

Staff disciplinary and grievance procedures

Little Paws nursery strives to maintain a well-motivated, highly skilled and professional staff team, however occasionally action will be taken to encourage improvement in individual behaviour and performance. Little Paws nursery will provide a fair, transparent, effective and consistent method of dealing with grievances and disciplinary incidents. Our aim is always to support and encourage staff while promoting good employment relations.

Grievance procedure

Grievance procedure is different from a disciplinary procedure as a grievance procedure is designed to help; resolve concerns, problems or complaints that staff may have relating to their work, working conditions and their colleagues. Our aim is to resolve these informally as we have an open policy for communication and discussion and encourage problems and concerns to be raised and resolved during the course of everyday activities.

Formal procedure:

Stage 1: if it is not possible to resolve a grievance informally the member of staff should formally put the complaint in writing to the manager stating the nature of the grievance.

Stage 2: The manager will hold a meeting with the staff involved in discussing the matter and a written reply detailing the decision will be given to him / her / them, within 10 working days of the meeting. The employee will have the right to appeal against the decision.

Stage 3: if the member of staff still feels like the grievance has not been resolved satisfactorily, they may appeal within 10 working days of receiving their decision in writing. They should inform their manager in writing of the reason for appeal. The appeal will be dealt with impartially and if possible by the owner who has not previously been involved in the case. Staff will be invited to a second meeting to discuss the appeal. The final decision will be confirmed in writing to the staff within 10 working days of the appeal meeting, this decision will be final.

Disciplinary rules and procedures:

Disciplinary procedures are used primarily to help and encourage staff to improve rather than imposing punishment and applies to all members of staff irrespective of their length of service or status. Disciplinary procedures are used when there has been a failure to achieve a wanted standard by the nursery, such as job performance, absence from work and behaviour towards other staff, parents or children. Any failures will firstly be brought to the staff's attention when necessary i.e. at the earliest possible moment after the incident or at a mentoring meeting. If behaviour or performance has not improved then the following disciplinary procedure will take place.

1: establish the facts: incidents will be fully investigated and the facts established. Investigations will be non-discriminatory and apply equally to all members of staff.

2: put in writing: if it is decided that there is a disciplinary case, the relevant staff member will be notified with a written explanation of their conduct, and other circumstances that led to the decision to take disciplinary action. It may be necessary to suspend the staff member on full pay or reassigned to alternative duties.

3: meet and discuss: a meeting will be held as soon as possible whilst giving the staff member reasonable time to prepare their case. Staff may be accompanied by a work colleague or trade union representative. The manager will be accompanied by a member of the local authority, extended team or an independent advisor. The meeting will outline the complaint against the member of staff and present their evidence.

4: management decision: after hearing all the evidence, the manager will decide whether disciplinary or other action will be required. For misconduct or unsatisfactory performance a first written warning may be given. If the staff member's first misconduct is sufficiently serious, the staff member may be given a final written warning. If the manager feels the complaint is of a more serious nature, the meeting will be adjourned and the staff member may be suspended on full pay or moved to alternative duties whilst further investigations are completed.

5: appeal: after the meeting the employee will be informed of the decision and if the member of staff feels the disciplinary action taken against them is wrong they may appeal in writing within 10 working days. The appeal will be dealt with impartially and if possible the manager or senior member of staff who was not involved in the original disciplinary action will hear the appeal. The staff member will then be invited to a second meeting to discuss the appeal. The member of staff has the right to be accompanied at appeal hearings. The final decision will be confirmed in writing within 10 working days to the staff concerned.

Special cases

If a member of staff is charged with or convicted with a criminal offence this is not normally seen as a reason for disciplinary action. The offence needs to be considered in terms of whether it affects the staff member's suitability to do the job or their relationship with colleagues and users of the nursery.

Gross misconduct

In some cases staff will be dismissed for their first offence, in these cases immediate suspension with pay followed by dismissal will normally result. A fair disciplinary process will be followed before dismissing for gross misconduct.

Gross misconduct can include but is not a complete list

Theft

Fraud or deliberate falsification of the nursery documents

Being an unfit person under the terms of the care standards act 2000 or the childcare act 2006

Gross negligence that causes or might cause injury, loss or damage to persons or property

Child abuse

Indecent conduct

Deliberately accessing internet sites containing pornographic, offensive or obscene material

A criminal offence outside employment which renders the employee unsuitable for work and which is unacceptable to other employees.

Inability to fulfil duties because of intoxication by alcohol or drugs

Physical violence within the nursery

Deliberate damage or misuse of nursery property

Persistent bullying

In the cases with gross misconduct the police will be notified. If police are involved in an investigation then the suspension deadline will be extended with normal pay levels.

Allegations against staff

All staff are advised to minimise their time spent alone with children and be aware of risks in doing so.

If an allegation of abuse has been made against a member of staff the manager will follow the procedures of the safeguarding children policy. If an allegation is made against the manager another member of staff either the deputy manager or owner will report the matter directly to the owners, local social services department and Ofsted.

Any member of staff who is dismissed on the grounds of safeguarding concerns or leaves under investigation for being unsuitable for work with children will be referred to the independent safeguarding authority (ISA)

Timescales

Stage 1 - first written warning, to remain on file for 12 months

Stage 2 – final written warning, to remain on file for 2 years

If a warning is given it will include:

The level of improvement required

The date by which it is to be achieved

What will happen if the improvement is not achieved

Instructions on how to appeal

Signedmanager/owner

Date: September 2015

Review date: September 2016