

12. Disciplinary & Grievance

Statement of intent

Polesden Lacey Playschool requires rules and procedures to be complied with to ensure a good working relationship between their employees and managers. It is hoped that there will be no need to use the disciplinary procedure however, if such action is necessary the procedure below should allow issues to be dealt with in a fair, transparent and reasonable manner.

Aim

This document aims to promote a set of rules and procedures for handling disciplinary and grievance situations.

Practice

- The management team and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- The management team and employees should act consistently.
- The management team will carry out all necessary investigations, to establish the facts of the case.
- The management team will inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- The management team will allow employees to be accompanied by another employee or trade union representative at any formal disciplinary or grievance meeting.
- The management team will allow an employee to appeal against any decision made.

Informal Procedure

Informal action will be considered, where appropriate, to resolve minor disagreements.

The objective will be to:

- identify the challenges and barriers
- understand the behaviour and performance expectations required
- offer support and development where needed
- review progress

If the required improvement does not take place, consideration will be given to the use of the formal procedure.

Formal Procedure

Formal procedures will be applied where an employee does not respond to informal action, or where a breach of conduct occurs which is believed to be too serious to be dealt with informally. In all cases, Polesden Lacey Playschool will establish whether an action or inaction, pivotal to the case, is 'reasonable to believe'.

Establishing the facts

It is important to carry out necessary investigation of potential disciplinary matters without unreasonable delay to establish the facts. In some cases, this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. There is no statutory right for an employee to be accompanied at a formal investigatory meeting. Investigations will be conducted by Surrey Early Years HR who will submit meeting notes and a summary report to Polesden Lacey Playschool. This allows for different individuals to complete the investigation and disciplinary hearing. An investigatory meeting will not by itself result in disciplinary action.

Where a period of suspension with pay is considered necessary, this period will be as brief as possible, it will be kept under review and made clear that the suspension is not considered a disciplinary action.

Following an investigation, the course of action will be one of the following:

- no case to answer
- the matter is resolved through guidance or training
- there is a case to answer and a disciplinary meeting is convened.

Inform employee of the problem

If it is decided that there is a disciplinary case to answer the employee will be notified in writing. This notification will contain information about the alleged conduct or poor performance and possible consequences. This is to enable the employee to prepare to answer the case at a disciplinary hearing; this will include copies of any written evidence and/or witness statements.

The notification will give details of:

- time and place of the disciplinary meeting
- disciplining team
- employee's right to be accompanied by a fellow employee or a trade union representative.

Disciplinary Meeting

The meeting will be held without unreasonable delay, whilst allowing the employee reasonable time to prepare their case, within five working days of receiving the notification of the disciplinary hearing. Every effort will be made to hold all meetings within the employees normal working hours unless the employee expresses otherwise. The employee must take all reasonable steps to attend the meeting. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, Polesden Lacey Playschool will make a decision based on the evidence available.

At the meeting, Polesden Lacey Playschool will explain the complaint against the employee and go through evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations made. They will also be given reasonable opportunities to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses. Where Polesden Lacey Playschool or the employee intends to call relevant witnesses, they should be given advance notice that they intend to do this.

Employees rights to be accompanied

Employees have a statutory right to be accompanied by a fellow employee or trade union representative where the disciplinary meeting could result in:

- a formal warning being issued
- the taking of other disciplinary action
- the confirmation of a warning or some other disciplinary action (appeal hearing).

To exercise the statutory right to be accompanied employees must make a reasonable request. A request to be accompanied does not have to be in writing or within a certain timeframe. However, an employee should provide enough time for Polesden Lacey Playschool to deal with the companion's attendance at the meeting, particularly when the companion is a fellow employee. If the chosen companion is not available for the hearing, it will be postponed to an alternative time reasonable to all parties and not more than five working days after the date originally proposed.

Where an employee/companion is persistently unable or unwilling to attend a disciplinary meeting without good cause, Polesden Lacey Playschool will make a decision based on the evidence available.

The companion will be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting, and confer with the

employee during the hearing. The companion will not however, have a right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent Polesden Lacey Playschool from explaining their case.

Disciplinary Outcome

The meeting may be adjourned for a short time to allow the disciplining team time to review the facts. A longer adjournment may be required to undertake further investigation to establish missing or unclear facts. At the end of the meeting, the decision whether or not disciplinary or another action is justified and inform the employee accordingly in writing.

The employee has a right to appeal the decision made in writing within five working days of receiving notice of the decision. The outcome of the disciplinary meeting is likely to be one of the following:

- Case dismissed – no further action required
- Employee is required to attend further training
- Verbal warning
- First written warning
- Final written warning
- Dismissal.

Verbal Warning

After consideration by the disciplining team and if a verbal warning is judged to be appropriate, the employee will be advised of:

- the nature of the misconduct or poor performance;
- any mitigating circumstances that have been taken into consideration when reaching the decision;
- the change in behaviour or improvement in performance required with timescales;
- how long the improvement note will be kept on file;
- appropriate training required with timescales;
- further disciplinary action if improvements are not made; and
- how to appeal the disciplinary outcome; within 5 working 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 6 months and after that period of time it will be viewed as 'spent' subject to achieving and sustaining satisfactory performance.

