



## **GRIEVANCE / DISCIPLINARY POLICY**

### **Our Mission Statement**

**Creating a child centred, safe learning environment which is underpinned by the physical, emotional, mental and spiritual wellbeing of each child; focusing on children's interests whilst providing a challenging curriculum and enabling environments to support children to strive and be prepared for the next stage of their learning journey**

LAST REVIEWED ON	SIGNATURE
December 2018	S. MADARI
December 2019	S. MADARI
February 2021	S. MADARI
February 2022	S. MADARI



## **GRIEVANCE / DISCIPLINARY POLICY**

### **Grievance**

Grievances are concerns, problems or complaints that workforce member raise with management.

The Manager will always seek to resolve disciplinary and grievance issues in the Work place, with discussion and support from the Board of Trustees. A written record of any disciplinary or grievances cases will be filed by the Manager. The Board of Trustees/Manager and workforce member will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.

### **Procedure**

- Board of Trustees/Manager and workforce member should act consistently.
- Board of Trustees/Manager will carry out any necessary investigations, to establish the facts of the case.
- Board of Trustees/Manager will inform workforce member of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Board of Trustees/Manager must allow workforce member to be accompanied at any formal disciplinary or grievance meeting.
- Board of Trustees/Manager must allow a workforce member to appeal against any formal decision made.

### **Disciplinary Procedure**

- It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case.

- In some cases, this will require the holding of an investigatory meeting with the workforce member before proceeding to any disciplinary hearing.
- In others, the investigatory stage will be the collation of evidence by the Manager for use at any disciplinary hearing.
- In cases where a period of suspension with or without pay is considered necessary, this period will be as brief as possible, will be kept under review and it will be made clear that this suspension is not considered a disciplinary action.
- If it is decided that there is a disciplinary case to answer, the workforce member will be notified of this in writing, within 14 days. This notification will contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the workforce member to prepare to answer the case at a disciplinary meeting. Copies of any written evidence, which may include any witness statements, will be included with the notification.
- The notification will also give details of the time and venue for the disciplinary meeting and advise the workforce member of their right to be accompanied at the meeting. The meeting will be held without unreasonable delay whilst allowing the workforce member reasonable time to prepare their case. The Manager will make every effort to attend the meeting unless there is a conflict of interest or there is a suspicion that the manager may unfairly prejudice the case. At the meeting the Board of Trustees/Manager will explain the complaint against the workforce member and go through the evidence that has been gathered. The workforce member will be allowed to set out their case and answer any allegations that have been made. The workforce member will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses. Where the Manager or workforce member intends to call relevant witnesses, they will give advance written notice that they intend to do this, this can be in the form of a letter or email.
- All written/formal warnings will be considered live for 12 months from the date of issue and will be kept on file for the life of the workforce members time at the nursery.
- If a workforce member is still within their probationary period, any formal/written warning may be used as the final warning and can be used as evidence in not extending their employment or to extend their probationary period further.

Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- A formal warning being issued; or
- The taking of some other disciplinary action; or
- The confirmation of a warning or some other disciplinary action (appeal hearings).

The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

To exercise the statutory right to be accompanied, workers must make a written confirmation. This should be reasonable and will depend on the circumstances of each individual case. However, it would not normally be reasonable for workforce member to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for a workforce member to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available closer.

### **Deciding on appropriate action**

After the meeting, the Board of Trustees will decide whether or not disciplinary or any other actions are justified and inform the workforce member accordingly in writing. Where misconduct is confirmed or the workforce member is found to be performing unsatisfactorily the Board of Trustees will give the workforce member a written warning. A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning. If a workforce member's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the workforce member's actions have had, or are liable to have, a serious or harmful impact on the Nursery. A first or final written warning should set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). The workforce member will be told how long the warning will remain current and the written warning must be filed in their file for the remainder of their service period at the nursery.

The workforce member will be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final warning. For instance, that it may result in dismissal or some other penalty such as demotion or loss of seniority.

A decision to dismiss will only be taken by the Board of Trustees who has the authority to do so. The workforce member will be informed as soon as possible of the reasons for the dismissal, the date on which services rendered will no longer be required, the appropriate period of notice and their right of appeal.

Some actions, 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. However, a fair disciplinary process will always be followed, before dismissing for gross misconduct unless the said workforce member walks out from their duties without permission that causes an over-all effect on Health and Safety of the children

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and practice as a whole. Disciplinary rules will give examples of acts which the employer regards as gross misconduct. These may vary according to the nature of the organisation and what it does, but might include things such as theft or fraud, physical violence, gross negligence or serious insubordination, serious safeguarding concerns, or breach of data protection or any other policy of the Nursery. Where a workforce member is persistently unable or unwilling to attend a disciplinary meeting without good cause, the Board of Trustees will make a decision on the evidence available to them.

### **Providing workforce member with an opportunity to appeal**

Where a workforce member feels that disciplinary action taken against them is wrong or unjust, they should appeal against the decision. Appeals will be heard without unreasonable delay and ideally at an agreed time and place. Workforce member should let the Board of Trustees know the grounds for their appeal in writing. The appeal will be dealt with impartially and wherever possible, by the impartial Trustee. Workforce members have a statutory right to be accompanied at appeal hearings. Workforce member will be informed in writing of the results of the appeal hearing as soon as possible, and in any case within 14 days of the hearing.

### **Special Cases**

Where disciplinary action is being considered against a workforce member who is a trade union representative the normal disciplinary procedure will be followed. Depending on the circumstances, however, we will discuss the matter at an early stage with an official employed by the union, after obtaining the workforce member's agreement. If a workforce member is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action, consideration will be given to what effect the charge or conviction has on the workforce member's suitability to do the job and their relationship with their employer, work colleagues and clients.