; however it is considered discourteous to make covert recordings.
7. Any investigative steps will be taken that are considered appropriate. This may involve looking at documents or interviewing other people. Parties involved in the grievance will not normally be allowed to participate in this part of the investigation (for example, they will not normally be allowed to question other people directly). Sometimes, more information or another meeting may be required.
8. The final decision of the disputes panel will be communicated in writing to the parties of the grievance by the Chair of the panel, together with notice of their rights to appeal.
9. All of those involved in grievance procedures, whether as parties, investigators or governing body members, should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.

### **Disciplinary Procedure**

Any conduct by an employee or member of the governing body which fails to conform to legal requirements, contractual agreements, established working practices or the policies of the preschool, or which brings the organisation into disrepute, may be subject to disciplinary procedure.

Instances of such behaviour should be reported to the Preschool Manager. Where the Preschool Manager is the complainant or the subject of complaint, reports should be made to the Chairperson. Where a member of the committee is the subject of the complaint, the Preschool Manager will consult with the Chairperson. Where the Chairperson is the subject of complaint, the Preschool Manager will consult with the other committee members/trustees.

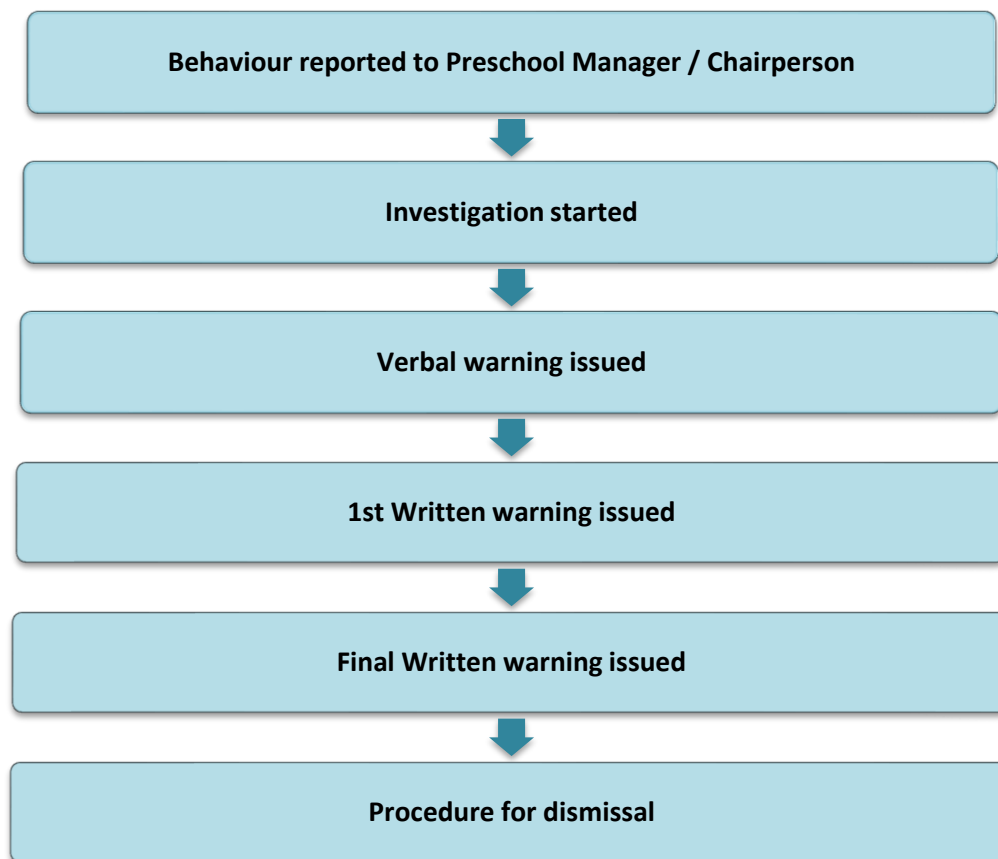
If employees face a misconduct allegation, they may be suspended. During this suspension the suspended employee must stay away from work, not make contact with staff, parents, committee members, volunteers or contractors (unless authorised in writing). Being suspended is part of the formal process and does not amount to a separate, standalone disciplinary action.

### **Informal Procedure:**

Misconduct or performance issues may be discussed informally before formal action is taken. If this fails to resolve the problem or is inappropriate in the circumstances the following procedures be applied.

