



### **5.3 Disciplinary and Grievance Policy**

The aim of this policy is to provide a clear procedure to deal with a dispute with an employee. It is in place to ensure that everybody is treated fairly and reasonably.

#### **Minor Disagreements:**

It is hoped minor disagreements among pre-school staff and/or the board of trustees can be resolved at staff meetings or informally by discussion.

#### **Disciplinary Procedure:**

A more serious situation arises when a dispute cannot be resolved, or when the board of trustees or Management team is dissatisfied with the conduct, the failing to follow procedures or activities of an employee. These situations will be dealt with as follows:

- They should also be offered the opportunity to be accompanied by another staff member if they wish.
- The disciplinary panel will consist of the Chairperson plus two nominated board of trustee members who will ensure confidentiality is maintained within the panel.

#### **Verbal Warning:**

The employee will be spoken to by a manager, this could be done by the manager requesting a meeting or during a supervision. The manager will explain the specific complaint, the employee will be given full opportunity to state their case. After careful consideration by the manager it will be decided if a formal written warning is to be considered, the manager will also state the following:-

- What action should be taken to correct their conduct or failings to follow procedures.
- That they will be given reasonable time to rectify matters
- What, if any, training needs have been identified and the timescales for implementation.

#### **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 a verbal warning then:

- The manager will request a meeting.
- Put all grievances to the employee.
- The employee will be informed by the Manager that all grievances will be investigated by a panel made up of the board of trustees.
- The employee will also be informed that another meeting will take place and they have the right to be accompanied by a representative.

If a formal warning is considered to be appropriate this will be explained to the employee and a letter confirming this decision sent to them. The letter will:

- contain a clear reprimand and the reasons for it (specific and objective)
- explain what action is required for improvement and the time scale for this

- state what training has been identified and time scale for implementation
- make clear what circumstances have been taken into account in reaching this decision
- warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal
- Explain that they may appeal against the decision within 5 working days.

### **Final Written Warning:**

If the employee fails to correct their conduct and further action is necessary, or if the original offence after investigation is considered too serious then:

- The employee will be interviewed by the Manager, Chairperson and another member of the board of trustees and given the opportunity to state their case.

If a further final warning is considered to be appropriate this will be explained to the employee and a letter confirming this decision sent to them.

The letter will:

- contain a clear reprimand and the reasons for it (specific and objective)
- explain what corrective action is required and the time scale for this
- state what training needs have been identified and time scale for implementation
- make clear what circumstances have been taken into account in reaching this decision
- warn that failure to improve will result in further disciplinary action which could result in dismissal
- explain that they may appeal against the decision within 5 working days.

### **Dismissal:**

If the employee still fails to correct their conduct then the employee will be interviewed as before. If the original offence is deemed to be serious and after investigation the decision is made to dismiss the employee, they will be given notice of dismissal, stating the reasons and details of the right to appeal.

### **Suspension:**

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

### **Instant Dismissal:**

This will only take place in extreme circumstances of gross misconduct: ie. Theft or fraud, ill treatment of children, assault, malicious damage, gross carelessness which threatens health and safety of others, being unfit through use of drugs or alcohol.

### **Appeals:**

At each stage of the disciplinary procedure the employee must be told that they have the right to appeal against any disciplinary action and that the appeal must be made in writing to the Manager within 5 working days. The appeal hearing should be heard, if possible, within 10 days of receipt of the appeal.

- The employee will explain why they are dissatisfied and may be asked questions
- The Manager and Chairperson will be asked to put their point of view and may be asked questions
- Witnesses may be heard and may be questioned

- The board of trustees will consider the matter and make known its decision.
- 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 the Manager. If the grievance persists a panel should be set up for the purpose of further discussion. There must be a right of appeal to the pre-school board of trustees. At this level also, the employee's colleague may be present. The aim of this procedure is to settle grievances fairly and swiftly. It is intended to be simple and rapid in operation.