

CATERPILLARS PRE-SCHOOL (SUSSEX) LIMITED

**26. DISCIPLINARY AND GRIEVANCE POLICY**

The aim of this policy is to illustrate how the pre-school’s disciplinary and grievance procedures are implemented within the setting and identify where and how the pre-school aims to protect the children who attend, the employees, and the pre-school itself from conflict and inappropriate behaviour.

**Minor disagreements**

Minor disagreements between preschool staff, between staff and the business needs of the preschool are usually resolved at the regular staff management meeting, or informally through discussions.

**Disciplinary procedure**

A more serious situation arises when a dispute cannot be resolved informally, or when the management is dissatisfied with the conduct or activities of an employee.

Disciplinary matters will then be dealt with using the following procedure:

* At every stage the employee will be given reasonable notice (at least five days) in writing that a disciplinary hearing is due to take place in order to give her/him the opportunity to be accompanied by a colleague or union representative if she or he wishes.
* The employee will be advised in writing of the nature and details of the complaint to allow her/him time to prepare her/his case.
* A thorough investigation will be carried out by the management ( or another suitable representative of the preschool if it is a member of the management staff that is being investigated) to ascertain details and gather any evidence regarding the alleged situation. The employee will be given copies of any information that is to be used at the disciplinary hearing at least 48 hours prior to the hearing.
* The disciplinary panel will consist of a manager of the preschool along with the supervisor and the deputy manager, who will ensure that confidentiality is maintained within the panel throughout the process.

**Verbal warning**

* 1. The employee will be interviewed by the disciplinary panel who will explain the complaint.
  2. The employee will be given full opportunity to respond and state her/his case.
  3. The person accompanying the employee will be allowed to ask questions relevant to the proceedings and the investigation.
  4. Fresh evidence will be considered at the hearing if necessary and appropriate.
  5. After careful consideration by the disciplinary panel, and if a verbal warning is considered appropriate, the employee will be advised of this decision and of their right to appeal.

**The following points will be included and considered during the procedure**

* Identify necessary action(s) to remedy the problem and effect acceptable conduct.
* The employee will be given reasonable time to rectify matters.
* Have any training needs been identified during this process? If so, a timescale for implementation of this will be included.
* Have any mitigating circumstances been taken into account when reaching the decision?
* The panel will advise the employee of any further action that may be taken upon failure to improve or resolve the situation.
* The employee will also be advised that a record of the warning will be kept on their file for at least one year from the date of the decision.
* The employee shall be informed that he or she has five days in which to appeal against the decision.

**Written warning**

If the employee fails to correct his or her conduct to the required standard ( is prescribed during the hearing as stated above) following a verbal warning and further action is deemed necessary, or if the original offence is considered too serious to warrant an initial verbal warning, then the following procedure will be followed:

* 1. The employee will be interviewed by the disciplinary panel who will explain the complaint. The employee will be given full opportunity to respond and state his/her case under the same circumstances as in the verbal warning process which is detailed above.
  2. The person accompanying the employee will be allowed to ask questions relevant to the proceedings and the investigation.
  3. Fresh evidence will be considered at the hearing if necessary and appropriate.
  4. If a further formal warning is considered to be appropriate, this will be explained to the employee, a letter confirming this decision will be sent to the employee and a copy will be kept on their file for at least two years.
  5. This letter will:
* Contain a clear reprimand and the reason(s) for it.
* Explain what corrective action is required to be taken and the timescale during which the improvement(s) must be achieved.
* State any training needs which have been identified, including timescales for the implementation of this action and who is responsible for the action(s).
* Ensure a clear understanding of any mitigating circumstances that have been taken into account whilst reaching the decision.
* Warn the employee that any failure to improve or resolve the situation will result in further disciplinary action, possibly leading to a final written warning, which, if unheeded or still unresolved may ultimately lead to dismissal with appropriate notice.
* Explain that he or she has the right to appeal against the decision within five days.

**Final written warning**

If the employee fails to correct his or her conduct and further action is deemed necessary, or if the original offence is considered too serious to warrant an initial verbal or written warning then the following procedure will be followed:

* 1. The employee will be interviewed by the disciplinary panel who will explain the complaint. The employee will be given full opportunity to respond and state his/her case under the same circumstances as in the verbal and written warning processes which are detailed above.
  2. The person accompanying the employee will be allowed to ask questions relevant to the proceedings and the investigation.
  3. Fresh evidence will be considered at the hearing if necessary and appropriate.
  4. If a final written warning is considered to be appropriate, this will be explained to the employee, a letter confirming this decision will be sent to the employee and a copy of this will be kept on their file for at least two years.
  5. This letter will:
* Contain a clear reprimand and the reason(s) for it.
* Explain what corrective action is required to be taken and the timescale during which the improvement(s) must be achieved.
* State any training needs which have been identified, including timescales for the implementation of this action and who is responsible for the action(s).
* Ensure a clear understanding of any mitigating circumstances that have been taken into account whilst reaching the decision.
* Warn that any failure to improve or resolve the situation will result in further disciplinary action which may ultimately lead to dismissal with appropriate notice.
* Explain that he or she has the right to appeal against the decision, within five days.

