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Disciplinary Policy and Grievance Procedure

The following policy has been developed from ACAS Code of Practice

First Step Pre-school Ltd employees should understand the expectations of conduct, and what actions it will undertake where conduct contravenes policies and procedures and/or contractual terms and conditions.

Attempts will be made to resolve any concerns about an employee's conduct informally wherever possible through regular staff and committee meetings or through discussions during supervisions where it will be documented. Informal discussions are meant to be corrective, instructive and encouraging in an attempt to avoid formal procedures. Employees will not have the right to be accompanied at informal meetings. However, where an issue cannot be resolved informally then it may be pursued formally.

Disciplinary situations include misconduct, complaints and/ or poor performance.

The disciplinary policy is based on the principle that it provides:

- Fair and consistent treatment for all employees.
- A full and fair hearing in reasonable time-scales.
- At every stage the employee will be given reasonable notice (at least 48 hours) that a disciplinary hearing is due to take place to give them the opportunity to prepare their case.
- No employee will be subject to discrimination under the Equality Act 2020.
- That the full appropriate procedure is adhered to in all cases, and dismissal should not follow the first misconduct offence (except in cases of gross misconduct).
- Be given the opportunity to state his or her case before any decision is made.
- The employee will be offered the opportunity to be accompanied at all stages of the procedure by a colleague or union representative (no family or friends). If the representative is unable to make the meeting, First Step Pre-school Ltd must postpone the hearing to a time proposed by the worker, provided it is not more than five working days after the date originally proposed.
- Have the right to appeal disciplinary decisions.

Establish the facts of each case

An investigation will begin without unreasonable delay. First Step Pre-school Ltd will collect evidence which can be used in a disciplinary hearing and may require a meeting with the employee (this should not by itself result in any disciplinary action) before proceeding to any disciplinary hearing.

Where a period of suspension with pay is considered necessary, this will be as short as possible, be kept under review and made clear that this suspension is not considered a disciplinary action.

Inform the employee

First Step Pre-school Ltd will inform the employee in writing of the disciplinary action, details of the time, venue and the right to be accompanied at the meeting. The letter will outline the alleged misconduct or poor performance and possible consequences to enable the employee to prepare their case at the disciplinary meeting. Copies of written evidence or witness statements will be included. At the meeting First Step Pre-school Ltd will explain the complaint to the employee and companion, going through the evidence. The employee will be allowed to set their case and answer any allegations that have been made and ask any questions, if witnesses are to be used these should be declared before the meeting.

The disciplinary meeting may be adjourned if the investigating officer feels that additional investigation such as re-interviewing witnesses in the light of any new evidence is required. The employee will be given a reasonable opportunity to consider any new information before the hearing is reconvened.

Decide on appropriate action

If misconduct is confirmed or the employee is found to be performing unsatisfactorily First Step Pre-school Ltd will give the employee a **verbal warning**. A set period will be given to improve, failure to achieve or a further act of misconduct happens then a **written warning** and timescale will be given and then a **final written warning**. If this is the first misconduct or the unsatisfactory performance where the employee's actions have or liable to have a serious or harmful impact to First Step Pre-school Ltd then it may be appropriate to issue a final warning. A first or final written warning will set out the misconduct or poor performance and the changes needed in behaviour or performance, (with timescale). The employee will be told how long the warning will remain and be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final warning. (It may result in dismissal or demotion).

The decision to dismiss should be taken by the manager/chair of First Step Pre-school Ltd who has the authority to do so. The employee will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Gross misconduct acts include but limited to:

- Theft or fraud
- Ill treatment of children
- Assault

- Malicious damage
- Gross carelessness which threatens the health and safety of others
- Serious incapability at work brought on by use of drugs or alcohol
- A serious breach of confidentiality.

These are serious in themselves and can have serious consequences that they may call for dismissal without notice for a first offence. A fair disciplinary process will be followed, before dismissing for gross misconduct. OFSTED and LADO may be contacted.

Appeal process

An employee can appeal against the decision if they feel that it is wrong or unjust. They must do so in writing within 5 working days of receiving the written notification of the disciplinary sanction. Appeals should be heard without unreasonable delay at an agreed time and place. The appeal will be impartial and where possible by a Manager not previously involved with the case. Employees can be accompanied at the appeal and the results of appeal put in writing as soon as possible.

If, on appeal, the original disciplinary action is completely withdrawn, any record of the disciplinary action will be removed from the employee's file. If lesser action is substituted this will be implemented and communicated to the employee in writing, with the records amended accordingly.

Grievances

Grievances are concerns or problems that employees raise with their employers, e.g. range of duties, conditions of service and relationships with other staff and must be within the powers of the management to resolve, it cannot be about matters determined by national legislation.

(This does not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry).

Individuals are encouraged to discuss day to day issues with the preschool manager and/or committee chairperson.

An employee can raise a grievance formally. The grievance should be set out in writing. If the grievance is against the Manager/Deputy and the employee feels unable to speak to her directly, then the employee should talk to the Chair.

The Manager or Chair will invite the employee to a meeting to discuss the grievance, within 5 days of the grievance being received. The employee has the right to be accompanied by a colleague or trade union representative. First Step Pre-school Ltd will investigate the grievance so that a fair decision can be made. First Step Pre-school Ltd will consider the wellbeing and mental health of any employees involved, offering support where needed.

The Acas code will be followed throughout the Grievance process.

Disciplinary Policy and Grievance Procedure information can be found within:

- Employee Contract
- Staff Handbook
- Code of Conduct

Useful contacts

www.gov.uk

www.acas.org.uk/advice

www.citizensadvice.org.uk

This policy was adopted at a meeting of	First Step Pre-school Committee	name of setting
Held on	<hr/> 29 th Sept 2021	(date)
Date to be reviewed	<hr/> Sept 2022	(date)
Signed on behalf of the management committee	<hr/> Signed copy available to view at pre-school	
Name of signatory	<hr/>	
Role of signatory (e.g. chair/owner)	<hr/>	