

Discipline and Grievance Policy

Statement

All employers are unfortunately forced to discipline staff at some time or other. Little Pearls Nursery believes that any disciplinary action taken should be aimed at identifying those problems that have caused or contributed to the action having to be taken and assist in correcting them. Little Pearls Nursery believes that it is in the interest of all, that any actions are carried out in a prompt and impartial way. The main purpose of disciplinary action should be to correct the problem, prevent its recurrence and assist the employee to provide an excellent service.

Little Pearls Nursery adheres to the guidance set out to us by our Employment Law Company.

Aim

This policy is intended to set out the values, principles and policies underpinning Little Pearls Nursery's approach to staff discipline. The purpose of this policy is to ensure a fair approach to the enforcement of acceptable standards of conduct amongst all staff.

Staff Discipline Policy

Little Pearls Nursery will get grumbles/complaints from various people from time to time i.e. parents, staff members or other professionals. We deal with these by talking to you about the issue raised to us. If the case is severe then disciplinary actions will be taken.

Little Pearls Nursery's disciplinary action may be taken in response to one of the following

- a) Unsatisfactory performance at work
- b) Improper behaviour at work
- c) Persistent lateness or absenteeism
- d) Misconduct

Little Pearls Nursery will place the matter into the hands of our legal team, who deal only with Employment Law. We then continue with that member of staff in the manner advised by our legal team. A letter will be sent to the employee informing them of the date and time of the hearing and allegations made against them. The employee is allowed to have another member of staff present in the disciplinary hearing. The meeting will be noted and all evidence will be cross examined with our legal team and a 'verdict' will be made.

Little Pearls Nursery's disciplinary action may take one of the following forms, depending on the severity of the problem and the number of occurrences:

- a) **Verbal Warning** – This will warn the member of staff what they should be doing and that if there is a repeat of the behaviour that the employee will be in for further disciplinary proceedings. The employee will also have 1:1 training.
- b) **Written Warning** – The employee will be given the warning in writing in regard to the allegations against them and what they need to make

- improvements on. This will be confirmed in writing with the employee. The employee will also have 1:1 training.
- c) **Final Warning** – This is your last warning before dismissal. This will be confirmed in writing with the employee. The employee will also have 1:1 training.
 - d) **First and Final Warning** – If the allegations are so severe we will issue a 'First and Final' warning. This will be confirmed in writing with the employee. The employee will also have 1:1 training, if necessary.
 - e) **Dismissal** – An employee will be dismissed if there have been no improvements on previous warnings or for gross-misconduct.
 - f) Employees have the right to appeal, which will be dealt with by our legal team

Little Pearls Nursery recognises there are certain types of problems that are so serious they justify either a suspension or dismissal, without verbal or disciplinary warnings being given.

With Little Pearls Nursery the following apply:

1. Disciplinary matters should be dealt with quickly and fairly.
2. An indication should be provided of the disciplinary action that might be taken.
3. Only the HR Manager, Childcare Centre Manager or Directors may issue any warnings and dismissals.
4. Employees should be told of the complaint against them and be given full opportunity to state their case before a decision is taken.
5. Employees have the right to be accompanied by a fellow employee/representative of their choice at a disciplinary hearing.
6. Employees will not normally be dismissed for a first offence, other than gross misconduct.
7. No disciplinary action will be taken before there has been a full investigation, other than for serious or gross misconduct.
8. An explanation of the penalty, if any, will be given.
9. Employees have the right to appeal, which will be dealt with by our legal team.

Written warnings

Written warnings should state clearly:

- a) The conduct concerned
- b) The improvement required and the time limit for this
- c) The likely consequences of further offences or failure to improve: e.g. final warning, dismissal.

It should be noted we retain the discretion to take into account the length of service with us and to vary the procedures accordingly.

Appeals

Appeals should be made directly to the HR Managers or Director.

