

Disciplinary and Grievance Rules and Procedure Policy

Next steps day care is committed to ensuring that equality is shown amongst all members of staff at the setting and therefore should be treated in a fair, consistent and sensitive way. This procedure is designed to help and encourage all employees to achieve and maintain good standards of conduct, attendance and performance.

Minor Disagreements

Informal action will be considered when appropriate to resolve minor disagreements among staff. This can be achieved at regular management staff meetings or informally by discussion.

Disciplinary Procedure

When there is a more serious situation such as; when a dispute cannot be resolved amicably, or the management team are dissatisfied with the conduct or activities of an employee a formal disciplinary procedure will take place. Forms of misconduct which may warrant this form of action include;

* Poor time keeping and persistent lateness
* Unauthorized absence from work
* Wilful failure to comply with reasonable instruction from a member of the management team.
* Persistent minor breaches to 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.
* Unwillingness to follow policies and procedures.
* Unwillingness to adhere to their job description.
* Breaching confidentiality.

However, the list above is not exclusive or exhaustive and there may be other incidents that warrant a disciplinary action, which may be categorized as either ‘misconduct’ or ‘gross misconduct’.

The following procedure will be used for any disciplinary action. Please note that at every stage of this procedure the employee will be given enough notice that a disciplinary hearing is due to take place. This will give them the opportunity to prepare their case and allow time to arrange a member of staff or the union representative to accompany them if they wish.

Our disciplinary process has 3 stages:

1. Oral warning in a meeting with management.
2. Written warning, which will be signed by both employer and employee.
3. Notice of dismissal and contract termination.

Oral Warning

1. The employee will be invited to a meeting with management to discuss the matter with them directly.
2. The employee will be given the opportunity to fully explain his/her case.
3. After the meeting the management team will evaluate the situation and agree on the appropriate action to be taken. If a warning is agreed to be appropriate, the employee will be:

* Told what the action is and that it is being taken.
* Given a reasonable amount of time to rectify matters.
* Offered appropriate training if such needs are identified and given time to implement.
* Informed of any influences 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.

As this is the first stage of the procedure, the employees will be notified that the oral warning will be documented and kept on their file. They will also be made aware that the issue will be reviewed within an appropriate time scale, an exact review date will be given once time scale has been determined. After this period, if the employee has made the improvements to their practice the matter will be closed. If required improvements are not met further warnings and actions may be taken.

Formal written warning

If further action is necessary, the employee will have a meeting with the management and will be given the opportunity to state his/her case.

A written disciplinary action will be sent to the employee including the following:

* The reason for the reprimand.
* An explanation of the action required, and the time given to improve, (this, may vary depending on the type of misconduct).
* Whether there is further training required and the timescales for implementation.
* A warning that improvements are not made in the time given, further disciplinary action will be taken which could resort in a final written warning which could result in dismissal.
* Explain that an appeal could be made against the decision within five days.

Final Written warning

If a final written warning is necessary the employee will be interviewed by management and given the opportunity to state his/her case, within one week of the incident.

A final warning of the disciplinary will be sent to the employee including the following:

* The reason for the reprimand.
* Explain the corrective action.
* Whether there is further training required and the timescale for the implication.
* A warning that if the 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 five days.

Dismissal

If the procedure above has taken place and the employee has failed to Meet the action plan implemented, another interview/meeting will be arranged as before to discuss the situation. If the decision by the management is to dismiss the employee, they will be given written notice stating the reasons why and the appeal process.

Gross Misconduct

If an investigation takes place and confirms that an employee has committed an offense 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 this time he/she may or may not be paid their normal pay rate, this will depend on what their contract states. Employees are advised not to talk to any other employees, customers or suppliers. Any decision to dismiss will be taken by the employer only after full investigation.

Child Abuse

In accordance with the Children’s Act 1989 we are required to keep children in our care safe from harm, therefore if a member of staff has had allegations of child abuse made against them, they will be suspended of immediate effect. The suspension will occur without notice or payment in lieu of notice as this will be considered a case of gross misconduct. They will be reported to Barbara Piddington, our local Lado (Local Authority Designated Officer). She will investigate and conclude the complaint rather than the management team. As a child care provider, we are also required to report the incident to the ‘Child safeguarding practice review panel’ within Five days of the incident occurring.

Appeal Process

As stated throughout, at each stage of the disciplinary procedure the employee has a right of appeal, this must be made in writing and given directly to a member of the management team. The procedure will be informal, and the employee may have a friend/colleague or trade union official to speak for them. The following steps will be covered during an appeal:

* They employee will state why they are dissatisfied and may be questioned.
* A manager will be asked for their point of view and may be questioned.
* Witnesses may be heard and questioned by the appeals committee and by an employee and deputy manager.
* The management will consider the matter and decide.

A written record will be kept.

Grievance Procedure

A grievance is a complaint made by an employee about any aspect of his/her employment. For example; staff relationships, nature or range of duties and conditions of service. The grievance must be one that lies within the powers of the setting to resolve, e.g. it cannot be about matters determined by national legislation.

Informal Grievance

If an employee has a grievance, it should be addressed to a member of the management team who will note and investigate the accusation. If the grievance persists, the management team will arrange a meeting to discuss the issues. The employee in question is entitled to be accompanied by a colleague. Any employer grievance will be treated seriously and resolved as quickly as possible.

Formal Grievance

If the grievance is formally written, they will arrange a meeting with the employee to discuss the grievance within five days of the grievance being received. The employee has the right to be accompanied by a colleague or trade union representative. After the meeting the manager will give you a decision within twenty-four hours.

Appeal

If the employee is unhappy about the decision and wishes to appeal, he/she should let one of the Managers know.

The employee will be invited to an interview within five days of the appeal. An appeals Committee will accompany the appeal meeting. The employee has the right to have a colleague or trade union representative present.

After the meeting the appeals Committee will give a decision within twenty-four hours. The decision will be final.

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