## **Formal Procedure:**

1. Following investigation of the incident, the Preschool Manager or Chairperson, as appropriate, will, if necessary, deliver a verbal warning which makes clear the nature of the unacceptable behaviour, and the required behaviour with any relevant date for compliance. This verbal warning will be recorded and dated.
2. If necessary, the verbal warning will be followed by a first written warning signed by the Preschool Manager and/or Chairperson, which will clearly state the unacceptable behaviour, the improvement required and state any action to be taken by other staff or board members in support of this improvement. A time scale for implementation and review must be stated. Unless other active written warnings relating to performance and/or to disciplinary matters are on a work record, a first written warning will usually remain in places for 12 months from the date it is issued. It will then be removed from the record.
3. If there is an active first written warning on record and performance has failed to improve or there is further misconduct, a final written warning may be issued. In serious cases of poor performance or misconduct we may issue a final written warning without first issuing a first written warning. In either case, the final written warning remains active for 12 months from the date it is used. It will then be removed from the record.
4. If there is an active final written warning and performance has failed to improve, or there is further misconduct, in the case of an employee, procedure for dismissal, without notice may follow. This procedure may also be followed in serious cases of misconduct, poor performance or gross misconduct.
5. In the case of a governing body/committee member, procedure for termination of membership may in some circumstances follow.
6. All those involved in disciplinary procedures, whether as parties, investigators or members of the governing body/committee, should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.
7. Sometimes other actions short of dismissal may be explored. This may include demotion and/or extending the final written warning period to allow for further review of performance.



**Figure 1.** Preschool disciplinary procedure.

### **Dismissal Without Notice**

If two or more written warnings are disregarded, or in case of proven gross misconduct (see below), procedure for dismissal of an employee without notice may commence as follows:

1. The Preschool Manager, or if necessary the Chairperson, will communicate in writing to suspend the employee from duty with immediate effect without loss of pay, where appropriate.
2. A disciplinary panel comprising of three members of the governing body/committee will meet within five working days after the suspension notice is received.
3. The employee shall have the right to attend and speak at this meeting, without the right to vote, and to be accompanied by a friend who may also speak on their behalf, without the right to vote.
4. At this meeting, the disciplinary panel may decide to reinstate, with or without conditions, or to dismiss the employee with immediate effect. Any decision of the meeting will be given to the employee in writing, signed by the Chairperson.
5. Notice of dismissal, if applicable, will be in writing and signed by the Chairperson. It will give a clear statement of the reasons for dismissal, a summary of the events leading up to dismissal, and a notice of right to appeal.

6. In cases of gross misconduct employees will usually be dismissed without warning, without notice and without payment in lieu of notice. Examples of gross misconduct include, but are not limited to, the following:
  - Any form of abuse of a child
  - Any deliberate or negligent act, or failure to act, which places a child at risk of significant harm
  - Concealment or falsification of information relevant to Disclosure and Barring Service (DBS) checks
  - Any form of bullying harassment, abuse or violence to anybody associated with the preschool
  - Any serious dishonesty or deliberate damage involving property or premises of the preschool
  - Any behaviour that seriously damages the good reputation of the preschool or its staff
  - Fraud, theft or any act of dishonesty
  - Serious health and safety breaches
7. All of those involved in dismissal procedures, whether as parties or investigators should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.

### **Appeals**

1. Following any disputes panel decision, verbal or written disciplinary warning, or dismissal, an appeal may be made by the person affected.
2. Notice of intention to appeal must be delivered in writing to the Preschool Manager or Chairperson not more than five working days after the issuing of the decision, warning or dismissal against which appeal is to be made. This notice should also include the reason behind the appeal as well as any new evidence acquired since the initial investigation was completed. The Preschool Manager or Chairperson will then convene an appeal panel comprising of three committee members, usually within ten working days.
3. Where possible, members of the governing body/committee involved in the original decision/warning/dismissal will not be members of an appeal panel.
4. At any appeal hearing, the appellant will be entitled to attend and speak, without the right to vote, and to be accompanied by a friend who may speak on their behalf, without the right to vote.
5. The decision of the appeal panel will be communicated in writing to the appellant by the Chairperson and will be final within the preschool. Any further appeal may be made only to an authoritative outside body agreed by both parties or as prescribed by law.
6. All of those involved in appeals procedures, whether as parties or, should maintain the confidentiality of the process and should not divulge conversations or documents to those not directly concerned.

### **Right to be Accompanied**

Employees are entitled to be accompanied by a colleague or friend at any meeting called under this policy. If this right is to be exercised, all parties should be advised as such. It is the employee's responsibility to arrange their companion's attendance. A colleague may be chosen however meetings may need to be rearranged if their absence from work causes operational problems.

Any accompanying parties, if it is preferred, may explain key points of the grievance to the meeting and can respond on the aggrieved party's behalf. They can also be conferred with during meetings. They must not however answer any questions put directly to the aggrieved employee or try to prevent the preschool asking questions or outlining its views.

This Grievance and Disciplinary procedure will be reviewed by the Chairperson annually but will be updated sooner, should the need arise, during proceedings that have used this procedure.

*This Policy has been reviewed and agreed by The Goslings Management Team and Parental Committee.*