**Dismissal**

If the employee fails to correct his or her conduct and further action is deemed necessary, if the original offence is considered too serious to warrant a warning, or in cases considered to constitute gross misconduct then dismissal is the final disciplinary option available. In this instance the following procedure will be followed:

* 1. The employee will be interviewed in accordance with the above process.
  2. If the panel reach a decision that leaves no alternative other than dismissal, the employee will be given notice of this decision verbally and in writing, stating the reason(s) for dismissal and giving details of the right to appeal as previously detailed.

If, however, significant progress has been made within the allotted time frame and matters are deemed to have been rectified to an acceptable level, the record of the relevant warnings will remain in the individual’s file and no further action will be taken at this time.

**Suspension**

If circumstances appear to warrant instant dismissal, an employee may be suspended, with pay, while a thorough investigation is carried out.

The investigation will be carried out by the management (or another suitable representative of the preschool in the case of a member of the management staff being investigated) in order to ascertain details and gather any evidence regarding the alleged situation. This may consist of obtaining written statements from all witnesses to the incident and from the employee who is the subject of the disciplinary process.

The investigation will be carried out within as short a timescale as possible. The employee will be given copies of any information that is to be used at the disciplinary hearing at least 48 hours prior to the hearing.

**Instant dismissal**

This option is only used in circumstances of gross misconduct. Examples of behaviour which constitute gross misconduct are:

* Theft of fraud
* Ill-treatment of children
* Inappropriate use of or handling of images or information of children within the setting (this includes the use of mobile phones, cameras and internet-based activities as specified in the Social Networking Policy).
* Assault
* Malicious damage
* Gross carelessness which threatens the health and safety of others
* Being unfit for work through the effects and/or use of drugs or alcohol

Whilst this is not an exhaustive list, the examples given are representative of the serious nature of possible reasons for instant dismissal. For incidents which are deemed to have a less serious nature, dismissal may occur only after the appropriate hearing, warnings and notice have been given as outlined above.

Where the employer becomes aware of relevant information which may lead to disqualification of an employee Caterpillars will take appropriate action to ensure the safety of the children. In this event Caterpillars will no longer employ the staff member and will not re-employ them in the future.

Caterpillars will give Ofsted the following information:

* Details of any order, determination or conviction, or other ground for disqualification from the registration under regulations made under section 75 of the Childcare Act 2006.
* The date of the order, determination or conviction, or the date when the other ground for the disqualification arose.
* The body of court which made the order and the sentence imposed.
* A certified copy of the relevant order.

The information must be provided as soon as possible, but within at least 14 days from when Caterpillars became aware of the information.

**Appeals**

At each stage of the disciplinary procedure the employee will be advised that she or he has the right to appeal against any action or decision, and that the appeal must be made in writing to the owner of the preschool within five days of the disciplinary hearing. The appeal should be heard, if possible within 10 days of the receipt of appeal. The owner of the preschool, together with management, will serve as Appeals Panel. The employee may be accompanied by a colleague or trade union official to represent or support them.

* The employee will explain why she or he is dissatisfied with the decision of the disciplinary panel and may ask questions.
* The Appeals Panel Chairperson will be asked to clarify the Disciplinary Panel’s decision and may be asked questions.
* Witnesses may be heard and may be questioned by the Appeals Panel, by the employee and by the Panel chairperson.
* Any new, relevant and appropriate evidence must be considered and commented on.
* The Appeals Panel will consider the matter and make a final decision. The employee will be advised of this decision and the reason(s) for it.
* This will be confirmed to the employee in writing and a written record of the proceedings will be kept.

**Grievance procedure**

If an employee is dissatisfied with something in the workplace she/he has the opportunity for prompt discussion with her/his immediate supervisor. For the preschool manager this will be the owner, for the administrator this is the preschool manager and for other staff members this is the supervisor. If the grievance persists, a management panel shall be set up for the purpose of further discussion at which the employee may, if she or he wishes, be accompanied by a colleague or Trade Union representative.

There is a right of appeal, to the preschool owner. Again, the employee’s colleague or Trade Union Official may accompany them at this appeal hearing.

The aim of the above procedure is to settle any grievance fairly and as close as possible to the point of origin. It is intended to be a simple and rapid process.

All decisions which are mad will be advised, in writing, to the employee. A copy of the grievance and the outcome of this process will be kept on the employee’s file.

This policy was adopted by the Manager of Caterpillars Pre-school on 24th April, 2016

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Name of signatory: Catherine Clark Role of signatory: Manager