

# Disciplinary and Grievance Procedure

## Minor Disagreements

Minor Disagreements among preschool staff or between staff and committee can usually be resolved at the regular staff management meeting or informally by discussion.

## Disciplinary Procedure

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

Any disciplinary matter will normally be dealt with using the following procedure.

At every stage the employee will be given reasonable notice (five days) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and s/he should be offered the opportunity to be accompanied by a colleague or union representative if s/he wishes. The disciplinary panel consists of the preschool chair and two nominated committee colleagues, who will ensure that confidentiality is maintained within the panel.

### 1. Oral Warning

- a) The employee will be interviewed by the disciplinary panel who will explain the complaint
- b) The employee will be given full opportunity to state his/her case
- c) After careful consideration by the disciplinary panel, and if the warning is considered to be appropriate, the employee needs to be told:
  - What action should be taken to correct the conduct
  - that s/he will be given reasonable time to rectify matters;
  - what training needs have been identified, with timescales for implementation;
  - what mitigating circumstances have been taken into account in reaching the decision;
  - that if s/he fails to improve then further action will be taken;

- that a record of the warning will be kept; and
- that s/he may appeal against the decision within a limited time period (five days)

## 2. Formal Warning

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning.

- a. The employee will be interviewed by the disciplinary panel who will explain the complaint and given the opportunity to state his/her case. (Reasonable time must be allowed for the employee to prepare his/her case)
- b. If a further formal warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee
- c. The letter will:
  - Contain a clear reprimand and the reason for it;
  - Explain what corrective action is required and what reasonable time is given for improvement;
  - State what training needs have been identified, with timescales for implementation;
  - Make clear what mitigating circumstances have been taken into account in reaching the decision;
  - Warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice; and
  - Explain that s/he has a right to appeal against the decision

## 3. Final Written Warning

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant any initial warnings.

- a. The employee will be interviewed and given the opportunity to state his/her case. (Reasonable time will be allowed for the employee to prepare his/her case).

- b. If a final warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.
- c. The letter will:
  - Contain a clear reprimand and the reasons for it;
  - Explain what corrective action is required and what reasonable time is given for improvement;
  - State what training needs have been identified, with timescales for implementation;
  - Make clear what mitigating circumstances have been taken into account in reaching the decision;
  - Warn that failure to improve will result in further disciplinary action which could result in dismissal; and
  - Explain that s/he has a right to appeal against the decision.

#### 4. Dismissal

If the employee still fails to correct his/her conduct, then:

- a. The employee will be interviewed as before; and
- b. If the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons for dismissal and giving details of the right to appeal.

If the progress is satisfactory within the time given to rectify matters, the record of the warnings in the individual's file will be destroyed.

#### **Suspension**

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are being made. These will consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is disciplined. These investigations should be carried out within as short a time as possible.

Instant dismissal is possible only in circumstances of gross misconduct.

Examples of such misconduct are:

- a) Theft or fraud;
- b) Ill-treatment of children;

- c) Assault;
- d) Malicious damage;
- e) Gross carelessness which threatens the health and safety of others;  
or
- f) Being unfit through use of drugs or alcohol

Otherwise, an employee will not be dismissed without the appropriate warnings.

### **Appeals**

At each stage of the disciplinary procedure the employee will be told s/he has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the pre-school owner or chair within five days of a disciplinary interview. The appeal hearing will be heard, if possible within 10 days of receipt of the appeal. Two or three committee members – not, if possible, those involved in the initial disciplinary procedures – will serve as an appeals committee. If this is not possible, the appeal group may consist of the same people as the original panel, and they will make every effort to hear the appeal as impartially as possible. The employee may take a colleague or trade union official to speak for her/him.

- a. The employee will explain why s/he is dissatisfied and may be asked questions.
- b. The leader, owner, manager or chair will be asked to put his/her point of view and may be asked questions
- c. Witnesses may be heard and may be questioned by the appeals committee and by the employee and the leader, owner, manager or chair
- d. The committee will consider the matter and make known its decision.

A written record of the meeting will be kept.

### **Grievance Procedure**

If an employee is dissatisfied s/he will have the opportunity for prompt discussion with her/his immediate supervisor. For the supervisor of a pre-school this will normally be the manager/owner or committee chair.

For other pre-school staff it will be the pre-school leader. If the grievance persists, a management panel will be set up for the purpose of further discussion, at which the employee may, if s/he wishes, be accompanied by a colleague.

There will be a right of appeal, to the owner or to the pre-school committee. At this level also, the employee's colleague or trade union official may be present.

The aim of the above procedure is to settle grievance fairly and as nearly as possible to the point of origin. It is intended to be simple and rapid in operation.