Records

All records of disciplinary or warnings will be kept in the employee's personnel file detailing the nature of any breach of disciplinary rules, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be carefully safeguarded and kept confidential.

GRIEVANCE PROCEDURE

Principles

A grievance is a complaint by a staff member made under specified procedures to draw management's attention and to have action taken to investigate and, if necessary, re-address the unreasonable actions of the organisation, a manager or another staff member.

The **Employment Act** imposes an obligation on employers to specify in their written statements of terms and conditions of employment the person or position to whom employees can apply for the redress of any grievance relating to their employment and how such applications should be made. In addition, Little Pearls Nursery is required to supply all staff with copies of the Discipline and Grievance Policy.

Little Pearls Nursery aims to ensure that its staff feel fully involved in the work of the company and form a cohesive team in the interest of providing high quality services. We therefore wish to identify and deal with any grievances which a member of staff has relating to the work of colleagues or managers. We believe that this will foster communication between staff and managers, ensure that staff concerns are recognised and dealt with promptly, help managers to identify areas for improvement in the work of the agency and give early warning of potential sources of more serious conflict.

Procedures relating to grievances, however, must be clearly distinguished from any action taken under the Company's disciplinary policy and procedures and an appeal against disciplinary decisions will not be treated as a grievance.

Informal Resolution of Grievances

If a member of staff feels there is an issue relating to the behaviour of a manager or another member of staff about which they feel unhappy or uncomfortable they should mention the matter to their immediate supervisor or line manager as soon as possible. If the issue relates to the supervisor or manager to whom the staff member would normally have reported or the relevant supervisor or line manager is not available, the staff member may approach any other manager.

The person presented with the issue should take steps to investigate and deal with it as quickly as possible in order to resolve the matter before it becomes

more serious. They should report back to the employee as quickly as possible on the action they have taken or the reasons for not taking action.

If the staff member is not satisfied that their grievance is being acted on sufficiently seriously, or with the manager's decision in relation to the grievance, they have the right to request that their grievance should be dealt with by a more senior manager. In these circumstances, the original supervisor or manager should arrange for the staff member to explain their grievance at a higher level. The senior manager should then review whatever investigation and action has been taken already in relation to the grievance, conduct any further investigation they consider necessary and report back to both the employee and the original supervisor or manager as quickly as possible on the action they have taken or the reasons for not taking action.

Grievance Hearings

If the staff member is still not satisfied after their grievance has been considered informally by two tiers of management, the matter should be referred to a very senior manager or a manager specifically designated to deal with personnel issues. This manager should then arrange as quickly as possible for a formal grievance hearing, at which all the relevant facts relating to the issue can be heard and considered. The person conducting the hearing should be a manager who has not been involved in the earlier investigations.

At the hearing the staff member should be given the opportunity to present their grievance and their reasons for continuing dissatisfaction. They may produce evidence and witnesses. Any staff or managers who are the subject of the grievance should then be given the opportunity to state their point of view, producing evidence and witnesses as appropriate. Witnesses may be cross-examined on what they say and questioned by the manager conducting the hearing.

After the matter has been thoroughly explained, the manager conducting the hearing should consider and announce a decision.

Remedies

At any informal or formal stage of the handling of a grievance, the staff member's complaint are found to have substance, the relevant manager should consider what action should be taken to deal with the offending issue. This may take the form of a change of procedure, an apology from another staff member, or in extreme cases, the initiation of disciplinary action against the staff member who caused offence. If no action is to be taken, the reasons should be explained as fully as possible to the person who initiated the grievance.

Representation

The **Employment Act** gives all employees the right to be accompanied by a fellow employee during any stage of the grievance process. The agency undertakes to ensure that any employee assisting another employee under these circumstances will not be dismissed or victimised.

Anonymity

If the subject of the grievance is discrimination or harassment and the staff member making the complaints wishes to remain anonymous, managers should make every effort to conduct their investigations in such a way as to protect the complainant.