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**Discipline and Grievance Procedure for Employees**

**Policy Statement**

We will take advice from ACAS (Advisory, Conciliation and Arbitration Service), with regard to the current Procedure that they recommend. As at the time of completion of this Policy (June 2010) the following Discipline and Grievance Procedures (Small Organisation) were recommended by them, as extracted from their 'Discipline and Grievances at Work -The ACAS Guide (November 2009)'.

**Minor Disagreements**

Minor disagreements among Pre-School staff, or between staff and Committee can usually be resolved at regular staff management meetings or informally by discussion.

**Informal Warning**

When someone is not performing satisfactorily or appropriately at work the first priority should

be to help them to improve by having an informal discussion of the problem with them.

**Disciplinary Procedure**

1. **Purpose and scope**

The organisation's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached.

1. **Principles**
2. The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
3. At every stage employee’s will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative or a work colleague.
4. An employee has the right to appeal against any disciplinary penalty.

## **3.The Procedure**

### **Stage 1-first warning**

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after six months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

### **Stage 2 -final written warning**

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within twelve months, action at Stage 3 will be taken.

### **Stage 3 -dismissal or action short of dismissal**

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary, loss of seniority (as allowed in the contract) or dismissal.

**Gross misconduct**

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

* theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

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

## **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so to the named person in the organisation within five working days. The employer will hear the appeal and decide the case as impartially as possible.

**Grievance Procedure**

**Dealing with grievances informally**

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with the Manager or Chair of the Committee. You may be able to agree a solution informally between you.

**Formal grievance**

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to the Manager or Chair of the Committee. You should stick to the facts and avoid language that is insulting or abusive. It is the responsibility of the Manager or Chair of the Committee to decide whether the matter arising is a grievance or whistleblowing (see whistleblowing policy)

**Grievance hearing**

The Manager or Chair of the Committee will call you to a meeting, normally within five days, to discuss

your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the Manager or Chair of the Committee will give you a decision in writing, normally within 24 hours.

**Appeal**

If you are unhappy with the decision and you wish to appeal you should let the Chair of the Committee know.

You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by the Chair of the Committee or another member of the committee, as appropriate. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the Chair of the Committee or any other member of the Committee will give you a decision, normally within 24 hours. Their decision is final.

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| This policy was adopted at a meeting of |  | (name of Provider) |
| Held on |  | (date) |
| Date to be reviewed |  | (date) |
| Signed on behalf of the management committee |  | |
| Name of signatory |  | |
| Role of signatory (e.g. chair/owner) |  | |