First Written Warning

In the case of misconduct of a more serious nature or repetition of earlier misconduct or poor performance, the employee will be given a first written warning. The employee will be advised of:

- the nature of the misconduct or poor performance;
- any mitigating circumstances that have been taken into consideration when reaching the decision;
- the change in behaviour or improvement in performance required with timescales;
- how long the improvement note will be kept on file;
- appropriate training required with timescales;
- further disciplinary action if improvements are not made, this may result in a final written warning; and
- how to appeal the disciplinary outcome; within 5 working days.

A record of the improvement note will be kept for 6 months and after that period of time it will be viewed as 'spent' subject to achieving and sustaining satisfactory performance.

Final Written Warning

If an employee's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might also take place where the employee's actions have had, or are liable to have, a serious or harmful impact on Polesden Lacey Playschool.

Where further misconduct or poor performance occurs after a verbal warning has been issued and within the set timeframe, the employee may be given a final written warning. The employee will be advised of:

- the nature of the misconduct or poor performance;
- any mitigating circumstances that have been taken into consideration when reaching the decision;
- the change in behaviour or improvement in performance required with timescales;
- how long the improvement note will be kept on file;
- appropriate training required with timescales;
- further disciplinary action if improvements are not made, this may result in dismissal or demotion, and
- how to appeal the disciplinary outcome; within 5 working days.

A record of the improvement note will be kept for 12 months and after that period of time it will be viewed as 'spent' subject to achieving and sustaining satisfactory performance.

Dismissal

If the employee fails to make the agreed improvements in the timescales specified, the employee will be invited to a disciplinary hearing. If the decision is to dismiss, the employee will be given written confirmation of the dismissal, stating reasons, the date on which the employment contract will end, the appropriate period of notice and details of the right to appeal. Polesden Lacey Playschool reserves the right to pay in lieu of notice.

Gross Misconduct

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. If after investigation it is confirmed that an employee has committed an act of gross misconduct of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Abuse of Polesden Lacey Playschool facilities i.e. deliberate damage/sabotage to Playschool property.
- Deliberate disregard for safety/hygiene rules/precautions.
- Serious breach of Polesden Lacey Playschool policies and procedures.
- Breach of any Polesden Lacey Playschool policy where the safety or well-being of any child in our care or any other person on the premises is put at risk.
- Behaviour by the employee that could bring the good name of Polesden Lacey Playschool into disrepute.
- Failure to notify Polesden Lacey Playschool of any behaviour or change in circumstances that may affect your Enhanced Disclosure and Barring Scheme (DBS) check and or suitability to work with children.
- Use of abusive, threatening behaviour or use of offensive language.
- Being under the influence of drink, illegal drugs or substances whilst on the premises.
- Dealing illegal drugs and or substances on the premises.
- Being under the influence of prescribed medication and knowingly working with children when advised not to as the medication may impair their ability to care for children.
- Deliberate breach of confidentiality.
- Bullying, harassment, victimisation or deliberate sex, race or religious discrimination against another employee, parent/guardians or child.

- Breach of safeguarding children policy, social media, mobile phone, camera and ICT policy.
- Smoking or vaping on the premises.
- Fraud or theft.
- Significant breach of implied trust and confidence.
- Serious acts of insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time they will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

Appeals

Where an employee feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals will be heard without unreasonable delay at an agreed time and place.

Employees should let Polesden Lacey Playschool know the grounds for their appeal in writing as set out in the disciplinary letter within five days of receiving written notice of the disciplinary outcome. The appeal will be dealt with impartially, wherever possible by a member of the management team or Surrey Early Years HR who has not previously been involved in the case.

Employees have a statutory right to be accompanied by a fellow employee or trade union representative. Any new evidence the employee wishes to put forward will be considered. As a result, Polesden Lacey Playschool may need to undertake further investigation and will respond in writing with the appeal decision.

The appeal meeting may not necessarily take place before the disciplinary sanction is imposed. If the appeal is successful the sanction will be removed and/or the employee will be reinstated.

Grievance Procedure

If an employee is dissatisfied they must have the opportunity for prompt discussion with their line manager. If the grievance persists, the employee should inform the manager in writing of the complaint. The manager will appoint an independent party who will then undertake an investigation to understand the facts of the complaint and convene a meeting with the aggrieved employee.

The employee will be invited to a grievance meeting and offered the opportunity to be accompanied by a colleague or union representative.

The grievance should be an opportunity for the employee to state all their concerns or complaints freely. The Playschool must be impartial and listen to their comments. A further investigation may be required before any action to rectify the situation can be taken.

The employee will receive a written response to the grievance, this may not contain all details of action taken if the action has been towards another employee. There will be a right to appeal after the initial discussion if the individual is still unhappy, and union representative may be present at this discussion.

Policy Review

As part of Polesden Lacey Playschool monitoring of disciplinary and grievance matters this policy will be subject to periodic review.

Policy adopted by: Ellie Pragnell (Chair), Caroline O'Leary (Manager)

Date: September 24

Policy Review Date: September 25